

Backlog of Civil Suits: A Comparative Study of Bangladesh and India

Md. Ala Uddin*

Abstract: *Civil suits form a major predicament in the judiciary delivery systems of both Bangladesh and India. Delays in civil litigation regimes undermine public trust, impose economic and social costs on litigating parties, and hinder access to justice. This paper will provide a comparative study of the backlog of civil suits in both nations, specifically examining how the subordinate courts operate. The research has several substantive contributions to the backlog comprehension, based on journal articles, judicial statistics, case studies, and empirical observations, identifying structural inadequacies, procedural intricacies, deficiency of judicial resources, and misuse of judicial procedures. These results show that, despite their differences in scale, the systemic issues in Bangladesh and India are largely similar. The growing civil suit backlog will not allow for timely and meaningful justice in the absence of procedural reforms, institutional fortification, and effective case management.*

Introduction

The rising number of civil suits in Bangladesh is a long-known issue that weakens the civil justice system.¹ Delay in the justice delivery system is perceived as a hindrance to access to justice by ordinary people, as well as an infringement of human rights.² As former Chief Justice of the U.S., Warren E. Burger cautioned against the destruction of a sense of confidence in the court, as it may be thought that slowness and inefficiency will empty even a just judgment of its merit.³ Hindrance to access to justice increases poverty.⁴ Litigation should be handled promptly to ensure justice.⁵ Long delays in judicial processes are experienced in both developing and developed countries; the problem is less serious in Southeast Asian states such as Bangladesh.⁶ In November 2007, the subordinate judiciary in Bangladesh was given autonomy by having its separation from the

* Assistant Professor, Department of Law, Northern University Bangladesh

¹ A B M Asrafuzzaman and Md Golam Mostofa Hasan, 'Causes and Redresses of Delays in Disposal of Civil Suits in Dhaka District Judge Court: An Empirical Study' (2021) 32(2) Dhaka University Law Journal 135.

² *ibid.*

³ *ibid.*

⁴ *ibid* 135–136.

⁵ *ibid* 136.

⁶ *ibid.*

executive.⁷ Nevertheless, separation alone is not sufficient to enhance the delivery of justice. Proceeding with a lawsuit in Bangladesh is usually accompanied by years of waiting for little or no noteworthy results.⁸ Litigation delays are usual and may frustrate the due process of law. The fact is that there are also cases that are stalled with no definite time, so it is rather rare to achieve a favorable result.⁹ Today, the judiciary system of Bangladesh is going through a massive crisis as the number of cases pending court hearings is alarming. According to statistics from the Supreme Court of Bangladesh, as of June 2025, it has 46, 52, 260 pending cases.¹⁰ The legal fraternity, rights activist groups, and judicial stakeholders have taken these alarming numbers seriously. They caution that such a case load will go out of control unless the problem is addressed, as it will undermine citizens' confidence in the justice system and the rule of law.¹¹ Currently, 16 lakh civil and 23 lakh criminal cases are pending at the lower court level.¹² The Ministry of Law, Justice, and Parliamentary Affairs made a notification that stated that the civil and criminal courts will henceforth be separate in Bangladesh, for the first time in its history.¹³ This implies that pending civil and criminal cases will be adjudicated more quickly and efficiently. Earlier in the district court, the Joint District Judge, the Additional District Judge, and the District Judge had both civil and criminal cases side by side.¹⁴ This shared responsibility led to delays and a backlog in the judicial system.¹⁵ To address this, the present interim government has established 203 Additional Sessions Courts and 367 Joint Sessions Courts.¹⁶ Such an effort must speed up the adjudication of cases, reduce the backlog, and build public confidence in the judicial system.

The judiciary is important in the implementation of the rule of law and the protection of the fundamental rights of citizens. It provides a beneficial

⁷ Golam Moula and Protyasha Ahmed Mim, 'Reducing Backlog of Cases in the Judicial System of Bangladesh: A Critical Study on Legal Framework' (2023) 9(5) International Journal of Law 152.

⁸ *ibid.*

⁹ *ibid.*

¹⁰ Court Correspondent, 'Case Backlog Surpasses 4.65 m' *Daily Industry* (Dhaka, 22 September 2025) <<https://www.dailyindustrybd.com/news/1699>> accessed 15 November 2025.

¹¹ *ibid.*

¹² BSS, 'Govt Fully Separates Civil, Criminal Courts' (*Bangladesh Sangbad Sangstha*, 18 September 2025) <<https://www.bssnews.net/law-and-court/313238>> accessed 15 November 2025.

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ *ibid.*

framework for rule deployment and upholds civil and criminal justice in theory.¹⁷ The judicial system has a responsibility to dispense timely justice to every citizen in a growing economy such as India. The judiciary in India has a huge backlog and time-consuming cases, which have caused delays in the court system over the last 30 years.¹⁸ Economic prosperity cannot exist without a state judiciary. It facilitates market operations, attracts foreign capital, enhances the availability of financing, and encourages the development of production.¹⁹ Currently, the Indian judiciary has numerous unsolved issues at all court levels.²⁰ The primary reasons that are frequently quoted as weakening the judiciary are vacancies in judicial positions and delays in appointing them.²¹ As of 2023, according to the National Judicial Data Grid, there is an astounding backlog of 43 million cases pending in district courts, out of 49 million cases.²² The justice system in India is built on the district courts. The majority of civil suits are left to them. But public confidence in the rule of law is undermined by inefficiencies.²³ Structural inflexibility, understaffing, and aging infrastructure are also reasons for the long disposal of regular civil cases.²⁴ District courts are completely congested and adjudicate more than 40 million cases, including property rights, family matters, and contract enforcement, among others.²⁵ The backlog not only aggravates the economic status of the litigants but also compromises the efficiency of the economy and democracy in India.²⁶ The fact that the civil courts are spending too much time on litigation is not just a procedural issue but a democratic value having social and economic ramifications.²⁷

This paper seeks to identify recurring patterns, procedural bottlenecks, and institutional constraints that contribute to the backlog of civil cases. The method employed in this research is qualitative, doctrinal, and comparative. The research is conducted based on official judicial data on outstanding

¹⁷ Sugam Agarwal and Smruti Ranjan Behera, 'Mammoth Backlog of Court Cases Pending in India: A Spatial Visualization' (2024) 11(1) *Regional Studies*, *Regional Science* 1.

