

## **CJI Surya Kant and the new era of judicial reform: A blueprint to transform India's justice system**

C Raj Kumar | December 15, 2025



Chief Justice of India Surya Kant in a conversation at the Hindustan Times Leadership Summit 2025 in New Delhi on Saturday, December 06 (HT Photo/Parveen Kumar)

Justice Surya Kant has recently taken oath as the 53rd Chief Justice of India (CJI) at a time when India's justice system is not merely burdened but is at its tipping point of explosion. With judicial pendency over 50 million cases, and the increasing expectations of the public from the judiciary, the office of the CJI has a greater institutional responsibility. The new CJI will hold office for nearly 15 months, a relatively long period. It is notable that among the last ten CJIs, only three of them have had a tenure of more than 15 months—Justice DY Chandrachud, Justice SA Bobde, and Justice NV Ramana. And it is remarkable that of the next eight judges of the Supreme Court who are expected to become CJIs on the basis of the current seniority levels, only two--Justice JB Pardiwala and Justice VM Pancholi--will have a tenure of more than 15 months. Hence, there will be larger expectations from Justice Surya Kant—the public will be a hopeful watcher of his tenure.

Justice Surya Kant, given his 15 months in office ahead may consider the following ten ideas of reform:

**Creation of a national AI-enabled case management system:** Justice Surya Kant has showed his determination to address the staggering pendency of cases before the Indian courts. As per the National Judicial Data Grid, India has over 54.93 million cases pending in the various courts in the country, of which more than 64 lakh cases are before the High Courts and over 90,000 are before the Supreme Court. To dispose these cases on the basis of their priority, an algorithm-driven and data-backed case triaging system can be adopted, which should be in addition to a deference to the CJI in determining priority. A standard model, which provides for restructuring of the listed matters, for instance, classifying matters based on their complexity of legal issues, valuations, and subject-matter, will be helpful. The courts, especially district courts could adopt the method of clustering analogous matters and listing them on the same day for a speedy disposal. For instance, grouping cases can be based on similarity of legal issues, or involvement of the same governmental departments, or the same domains of dispute (service matters and land acquisition).

Further, there must be an audit of the case management on the bench, especially on matters like adjournment. Practices like moderation of adjournments unless unavoidable in the interest of justice and equity and passing reasoned adjournment orders can be adopted. Studies on juridical practices inform that judicial delays are due to certain patterns of judicial behavior; they shall be modified. System driven measures like a stringent time-bound clearance mandate could be followed. While self-correcting its own behaviour, judiciary can also improve matters on the other side of the spectrum, e.g., imposition of fines for repeated request for adjournments. This will lead to a culture of accountability within the system.

Best practices abound in neighbouring and other jurisdictions. For example, Malaysia's Backlog Reduction Programme prioritised data analytics and changes in scheduling that helped reduce pendency by up to 40% in three years. Similarly, Singapore and the UK courts have created a system where predictive analytics is used to optimise judicial time and, in that process, improve efficiency and reduce case stagnation.

**Increasing judicial strength with a progressive judge-population ratio planning:** Numerous vacancies of judges unfilled across the judicial system have deeply impaired the ability of the courts to respond to the backlogs. The reality is that Indian judges are industrious and they put in long hours at the trial stages, where questions of facts are decided, under challenging circumstances and often without adequate resources. According to the 2025 India Justice Report, India has 15 judges per million population, while developed countries such as UK have 100+ judges per million and USA has 150+ judges per million. There should be a determination to fill all judicial vacancies in District and High Courts in a time bound manner. The judiciary should impress upon the Government to revise the judges to population ratio as against the present 15 judges per million population. This can be progressively done

from 30 judges per million population by 2030, and then to 40 judges per million by 2040, and 50 judges per million by 2047.

There is also a compelling argument that we should consider case load aligned and adjusted formulas and not static population formulas for appointing judges. As a global benchmark, it is useful to refer to Romania's court reorganisation and EU judicial mappings which used data analytics to rationalise courts and redistribute judicial workload allocation, leading to improvement in case disposal time.

One of the major challenges in India's judicial appointments, especially at the district level is opacity and uncertainty. These appointments are episodic and driven by urgency rather than a continuous professional practice. Further, the delay in the judges' selection process is discouraging, given that the high-quality applicants get high paying jobs in the corporate sector. Many courts also face the deficiency of administrative staff. Such shortages should be constantly monitored by a special body comprising retired judges and juridical officers. Similarly, judicial academies could start early-career programmes, which helps to determine the calibre for the potential candidates; both in terms of legal acumen and emotional intelligence. Almost all High Courts and Supreme Courts have a position for judicial clerkship, these vacancies could also be to motivate right candidates, induce judicial competence, and induce institutional loyalty. This shift in selection of judicial process will induce the quality into the legal system.

