

## JUSTICE DELAYED IS JUSTICE DENIED

STRUCTURAL ANALYSIS OF INDIA

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The Indian Judicial System is one of the finest and sternest in the world albeit arguments have been raised on it being the safest and strongest. Despite the robust constitutional protection and independence under Article 50 of the Constitution of India<sup>3</sup> allowing it to hold democratic principles as constituted by the law and procedure, institutional safeguards hosted by the Indian Judicial System provides a sturdy foundation but requires momentous reforms towards its justice delivery mechanism. While challenges like case pendency and delays are addressed in debates thinking that it remains a matter of state or national level policy framework, whereas such reforms remain a matter of constitutional amendments vis-à-vis Article 124(1) of the Constitution of India<sup>4</sup> – for the Hon'ble Supreme of Court of India – and Article 216 of the Constitution of India<sup>5</sup> – for the Hon'ble High Courts of India – where the Hon'ble President holds the constitutional power to amend in such matters.

Justice is a matter of patience, diligence and strong vigilance on the facts of the case in accordance with different players involved in the proceedings. Challenges of case pendency and delays in proceedings and ultimately justice delivery, is not only subjected to case load of the Judges of Courts in India but the ray of morning light open new reasons such as unavailability of counsel, absence of accused, witness issues, stayed for reasons, awaiting documents, parties not interested, frequent appeals, legal representative not on record, miscellaneous applications blocked, more witnesses, stayed by High Court, execution of decree, record unavailable, stayed by District Court and stayed by Supreme Court. These are some of the major reasons for delay in delivery of justice, but the bench still remains impetus while primary question revolves around efficiency, predictability, and cost of justice delivery and therefore, their resulting impact on economic growth, investment and market functioning. Structural flaws in the judiciary, such as high case pendency, judicial vacancies, and slow disposal rates, are directly linked to significant economic costs.

The Graph 1 showcases the percent of pending cases before different Courts in India. It does not surprise that above 30 years, the Hon'ble Supreme Court of India has only 23 cases (0.0339%) of 67,654 registered cases while the Hon'ble High Courts in India has a total of 77,024 (1.21%) pending cases from 63,62,129 cases and the District Courts in India has a pendency of 69,526 (0.15%) cases out of a total of 4,70,81,590 pending cases. The graph also projects that the most pending cases lie in 5-10 years category although it would be a utopian expectation to have all the new registered cases be disposed within 0-1 year of litigation.

The question, now, arises about the number of cases being handled by the Judges in India. We look into the sanctioned strengthen of the Judges in India and the number of cases per Judge in India (Table 1). Our Constitution under the Article 124(1), as mentioned above, has sanctioned a strength of thirty-three Judges and the Chief Justice of India in the Hon'ble Supreme Court of India. While currently the High Courts in India has a sanctioned strength of 1,140 Judges and 25,886 Judges with the District Courts of India distributed among 780 districts in India. The table 1 provides an overview of the cases pending per Judge in India in different Courts. The Hon'ble Supreme Court alone has 2,632.56 cases for each Judge. The Judges of the High

 $<sup>^3</sup>$  Article 50 – "The State shall take steps to separate the judiciary from executive in the public services of the State."

<sup>&</sup>lt;sup>4</sup> Article 124(1) – "There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than [seven]\* other Judges."

<sup>\*</sup> Now "thirty-three" vide the Supreme Court (Number of Judges) Amendment Act, 2019 (37 of 2019), s. 2 (w.e.f. 9-8-2019). "thirty" vide (11 of 2009). "twenty-five" vide (22 of 1986). "seventeen" vide 1977. "thirteen" vide 1960. "ten" vide original enacted The Supreme Court (Number of Judges) Act 1956.

<sup>&</sup>lt;sup>5</sup> Article 216 – "Every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem it necessary to appoint."

Courts in India has the biggest ratio of cases per Judge as 5,580.81. With the highest number of pending cases (4,70,81,590), the Judges of the District Courts in India are burdened with 1818.81 cases per Judge.

Pending Case as of 11-Oct-2025 Above 30 yrs 20-30 yrs 10-20 yrs 16.74 Years 5-10 yrs 3-5 yrs 11.90 1-3 yrs 39.28 0-1 yr 27.95 37.67 5.00 20.00 35.00 0.0010.00 15.00 25.00 30.00 40.00 45.00 Percent ■ Supreme Court ■ High Court ■ District Courts

Graph 1: Pending cases before different Courts of India (as of 11-Oct-2025)

Source: Authors' compilation based on National Judicial Data Grid (NJDG) database.

Table 1: Pending Cases per sanctioned strength of Judges in India (as of 11-Oct-2025)

	SANCTION STRENGTH OF JUDGES	PENDING CASES	CASES PER JUDGE	JUDGES PER 1,00,000 POPULATION	
Hon'ble Supreme Court of India	34	89,507 ( <b>0.16 %</b> )	2632.56	0.0023	
High Courts in India	1140	63,62,129 (11.89 %)	5580.82	0.0760	
District Courts in India	25886	4,70,81,590 ( <b>87.95</b> %)	1818.81	1.7257	
Total	27060	5,35,33,226	1978.32	1.8040	

**Source**: Authors' compilation based on National Judicial Data Grid (NJDG) database and Ministry of Law and Justice, Government of India.

Further analyzing the micro level data of the High Courts in India. The table 2 gives a comprehensive outlook into individual dataset of the High Court of the respective state and also, the aggregated dataset of all the District Courts of the respective state.