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ *ibid.*

²¹ *ibid* 1–2.

²² *ibid* 2.

²³ 'Justice on Hold: India's District Courts Buckle under Civil Caseload Pressure' (*Vajirao and Reddy Institute*, 1 August 2025) <<https://www.vajiraoinstitute.com/upsc-ias-current-affairs/justice-on-hold-Indias-district.aspx>> accessed 17 November 2025.

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ *ibid.*

civil cases in Bangladesh and India, case law and reports by Law Commissions, and observation of higher courts in an attempt to obtain data. To present the practical reasons behind delays in civil litigation, case studies from Bangladesh are selected. The research determines similarities and differences in procedural and institutional practices by comparing the civil justice system at the subordinate court level in both jurisdictions. This research relies predominantly on secondary sources.

Civil Justice System Scenario of Bangladesh

The legal system of Bangladesh has changed gradually over time during various historical eras.²⁸ It is a pillar of democracy because it provides equal and fair justice.²⁹ Most trials are in the subordinate judiciary, which is important in ensuring the rule of law and the protection of the rights of citizens. The courts of Bangladesh are structured into several levels. The highest court is the Supreme Court, which consists of two organs: the Appellate Division and the High Court Division.³⁰ The rest of the courts are under its jurisdiction. The subordinate courts handle a large number of civil and criminal cases to ensure that all individuals have the opportunity to achieve justice.³¹ However, they encounter numerous obstacles: the backlog of cases, slow proceedings, inadequate facilities, and limited resources.³² Such issues postpone justice, limit the rights of the plaintiffs, and strain the courts.³³ Court delays are a universal problem that can annually bring down economic growth.³⁴ The effects are more acutely felt in Bangladesh, which is a developing country. It might be hard to get justice for people from all social classes as court proceedings might take a long time.³⁵

In Bangladesh, the poor and disadvantaged are experiencing inadequate access to justice and protection of the law, as a large number of cases are pending in the queue, cases take a long time to be adjudicated, and the cost of litigating is too high.³⁶ Except for those that are excluded, civil proceedings are governed by the Code of Civil Procedure, 1908. A civil suit has three stages: pre-trial, trial, and post-trial. Pre-trial stages consist of filing the suit; issuing of process and summons; approval that the

²⁸ Md Rezaull Karim, 'Civil Judicial System of Bangladesh: Trial Level and Jurisdiction' (2023) 6(3) *Al-Qamar* 148–149.

²⁹ *ibid* 147.

³⁰ *ibid*.

³¹ *ibid* 148

³² *ibid*.

³³ *ibid*.

³⁴ Asrafuzzaman and Hasan (n 1) 138.

³⁵ *ibid*.

³⁶ *ibid*.

summons has been delivered; filing a written statement; Alternative Dispute Resolution; first hearing; identifying issues; proceeding under section 30 and setting the hearing date.³⁷ The phases of a trial are: opening the case; peremptory hearing or witness examination; cross-examination; further cross-examination; arguments. Post-trial phases include: pronouncing the verdict; passing the decree or order; appealing it; revising or amending it; and implementing the decree.³⁸ The civil litigation process in Bangladesh can be better understood through the analysis of the following case study:

Case of Fazle Rabbi³⁹: In 1992, Fazle Rabbi, a resident of Chittagong, initiated a court case to obtain a paternal land in the Lohagara region. Although it received a decree from the lower court in the same year, the case did not succeed, as legal complications arose afterward. He recalls that I initiated legal procedure in 1992 to make an amendment to the land record. The lower court issued a decree in my favor the same year. The opponents appealed to the additional court in Chittagong and obtained a decree in their favour in 2002. We challenged the order of the lower court in the High Court. The appeal was accepted by the High Court, and the lower court's judgment was stayed. The case is yet to be decided by the High Court.

Case of Mofizuddin Ahmed⁴⁰: In a similar land ownership case, in 1981, Mofizuddin Ahmed, a resident of Mymensingh, appealed to the High Court Division (HCD) against the decision made by the lower court. The parties' inconsistent attendance at the HCD to hear scheduled cases hindered the appeal, making it difficult to resolve the case. The HCD instructed the petitioner's legal representative to send eight copies of the case documents to the HCD on 5 July 1989; the petitioner's representative did so on 13 September 1989. Then, on 3 January 1990, the legal representative of the respondent and the respondents did not report before the HCD. As much as the HCD tried to hold a hearing, it was cut short because no legal counsel was present. The HCD on 29 March 2004 requested the relevant authority to issue a notice against the legal representative of the respondent and to provide two copies of the book of the case file to enable adjudication under the law. Based on the records provided, neither the petitioner nor the respondents have been present at the HCD to have the case disposed of since 2004.

³⁷ Moula and Mim (n 7) 152.

³⁸ *ibid.*

³⁹ Muhammad Ali and Naimul Razzaque, 'The Key Problems Facing Civil Justice Today Are Cost, Delay & Complexity: A Critical Review' (2023) 6(8) *Scholars International Journal of Law, Crime and Justice* 438, 440.