**Countrywide ADR expansion and mandatory pre-litigation mediation:** The immense potential of ADR in addressing pendency has not yet been fully realised. While Lok Adalats dispose 10-15 million cases every year, most of these matters are trivial. The CJI can work towards building consensus on advocating mandatory pre-litigation mediation in civil, commercial and family matters. We need to establish full-fledged mediation centres across all 700+ districts in India. We have evidence that Turkey, Italy, and Brazil have implemented mandatory mediation in commercial/family disputes which had resulted in reducing the court load by 20-35% in some class of cases. Mediation should move from being an optional framework that litigants could opt at their pleasure to a mandatory step in the life cycle of a dispute.

**Reimagining court efficiency metrics:** Indian courts should shift from the existing and rather outdated metrics of "disposal rate" or "clearance rate" to a Data Envelopment Analysis (DEA) or using metrics that will be resource-adjusted. The future evaluation standard and assessment criteria should to be resource efficiency per judge, complexity of cases, state of the appeal process, age-wise pendency and even quality of the outcomes. A good case in point to consider is the EU Justice Scoreboard that uses multi- variable efficiency measures, aligning resources to performance and not on the basis of raw disposal numbers.

**Comprehensive and integrated digital justice ecosystem:** The last decade witnessed great progress in the evolution of an ecosystem of digital justice. Although Covid provided the much-needed impetus to advance, a comprehensive, holistic and integrated digital system is a far cry. There is a strong case for developing and adopting digital filing, virtual hearings, online evidence management and digital orders. This requires substantial investment by the government in the development of digital infrastructure. During Covid, 2,50,000 virtual hearings were held through technology. However, the trial courts faced major challenges due to the lack of digital infrastructure. By 2030, at least 50% of civil matters should be eligible for virtual hearings. Countries like South Korea, Estonia and Singapore have paperless courts with increased digital access.

**Establishment of a judicial performance and accountability commission:** Under the leadership of the CJI, there should be performance appraisal across the judiciary. This shall be carried out without impacting the fundamental principles of the independence of the judiciary. A Supreme-Court anchored body that can track pendency per court, causes of delay, resource allocation and utilisation, backlog mapping can be established. Such a body must also publish an annual judicial pendency report. This report should also be tabled in the Parliament for an annual self-reflective discussion where the Attorney General and the Solicitor General could and indeed should defend the Report and answer questions. Self-reflective discussions of this nature are quite consistent with ancient Indian traditions and indeed are also a need of the time. Italy, the Netherlands, Spain and many other countries have similar performance councils that publish judicial data and inform the process of resource allocation and institutional reforms.

**Creation of specialised divisions for commercial, land and environment cases:** Of the almost 55 million cases that are pending across Indian courts, more than 50% are related to or arising from land, real-estate, or infrastructure projects. While tribunalisation of justice in India has not always been very positive, it seems to have won the confidence of the Bar, litigant(s), and the public. Decisions of specialised tribunals such as the Central Administrative Tribunal, the Armed Forces Tribunal, the time-tested Income Tax Appellate Tribunal, the Securities Appellate Tribunal, etc. have significant limitations of their own and their decisions are routinely subjected to deep searching academic scrutiny by academics and lawyers alike. Such academic reviews indicate the professional and public trust these tribunals have earned. It is undeniable that socialised tribunals have redubbed the burden on the courts to a large extent. A wider recognition of this phenomenon might result in freeing up general courts.

Comparatively examining the point, the UK Commercial Court, the Singapore International Commercial Court, Kenya Environment & Land Court and Brazil Environmental Tribunals have reduced timelines to settle disputes, which have substantially improved justice delivery. In addition, mature democracies must understand that their political stability depends in very large measure on their

economic stability. Effective and satisfactory resolution of commercial, land, environment, and real estate cases contributes in a significant measure towards the economic stability of any democracy. Any investment of public money in these public initiatives is not only a demand of the times but it is also a constitutional obligation. The investment pays for itself by creating employment opportunities for young legal professionals and by strengthening public confidence in rule of law.

**Holistic government litigation reform:** An uncomfortable reality of judicial pendency in India is that the government is the largest litigant in India, accounting for more than 50% of the pending cases. Three critical reforms are needed to address this challenge. First, a pre-filing government litigation screening panel should be established at all levels of government departments and agencies and staffed with lawyers; second, an annual review of all cases filed by centre/state agencies with a view to developing goals and targets for progressive reduction in a time bound manner; and third, preparing a mandatory ADR framework for government-citizen disputes. The UK Government Legal Department has a mechanism for evaluating every potential case for cost-benefit and public interest before filing and Canada mandates ADR for most government disputes. The institutionalisation of reviewing government litigation at both the state and the central government levels need to be undertaken if these reforms are to be sustainable.