⁴⁰ *ibid.*

Sadaran Bima Corporation Case⁴¹: A civil lawsuit was filed by Sadaran Bima Corporation against the Bangladesh Inland Water Transport Corporation (BIWTC) in 1989, seeking reimbursement of 1,95,379 taka as compensation for the alleged damage to the goods that had been transported in one of the BIWTC-owned vessels. The subordinate civil court issued a decree in favor of the plaintiffs on 30 August 1989. After that, BIWTC appealed to the High Court Division (HCD), challenging the lower court's pronouncement. The date of the actual appellate hearing was set to occur during the following sessions of the suit, yet none of the parties showed up before the HCD. The appeal was later dismissed on 13 April 2004 by the HCD bench comprising Justice AB Mahmudul Huq and Justice Rezaul Haque. BIWTC later filed a petition to revive the dismissed appeal in 2014. In 2015, the HCD withdrew its prior order and issued a procedural rule on the money suit. As the court documents show, the case now awaits final adjudication at the HCD.

Civil Justice System Scenario of India

The continuity of the pending litigation and the resulting lack of basic human rights raise questions about the quality and usefulness of the Indian judicial system.⁴² The workload of courts in India is enormous, as cases accumulate in the backlog of numerous courts, and if the judiciary is not improved in terms of efficiency, it will take several years to be reduced.⁴³ The inability to execute justice in time has been a major frustration of the Indian justice delivery system, and thus dissolves the confidence of the people in the judiciary.⁴⁴ Delays in the court system are among the most prominent issues the Indian judiciary has been facing.⁴⁵ The Constitution of India provides a three-tier judicial system, thereby indicating humanity's overall goal and desire to seek justice.⁴⁶ The preamble of the Constitution praises justice in its many forms, i.e., social, economic, and political ones.⁴⁷ A grieved person who has suffered a violation of rights, be it mental, physical, or economic, is at liberty to pursue redress in courts. These people

⁴¹ Muhammad Yeasin, 'Over 13 Lakh Civil Suits Pending' *The Independent* (Dhaka, 25 September 2017) <<https://theindependentbd.com/arcprint/details/115737/2017-09-25>> accessed 8 December 2025.

⁴² Shalini Dalat and Beena Dewan, 'Cause of Pendency of Cases in India: An Analysis' (2022) 6 *International Journal of Health Science* 13248.

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ Akashdeep Singh, 'Role of Subordinate Judiciary in India in Reducing Backlog of Cases: A Case Study of District Courts, Rupnagar, Punjab' (2022) 2(1) *International Journal of Civil Law and Legal Research* 48.

⁴⁷ *ibid.*

go to court with the expectation that justice will be delivered in the end.⁴⁸ The official statistics of the National Judicial Data Grid (NJDG) indicate that there are 32, 244, 875 cases pending in Indian courts; 9, 028, 330 cases are civil and 23, 216, 545 are criminal.⁴⁹ Of the pending cases, 24, 064, 472 (74.63 %) have not been resolved within one year and include 66, 12, 552 civil (73.24 %) and 17, 451, 920 criminal (75.17 %) cases.⁵⁰

The Indian judiciary is structured as a hierarchy of courts of varying nature. The powers and duties that are vested in these courts depend on the rank in the system and the conferred jurisdiction of the courts. This leads to the development of a definite hierarchical structure in the judicial system, which is evident in the ascendancy of judges.⁵¹ The highest in this hierarchy is the Supreme Court of India, and then come the High Courts of the respective states. These institutions are divided into District Courts under them, and the backbone of the institution is the civil judges and magistrates, with some being assigned to senior and junior divisions. These courts hear both civil and criminal cases, including those between two private parties and those involving the government. The constitution of India provides that the judiciary is independent of the executive and the legislature, thus ensuring impartiality and the rule of law.⁵² The Indian legal tradition is based on the general rule of law known as *ubi jus ibi remedium*, which means where there is a right, there is a remedy.⁵³ In line with this concept, a person with a civil complaint has the right to commence a civil action in a competent court, provided the court's jurisdiction is not explicitly or implicitly barred by law.⁵⁴

In *Ramrameshwari Devi and Others v. Nirmala Devi* (2011) 8 SCC 249⁵⁵, the Court expressed deep concern about the situation of civil litigation in India. According to the judges who heard the case, the case was an excellent demonstration that civil litigation is time-consuming and that unscrupulous litigants are willing to use the legal system to continue harassing the opposition and their descendants. The Court warned that, unless they put in

⁴⁸ *ibid.*

⁴⁹ *ibid* 49.

⁵⁰ *ibid.*

⁵¹ Krishna Agrawal and Neha Dixit, 'Civil Justice in India' (2016) 3(4) BRICS Law Journal 78.

⁵² *ibid* 78–79.

⁵³ *ibid* 79.

⁵⁴ *ibid.*

⁵⁵ Judicial Academy Jharkhand, 'Strategic Action Plan for Reduction of Civil Cases' (Judicial Academy Jharkhand) 1 <<https://jajharkhand.in/wp/wp-content/uploads/2018/04/Strategic-Action-Plan-for-Reduction-of-Civil-Cases.pdf>> accessed 18 December 2025.

place viable corrective actions, such systemic abuse can undermine the integrity of the entire judicial process.

The fact that delays are most common in the civil litigation sphere is a genuine concern, and the problem cannot be overlooked by those who have themselves experienced them. The greatest suffering is for a litigant who comes to court to assert a just claim but must wait long years for a final decision. Such delays are a deterrent, as they put off genuine claimants who may want to seek justice in a court of law. As a result, the accruing backlog of civil litigation in lower courts has drawn the notice of lawmakers, has been highlighted in a series of reports by the Law Commission, and on several occasions commented upon by the Supreme Court.⁵⁶ The Supreme Court clearly expressed its distress over this situation in **L. Babu Ram v. Raghunathji Maharaj (AIR 1976 SC 1734)**.⁵⁷ The Court observed that it had been almost 25 years since the case had concluded, and that this was a regrettable sign of the justice system and the absence of serious reform. It was seen that these are not isolated, but common cases that need to send a shock to society and the courts, and make them urge to reform the legal system and reorganise it immediately. Although the Court recognised the Indian people's patience, it stated that no one could be expected to wait decades for justice. People's tolerance has a limit, and it would be illogical to exceed it. The Court emphasised that small procedural modifications are not sufficient. What is required is a meaningful change in thinking and approach, one that recognizes both the social and economic realities and that seeks to offer justice that is affordable, quick, effective, and available to everyone, irrespective of a person's social or financial standing.⁵⁸

Causes of Backlog in Civil Suits in Bangladesh

A New York lawyer has been reported to have started his work with the slogan on his office wall that he was free to bring a suit, but that he could delay the defence indefinitely.⁵⁹ There is a popular belief that lawyers can use procedural technicalities and extend litigation to a level they deem appropriate.⁶⁰ The Code of Civil Procedure, which was established in 1908, offers many clauses to give competent lawyers the ability to procrastinate and prolong lawsuits. The flexibility of its procedures allows a state of gradual development of cases, and this aspect can be abused, which can

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ *ibid.*

⁵⁹ Md Oliul Islam, 'Causes of Procedural and Non-Procedural Delay in Civil Suites of Bangladesh and its Remedies' (2021) 7(3) International Journal of Advance Research and Innovative Ideas in Education 2195.

⁶⁰ *ibid.*

potentially be used to unreasonably extend legal procedures.⁶¹ The following are the notable factors behind the backlog of civil suits in Bangladesh:

1. The filing of a plaint by the plaintiff is the first procedural process in solving civil rights disputes. In the event of any misstatements in the plaint, a corrective petition should be filed; this is a substantial factor that delays the civil adjudication process.⁶²

2. Civil suit can be dismissed whereby the plaintiff neglects the required process fee within the prescribed timeframe as required in Order 9, Rule 2. This rejection stimulates unwarranted delays during adjudication, as the parties will normally demand restoration of the suit and payment of the process fee. Such measures, in their turn, can create additional procrastination and corruption among the officials in the judicial institution.⁶³

3. Civil proceedings require a plaintiff to produce in the court any documents on which the plaint is made out, together with the plaint. It seems, though, that the defendant was issued with a summons and a copy of the plaint without the relevant documents. As such, when the defendant was taken to court after being summoned, he asked the court to adjourn the case so that he could provide a written statement, which pointed to the examination of the records that the plaintiff assumed to have been used. This is another step in the process that extends the case.⁶⁴

4. The other contributory factor is that the defendant appeared late after he was summoned. When first appearing, he asked for time to get a pleader; on the next date, he appeared with an appointed pleader and applied that time might be allowed to get a written statement made. The habit of extending, requesting extensions, and then extending is a common practice among the defendants, creating judicial impatience and thus contributing to delays in civil cases.⁶⁵

5. The practice of civil litigation in Bangladesh mostly depends on written documents, and verbal testimony is considered an additional measure. The witnesses are usually questioned one by one, and the judge records their statements by hand. In the event this practice of manuals is discontinued, further clarification is required under the Code of Civil Procedure, 1908. The current expeditious hearing style is extremely time-consuming, and the

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ *ibid.*

use of manual record-keeping has led to an increasing number of cases waiting to be cleared.⁶⁶

6. One of the key factors causing stalling in civil suits is a constant changing of the pleadings, even at the level of argument. This kind of late change often requires the proceedings to be restarted afresh, thus creating further delay.⁶⁷

7. Presently, a plaintiff has to commence a separate execution process to enforce a decree, despite it constitutively being an extension of the initial suit. The holder of the decree should obtain a certified copy of the decree, and the court commonly calls the original case records to prove their authenticity. Such procedural measures will increase time and cause unnecessary suffering to litigants.⁶⁸

8. Delays in the prompt delivery of court cases are a dire problem in the Bangladesh judicial system and a humanitarian challenge both nationally and globally that affects the society and economy of the people. When a case is filed, it is not known how long it will take to be resolved; cases that are supposed to take one year end up taking at least ten to fifteen years. In fact, the behaviour of lawyers, judges, and parties usually causes procrastination, especially those who are afraid of the prospect of defeat.⁶⁹

9. Parties often delay cases by staying out and demanding adjournments time after time. In cases where adjournment is refused, they are appealed to; ex parte orders are often quashed by the courts, which will give a new hearing. Such a cycle in the procedure leads to a stalemate and significantly slows the disposition of the main case.⁷⁰

10. Witnesses are likely not going to show up on the already set hearing dates, and this would lead to adjournments. A good number of reputable people do not wish to function as witnesses because of the courtroom atmosphere and the way they are managed. Witnesses are not often interviewed the same day, even when they are present, and even after that, further refusal to participate in the case only puts off the proceedings.⁷¹

⁶⁶ Rafiqua Ferdousi, Kazi Maruful Islam and Selim Raihan, 'Political Economy Analysis of the Role of the Judiciary in Land Dispossession Litigation in Bangladesh' in Selim Raihan, François Bourguignon and Umar Salam (eds), *Is the Bangladesh Paradox Sustainable?* (CUP 2024) 300, 306.

⁶⁷ Law Commission of Bangladesh, *Report on the Recommendations for Expediting Civil Proceedings* (2010) 4.

⁶⁸ *ibid* 6.

⁶⁹ Moula and Mim (n 7) 153.

⁷⁰ *ibid*.

⁷¹ *ibid*.