**Access to justice mission through mobile courts and legal aid transformation:** Justice Surya Kant has made access to justice a priority reform initiative for his tenure. A number of measures could be initiated, the sum of which will have a larger impact for strengthening the access to justice system in India. There is a case for launching "nyaya on wheels"—mobile courts for remote/rural/tribal areas on the line of medical and health care interventions that have been successfully implemented in several parts of India. The need for taking justice to the homes of the poor, the marginalised and the disempowered is as important as health care. We should strengthen the National Legal Services Authority (NALSA) to ensure digital-first legal aid. Another challenge that requires immediate attention through use of AI and technology is about expanding availability of court orders in vernacular, FIRs and legal process forms – over 50% of litigants face language barriers which end up having a direct impact on their ability to access justice. There have been some good examples of success in other countries, e.g., Philippines used mobile courts to reduce jail overcrowding and dispose old pending cases; and South Africa has some positive examples of community legal services and mobile mediation units.

Community courts are another innovative idea to make the public accountable for managing the well-being of society and to educate the public about their rights and improving the trust building of the society. The US has a successful model, wherein hearings in petty matters are done in safer neighbourhoods, like community houses and law schools. This is most conducive way of raising awareness. It is easier to recreate this model in India, especially on matters like

hawking, street vending, family harmony etc. Moot courts of various universities could be used for these cases.

### **Procedural law reform and modernisation of evidentiary practices:**

The reforms relating to evidence practices should pay special attention to digital evidence, AI authentication, e-discovery, and other technology-enabled solutions, all of which will directly help in reducing delays. The possibility of introducing summary proceedings for small value civil claims should be explored as well. UK's Civil Procedure Reforms (Woolf Reforms) resulted in ending civil trial times by 30%. Brazil's new Civil Procedure Code prioritised mediation and simplified proceedings, resulting in significant reduction in pendency.

The challenge of more than 50 million cases pending in Indian courts needs to be addressed in a multi-pronged manner. There is no one particular solution to this complex and multi-layered problem. I conclude by proposing six high-impact, quick win reform initiatives which can be undertaken and visible success can be witnessed in one year. These are constitutionally permissible, institutionally viable and administratively achievable by the CJI within one year:

- **Weekly "oldest cases first" Lok Adalat for cases pending for 10+ years:** This will produce immediate reduction in pendency numbers demonstrating commitment to access to justice, especially for citizens waiting for decades.
- **Mandatory digital filing in Supreme Court; and 50% of High Courts:** This can be implemented by an administrative order of the CJI. This will dramatically reduce paperwork and storage time.
- **Monthly public dashboard on court performance:** This information should include pendency per bench with information on the oldest cases age-wise and the disposal time. This will ensure transparency and also invoke individual and institutional agency for improvement.
- **Three specialised benches in the Supreme Court:** I propose that we should consider constituting three specialised Benches in the Supreme Court. There could be a Constitutional Bench which functions in a continuous manner rather than an episodic one. There should be a Commercial and Economic Bench and a Criminal Law Bench. This will provide focus and enhance the efficiency in managing the roster. The CJI will continue to retain all powers as the Master of the Roster as far as assigning and allocation of cases above and beyond this framework.
- **Fixing adjournment culture with immediate limits on adjournments by Supreme Court administrative rules:** There is a case for limiting adjournments to maximum two per party barring exceptional circumstances. This will lead to a visible, symbolic, and high value cultural resets in the way our lawyers and judges' function across all courts in India.
- **National mediation week every quarter:** There is a need for creating greater impetus for promoting mediation across the country. All High

Courts and district courts should run mediation drives. The national target ought to be to settle one million disputes annually via mediation. India should make mediation universal and a mandatory pre-step to litigation, especially in the domain of service matter, compensation matters in land acquisition, matters pertaining to monetary claims between government and citizen.

The CJI tenure can shift India from a judicial backlog economy to a judicial efficiency era. The goal for this initiative is to help India's justice system transform into a data-driven, citizen-centric, technology-enabled institution that is comparable and benchmarked with the best of the institutions in the world. A one-year push by the CJI along with an Internal Judicial Reforms Committee, comprising future CJIs, can lay the foundations of a 25-year judicial modernisation cycle impacting several crores of citizens.

*This article is authored by C Raj Kumar, founding vice chancellor, OP Jindal Global University.*

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