11. The interim orders imposed in litigation, such as temporary injunctions, local inspections, investigations, and the appointment of a receiver, require many judicial resources. The consideration of temporary injunctions is often subject to challenges by appeal, and the appellate procedure is lengthier in a superior court, thus preventing the settlement of the underlying civil action.⁷²

12. The High Court Division or the District Court may, at any point in litigation, transfer a suit or an appeal to a different lower court that is capable of effectively managing a suit or an appeal. The application by a party is essential in such a transfer, and as such, it can be said to be a contributing factor in delays in the civil process.⁷³

13. The behavior of some of the legal practitioners also contributes to delays. Once a plaintiff has temporary relief, he or she can have strategies to lengthen his or her relief. On the other hand, a defendant with weak defences may seek to delay the trial to avoid a negative verdict. Procedural technicalities are occasionally used by practitioners requesting time-consuming adjournments on far-fetched reasons. The judges usually accept such requests since it is hard to independently check claims such as sickness or personal suffering. Although most lawyers do not practice such behavior, some unscrupulous lawyers significantly delay procedures.⁷⁴

14. Empirical studies reveal that the appellate courts hardly question the merits of an appeal or revision when it comes to admissibility. As a result, there is a multiplicity of extraneous or capricious appeals and revisions submitted, largely to that end. Such a phenomenon creates significant hurdles to completing a trial, especially when a case is returned to a trial court by an appellate court. The paper also reports frequent appeals and revision filings even before the trial is finalized. Cases are often sent to the High Court Division, where they might languish for years before being returned to the trial court. Though judicial actors are aware that most such submissions are meant only to delay proceedings, they lack effective mechanisms to combat the practice.⁷⁵

15. Another significant challenge is acquiring certified copies of judgments or orders. The Copy Department of the District Judge's Court normally issues these documents, but it is common for them to be issued late, requiring illicit payments to the court staff. In turn, this requirement causes an average delay of about 7 days. Besides, the process of relaying the lower

⁷² *ibid.*

⁷³ *ibid.*

⁷⁴ Md Shafiur Rahman, 'A Study on Delay of Civil Suits of Bangladesh' (2019) 5(2) *International Journal of Advanced Research and Innovative Ideas in Education* 424.

⁷⁵ *ibid.*

court records is characterised by convoluted procedures and corrupt practices that further retard the process of appellate review and introduce critical delays on both appeal and revision stages.⁷⁶

16. There has also been a convergence of opinions that falsification of false and harassing cases is a primary factor in the judicial delays in Bangladesh. Lawyers usually initiate such cases due to pecuniary gain, whereas parties might initiate them to beleaguer or coerce the opponent.⁷⁷

17. Record keeping of District Courts has been in paper, and archiving systems need a lot of renovation and modernisation. An example is that the archives of the Dhaka District Court are in extremely poor condition, overcrowded, and disorganised, and require extensive maintenance and the provision of proper lighting, air conditioning, and electrical infrastructure.⁷⁸

18. The volumes of litigation have increased because of rapid urbanization, pressure on land ownership, the demand to access justice among poor and disadvantaged members of the population, the breakdown of the joint family, the government's lack of concern for the grievances of the people, and a range of political matters.⁷⁹

19. The facilities within the courts in Bangladesh tend to be poor. Many judges do not have stenographers, typewriters, or even computers, and some of them have to travel to the court physically because they lack a means of transportation. However, neighboring states have already provided such bare amenities, and their judges have been trained on computers. These vices can be corrected with the real effort of the government, hence eliminating the delays significantly.⁸⁰

20. The fact that the judges are rotated and transferred regularly usually means that the judge who heard the evidence does not provide the judgment. This reduces the judge's incentive to fast-track hearings and disrupts the trial's continuity. Some procedural activities might have to be redone when a new judge takes over the jurisdiction, and this process could be extended.⁸¹

21. The caseload should be matched to the number of judges. The Bangladesh courts are overburdened with a big backlog, but few judges are available at the lower courts, as well as in the higher judiciary. Many court

⁷⁶ *ibid* 148.

⁷⁷ *ibid* 151.

⁷⁸ *ibid* 154.

⁷⁹ Islam (n 59) 2199.

⁸⁰ *ibid* 2201.

⁸¹ *ibid* 2202.

vacancies, especially in the High Court, remain longer and, as a consequence, active judges have too many duties. A judge in a lower court has, on average, about 2,000 cases to work on, and thus it is highly impractical to expect a quick trial in such a situation because any judge can only work within his or her abilities.⁸²

22. Bangladesh is facing a lack of skilled and highly qualified civil lawyers. Cases, particularly those relating to land disputes, are overly complex and elaborate and require a high order of legal skills due to the preparation of powerful, technical documents. New judges and court personnel are often not well-trained to manage such complex cases, making the hearing process long and tiresome, and the backlog keeps growing. The lack of resources and the inadequate infrastructure in the court make the issue of backlog even worse.⁸³

23. The Bangladesh legal system is grappling with an increasing backlog, which is fueled by social, economic, political, and historical forces. Delays are due to the inability of clerks, lawyers, and litigants, as well as witnesses, to follow the procedural norms, making cases slow down the court system. In addition, there have been no intensive campaigns to reform the judiciary and other similar institutions, especially land administration, loan recovery, and the erosion of the rule of law, which have increased the number of outstanding cases and reduced the speed at which cases are resolved.⁸⁴

Causes of Backlog in Civil Suits in India

The litigation in India faces tremendous challenges; the courts have been significantly overworked, and judges are in short supply. This means that cases are dragged out, and foreign judgments or arbitral awards are hard to enforce. Such inefficiencies in the system have led to the common failure to dispense justice in time, and hence the saying that justice delayed is justice denied holds.⁸⁵ The attention to such judicial delays has been given by President of India Droupadi Murmu, who pointed out that it discourages people from initiating litigation, as there is a sense of general fear that the legal system will worsen their situation. She has discussed this fear as the black coat syndrome, as well as the white coat hypertension, which is a medical condition where patients develop anxiety in a clinical

⁸² Md Salah Uddin and Sandhya Kumari, 'Delay in Civil Litigation: Causes and Injustices Perspective of Bangladesh' (2023) 13(3) Social Science Journal 751.

⁸³ Ferdousi, Islam and Raihan (n 66) 317.

⁸⁴ *ibid* 307.

⁸⁵ Gautam Bhatikar, 'India's Changing Litigation Landscape' (*International Bar Association*, April 2020) <<https://www.ibanet.org/article/11766BDA-4637-4A61-8DF5-1100253C1123>> accessed 21 January 2026.

environment.⁸⁶ This observation indicates a real issue: a large part of the population avoids litigation due to a long-term delay, frequent adjournments, frequent appeals, and increasing legal expenses. The gaps in the modification and handling of cases in the judiciary are the major factors contributing to such delays.⁸⁷ The following are the notable factors behind the backlog of civil suits in India:

1. A combination of intertwined factors can be attributed to the backlog of cases in the lower judiciary. These include a rise in the number of cases, a shortage of judicial officers and support staff, ineffective infrastructural and technological facilities, the complexity of statutory provisions, and delays in the procedure created by attorneys, litigants, and witnesses.⁸⁸ The increasing number of court filings is one of the salient determinants. Population growth, high levels of literacy, and increased understanding of the law have led to a greater likelihood of commercial disagreements being settled in a court of law. Due to population growth, the number of future litigants is also rising. Empirical evidence shows that during the period between 2002 and 2012, the number of new filings in the lower courts grew by 0.7 crores to 2.64 crores, and the number of case disposals grew by a small margin from 0.61 to 1.91 crores.⁸⁹ This gap between new and resolved cases has led to a growing backlog. This increasing gap between filings and closed cases is the foundation of the growing backlog.

2. The second contributory factor is the chronic shortage of judges and court staff at the lower courts, which undermines the efficiency of the procedures and extends the timelines of disposal. India currently has around 19.66 judges per million population, which is significantly lower than the world median of fifty, and consequently places disproportional caseloads on the judges and creates a lengthy adjudicatory process. There are many vacancies in the judiciary because the central and state governance bodies, the High Courts, and the Public Service Commission lack coordination. As of October 2020, almost a quarter of all lower court vacancies had no applicants. This paucity puts pressure on judges to render speedy judgments, which may undermine the integrity and quality of their decisions. At the same time, the lack of adequate support staff to assist with clerkship and typist jobs would serve as an additional hindrance to

⁸⁶ Gokul Krishnan R and Ninni Susan Thomas, 'The Gruelling Course of Litigation in India' *The Hindu* (11 October 2024) <<https://www.thehindu.com/opinion/lead/the-gruelling-course-of-litigation-in-india/article68741949.ece>> accessed 21 January 2026.

⁸⁷ *ibid.*

⁸⁸ Amit Pandey and Deependra Nath Pathak, 'The Backlog of Cases in the Lower Judiciary in India: Causes, Consequences and Remedies' (2024) 30(6) *Educational Administration: Theory and Practice* 347.

⁸⁹ *ibid* 347–348.

operational processes, only adding to delays and, at times, a road to corruption in court affairs.⁹⁰

3. The third factor is the weakness of infrastructural, logistical, and technological facilities in lower courts, which impedes functional reliability. Numerous courts are very understaffed with courtrooms, statutory furnishings, equipment, libraries, computers, internet connectivity, or even a reliable electricity supply. These limitations place practical constraints on judges, clerical personnel, attorneys, and litigants, and compromise their ability to conduct proceedings at an optimal pace. Poor infrastructure also affects the safety and security, as it exposes the courts to fire or theft. In addition, the inconsistent implementation of technology in the lower courts undermines the effectiveness of case management, record maintenance, and transparency.⁹¹

4. The fourth reason is the complicated and archaic laws and procedures that drag and make court cases lengthy and difficult. Civil cases at the lower courts are governed by the Civil Procedure Code of 1908, which is usually criticised as cumbersome, inflexible, and very technical. The code allows a lot of interim applications, revisions, and reviews, contributing to delays and an increase in time for case resolution.⁹²

5. The fifth cause is the place of lawyers, litigants, and witnesses, which also causes delays and backlogs in lower courts. Lawyers strike or boycott, insist on frequent adjournments, or file unnecessary cases regularly, all of which slow down the court's work. These strikes and boycotts are normally motivated by professional or political needs, including increased charges, improved facilities, or appointment of judges. In other courts, adjournments are usually requested due to personal or work-related reasons, such as illness, absence, or other commitments.⁹³

6. The case management is poor due to the failure of courts to utilize information technology appropriately. Simple and even minor cases are subjected to the long processes as serious cases. This has led to wasted time in court when they could have managed other areas of authority. Secondly, the same judges not only undertake civil cases, but also criminal cases. This is more time-consuming as they have to learn various facts and legal matters first.⁹⁴

⁹⁰ *ibid* 348.

⁹¹ *ibid*.

⁹² *ibid*.

⁹³ *ibid*.

⁹⁴ Dalat and Dewan (n 42) 13251.

7. Civil Procedure Code, Criminal Procedure Code, as well as the Law of Evidence, give the judges wide powers to bring about a sound and sure trial. However, judicial officers are usually reluctant to exercise strict controls over proceedings, particularly when adjournments are being granted. In some instances, lawyers take advantage of these processes and use them as a means of personal or professional gratification, thus making the cases drag on longer.⁹⁵

8. The Justice system is also slack due to judge transfers. A new trial can be issued if a new judge is assigned, which further delays the case.⁹⁶

9. An excess of appeals will complicate the speedy dispensation of cases. Courts spend a lot of their precious time listening to these appeals and have little time to address other concerns.⁹⁷

10. The use of frequent adjournments adds to delays in most instances. In its 77th Report, the Law Commission of India found frequent adjournments to be one of the key causes of delay. This is even though the Civil Procedure Code does not allow any party more than three adjournments, yet the courts do not strictly enforce this.⁹⁸

11. The other reason that contributes to the delay is the amendment of laws. Numerous Indian laws have been revised several times. The courts then waste a lot of time ensuring that new rules are learned and clarified, and this time is wasted.⁹⁹

12. In India, courts are inadequate as the judiciary is not well-funded. Central and state governments are reluctant to spend more on courts. India needs additional courts and benches, and many of the current courts are not electronic or up to date.¹⁰⁰

13. Some judicial practices result in delays and backlogs. It is easy to lose the essential legal point when writing exceedingly long judgments. These judgments cause a lot of time to be wasted by the judges and other people in drafting the judgments, hence taking a long time to decide. Delivering individual judgments when judges agree also takes more time and causes confusion, as the ratio is not easily identified. Overly flowery or convoluted language will receive criticism, as it distracts people from the matter of law

⁹⁵ Singh (n 46) 50.

⁹⁶ Pragadeeswaran and Udayavani, 'A Study on Delay in Civil Proceeding' (2018) 120(5) *International Journal of Pure and Applied Mathematics* 2575.

⁹⁷ *ibid.*

⁹⁸ *ibid* 2575–2576.

⁹⁹ Dalat and Dewan (n 42) 13250.

¹⁰⁰ *ibid.*

and slows lawyers and courts in interpreting the decision, which only contributes to the delays.¹⁰¹

14. Judges are common individuals with families and social duties. They also need time off to spend with their families and communities, and the judiciary already offers official vacations. But if some judges go on extra or unplanned leave without notifying their seniors, no cases can be heard that day. This postpones hearings and delays the delivery of justice.¹⁰²

15. To decide a case, written submissions and documents are necessary. However, lawyers tend to file them late, citing different reasons. Once this occurs, the judges are unable to continue the hearing and have to adjourn the case, resulting in further delays.¹⁰³

16. Applications are often filed at any point in a case by lawyers with the excuse that they need to file documents or alter pleadings. This practice causes serious delays in the sense that whenever a new application is received, there will be other steps to be followed, such as filing, giving notice to the other party, hearings, orders, and occasionally appeals, which makes cases take a long time to be disposed.¹⁰⁴

Findings

The study reveals that the backlog of civil suits in both Bangladesh and India is the result of procedural, institutional, and human factors.

Key Findings in Bangladesh

1. In civil litigation, there are systemic delays in every stage of the process of the case, pre-trial, trial, and post-trial.
2. Mistakes during the initial filing of complaints and the subsequent amendments also lead to early delays.
3. Late service of summons and frequent interlocutory petitions requesting the filing of written statements are further means of extending the proceedings.
4. Repeated adjournments are caused by frequent non-appearance by parties, counsel, and the witnesses.
5. The process of manual entry of evidence and use of paper-based documentation takes too much judicial time.

¹⁰¹ Bharat Singh Saini, 'Factors Causing Delay in Justice Delivery System in Delhi District Courts' (2018) 4(5) *International Journal of Law* 66.

¹⁰² Kaushal Shakya and Kuljeet Singh, 'Causes of Litigation Pendency in India' (2021) 9(7) *International Journal of Creative Research Thoughts* 838.

¹⁰³ Saini (n 101) 63.

¹⁰⁴ *ibid* 64.

6. The need to conduct individual proceedings of execution in the future after the issuance of decrees significantly increases the delay in the delivery of final relief.
7. Interim orders and appeals are associated with the lengthy suspension of the principal suits.
8. Casual petitions and amendments are often made to postpone the process.
9. The acts of corruption and procedural barriers that are presented during the process of acquiring certified copies and court records hinder the appeals.
10. There is a judicial shortage, frequent court transfers, a lack of proper training, and poor court infrastructure, which increases the already existing backlog.
11. Land conflict, urbanisation, an increase in the number of fabricated cases, and poor management of land administration are all contributing factors to the increase in the amount of litigation.

Key Findings in India

1. The apparent increase in civil litigation can be ascribed to population growth and the corresponding increase in legal consciousness.
2. An acute lack of judicial staff and a large number of vacant posts put a lot of pressure on the lower courts.
3. Lack of physical infrastructure, financial support, and technological support undermines the efficiency of institutions.
4. The multiple applications, appeals, and revisions process provided in the Civil Procedure Code automatically increases the time of a case.
5. Frequent adjournments, professional strikes, and lack of procedural control are all factors that lead to trial delays.
6. Civil and criminal cases are often tried together by judicial officers, leading to a lack of concentration and ultimately deteriorating efficiency.
7. Excessive appeals and long judgment periods have costly implications for the judicial system.
8. Procedural delays are further increased by frequent statutory changes and ineffective case management.

Common Findings

1. In both jurisdictions, the subordinate courts carry the highest caseload.
2. Procedural flexibility is often used to delay the delivery of justice.

3. Staff shortages in the judiciary and decreased capacity within institutions are part of fundamental problems.
4. Delays in the civil justice system have long-lasting social, economic, and democratic impacts.

Recommendations

The following recommendations are derived directly from the preceding discussion.

1. Both Bangladesh and India have evidence that the lack of judges and the long vacancies contribute greatly to the case backlogs. Hence, governments must hire more judges based on the number of cases in the lower courts' jurisdictions and make prompt appointments to vacancies.
2. Frequent adjournments, late submission of written statements, and delay at every stage of litigation were regularly experienced. Hard timelines on pleadings, responses, and hearings will minimise procedural flexibility abuse.
3. Delay factors were found to be repeated filings, amendments, and abuse of interim applications. Courts should establish pre-screening of cases and early screening of claims to prevent frivolous or strategic delays.
4. Paper records and manual record-keeping led to inefficiency. The efficiency of the judicial system would be improved by introducing a powerful system of case classification according to the complexity and due dates.
5. Interlocutory injunctions and repeat appeals held up major suits to a great extent. There should be guidelines put in place to limit frivolity when seeking injunctions and appeals at the trial stages.
6. The absence of technology infrastructure and the use of paper records also led to delayed adjudication. Courts ought to adopt e-filing, management of records digitally, and use of e-notification to facilitate the processing of cases.
7. The research in particular demonstrates that individual execution actions following a decree postpone the real relief provision. Thus, the decree execution is to be considered as the continuation of the initial suit, with simplified authentication and enforcement procedures. This would eliminate the process of litigants having to start a new procedure battle despite having won the case.
8. Observed the inefficiency and delays in cases due to a lack of training and knowledge of the procedures. All the judicial stakeholders should be offered structured training programs that are done on a regular basis.

9. It was a common phenomenon to have adjournments occasioned by the frequent non-appearance of witnesses. Institutionalisation of mechanisms like witness notifications, protection, and same-day evidence recording should be implemented.
10. Courts and government bodies, together with supporting institutions, lacked coordination, and this led to delays. Ensuring compliance and efficiency in procedures would be achieved by institutional collaboration that is strengthened and accompanied by transparent reporting and accountability.
11. The research discovers that the constant changing of judges interferes with continuity since the judge who listens to evidence might not be the same one who imposes judgment. This can involve the repetition of some procedural actions and a loss of trial momentum. Consequently, the courts are advised not to seek a judge's relocation due to cases in progress in the civil trial unless it is inevitable in an administrative capacity.

Conclusion

The unresolved civil suits in Bangladesh and India are one of the most critical concerns regarding the smooth operation of the justice delivery system in South Asia. As this paper shows, civil litigation delays are not merely an inconvenience in the administration of justice, but also a structural breakdown that erodes access to justice, undermines public trust in the judicial system, and undermines the rule of law. Drawing on a comparative analysis of both jurisdictions, the study finds that although both countries differ in size, population, and court structure, Bangladesh and India share similar procedural, institutional, and human weaknesses that result in backlog cases in the subordinate courts.

The discussion clearly indicates that civil litigation in Bangladesh is slow at every stage of the judicial system, from the filing of the plaint to the final execution of the decree. Complexities of the Code of Civil Procedure, 1908, together with the frequent repetition of pleadings, adjournments, non-appearance of parties and witnesses, and abuse of interim orders, have a big share in extending the life of civil suits. The necessity to commence individual execution actions following a decree further postpones the process of achieving substantive justice, which makes judicial results ineffective to litigants. The case studies presented in the current study clearly show the impact of civil conflicts, especially land-related issues, that have never been resolved over decades and brought immeasurable economic, psychological, and social pain to attorneys.

In the same manner, the Indian civil justice system has a huge backlog, especially at the district court level, where most civil cases are adjudicated.

Subordinate courts have been burdened by a shortage of judges, a high rate of vacancies, poor infrastructure, and low levels of technological integration. The Civil Procedure Code, 1908, which is meant to be fair, offers too much flexibility in procedures, and it is normally abused by delaying the process through unnecessary applications, revisions, and appeals. The problem has been exacerbated by courts' unwillingness to strictly enforce statutory restrictions on adjournment and other time scales. As noted in the current paper, the Supreme Court of India has observed that delays in civil litigation are very dangerous to the integrity of the entire judicial system.

An important observed fact in this study is that backlog is not merely a consequence of more and more cases, but also the failure of the legal system to effectively manage cases, the lack of judicial oversight over cases, and the abuse of legal procedures by litigants and, at some point, legal practitioners. Subordinate courts in both Bangladesh and India are the most overworked, and they perform their tasks with minimal resources, aged infrastructure, and minimal support staff. Regular rotation of judges disrupts trial continuity, whereas manual records and paper archives consume precious judicial time and exert inefficiency. Social factors that contribute to these structural weaknesses include rapid urbanization, increasing land disputes, increasing legal awareness, and false or harassing cases.

The comparative aspect of the conducted work indicates that the backlog problem is not a national issue but a broader issue within the developing judicial system. The effect of delay in civil justice extends well beyond the individual litigators. It raises the cost of litigation, deters investment, reduces the effectiveness of contracts, and destabilises economic growth. More to the point, the extended delays deny the vulnerable and disadvantaged population effective solutions, and hence further enhance social inequality and lower trust in democratic institutions.

This paper finds that the backlog on the civil suits can only be resolved through reforms that are well organized and coordinated, and not by single, isolated, or short-term solutions. Increasing judicial manpower, modernizing court infrastructure, and case management systems that are technology-based are necessary but not adequate on their own. Strict adherence to the procedural schedule, preliminary screening to weed out frivolous litigation, good management of adjournments, and simplification of execution proceedings must be conducted. Another significant aspect is the constant refinement of judges, lawyers, and court personnel, as well as the moral responsibility to ensure that there is no intentional slowness or abuse of the process.

In conclusion, the backlog of civil suits in Bangladesh and India indicates underlying institutional and procedural inefficiencies in the civil justice system. These structural issues will continue to make civil litigation slow, expensive, and inaccessible to common people unless political will, commitment of the judiciary, and long-term investment are made to address them. The rule of law requires the provision of timely and meaningful civil justice as a privilege. It should be made real to safeguard rights, uphold social stability, and enhance democratic rule in the two countries.