It is worth understanding how many cases per Judge of the respective High Courts based on the number of pending cases and existing sanctioned strength. Similarly, for the District Courts of the respective states and also, same is vital for realizing the utopian constitutional goals.

The disaggregated micro level data brings out that the High Court of Rajasthan is burdened with 6,75,780 pending cases with a sanctioned strength of 50 Judges and therefore, 13,515.6 cases per Judge of the High Court of Rajasthan. This is maximum cases per Judge ratio in India while the lowest cases per Judge ratio of 88.67 remains with the High Court of Sikkim with a sanctioned strength of three Judges and 266 pending cases. It is important to highlight that the population share of Sikkim is 0.05% of the total population and is 7,49,986. Sikkim is the least populous state (table 3) and second smallest among the Indian States. Modern Sikkim is a multiethnic and multilingual Indian State. The predominant religion is Hinduism, with a significant Vajrayana Buddhist minority. Sikkim's economy is largely dependent on agriculture and tourism. According to Ministry of Statistics and Programme Implementation, it has the fifth smallest GDP among Indian states, although it is among the fastest growing. Sikkim's District judicature has a sanctioned strength of 35 Judges with only 1900 pending cases bringing its ratio of cases per Judge to 54.29 only. This allows the Judges of both High Court of Sikkim and District Courts of Sikkim to hear the case matter appropriately and serve justice without any unwarranted delays. Though, the District Courts of Rajasthan have 1402.69 cases per Judge with a sanctioned strength of 1691 Judges. One should also take consideration of the literacy rate of both the states viz., 75.8% and 84.7 for Rajasthan and Sikkim respectively in 2024. The female literacy rate is 65.8% (Rajasthan) and 79.3% (Sikkim), and male literacy rate is 85.9% (Rajasthan) and 89.3% (Sikkim). The literacy rate in Rajasthan has improved significantly appose to 66.11% (where 79.19% for male, 52.12% for female) in 2011 Census of India data. The school and educational inclusivity in Rajasthan showcases the development of social infrastructure while Sikkim remains a state with strong religious harmony centered towards achieving high productivity in their working sectoral activities.

The suggestion for key reforms for Indian Judicial System that should be considered are,

- 1. Generally, it would be the most common line of approach to increase the number of Hon'ble Judges in the Hon'ble Supreme Court of India, Hon'ble High Courts of India as well as the Hon'ble District Courts of India. Whereas a sustainable approach would be to appoint the Hon'ble Judges only for the purposes of case disposal of registered cases specifically above 5 years. One way could be to have the retired Hon'ble Judges be re-appointed for this special purpose of addressing pendency and delays. This special purpose benches should be fifty in strength apart from the regular sanctioned strength in the Hon'ble Supreme Court of India, where pendency amounts to 89,507 cases. The timeline and targets of these special benches could be defined in their notification and work order. Similar reforms be considered for the High Courts of India vis-à-vis respective state High Courts which has different pendency of cases accordingly (table 2) and may consider such state level reforms for the District Courts also. Judicial delays are estimated to cost the Indian economy a significant portion of its GDP. Increasing the number of Judges is vital, high-return investment to addressing it. It directly and significantly improves contract enforcement, boosts business confidence, and unlocks capital currently stuck in litigation.
- 2. The sustainable development goal 16 also known as global goal 16 states that "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." SDG 16 has 12 goals and 24 indicators. The countries have created a sustainable development

national framework which allows them to bring out country specific indicators associated with global goals and indicators. In the case of India, national target states (equivalent to global target) that "Promote the rule of law at the national and international levels and ensure equal access to justice for all." Whereas the national indicator completely differs and states that "Number of Courts (all levels; sanctioned strength) per lakh population." This means that the total sanctioned strength of (i) judges in Supreme Court, (ii) Judges in High Court, and (iii) Judicial Officers in District and Subordinate Courts per lakh mid-year population (Indicator 16.3.1).

Table 2: Number of Courts (all levels; sanctioned strength) per lakh population

Year	Value
2016	1.82
2017	1.82
2018	1.81
2019	1.83
2020	1.87
2021	1.89
2022	1.92
2023	1.93
2024	1.93

Source: Sustainable Development Goals - National Indicator Framework: Progress Report 2025, MoSPI, Government of India.

The Law Commission of India's 1987 report (Title: One Hundred Twentieth Report on Manpower Planning in Judiciary) presented its recommendation of increasing the Judge-to-Population ratio to 5 per 1,00,000 while countries like US has 15 per 1,00,000 and Europe's average was 22 per 1,00,000. This recommendation was back in 1987. The Indian Judicial System has progressed way ahead. The country's population in 1987 was 80,89,31,270 while it is projected that the mid-year population of India in 2025 will be approximately 1,50,00,00,000. Certainly, the number of judges has also increased but they haven't increased to neither a working strength nor to a sanctioned strength to provided us with even 5 Judges per 1,00,000 population. Instead, our target should have increased and reached 25 Judges per 1,00,000 population. Increasing the judge-to-population ratio, especially in the subordinate judiciary, which handles most of the backlogs, is a fundamental structural reform that will significantly accelerate the judicial process, which directly impacts economic efficiency, investment, and growth. This allows us to unlock the stalled capital and mitigate the GDP loss, a) Freeing up Blocked Assets – Long-pending cases, particularly those related to land, property, and tax disputes, lock up colossal amounts of capital and resources. Resolving these cases faster unlocks this dormant wealth, allowing it to re-enter the economic cycle through investment and consumption, and b) Reducing Economic Cost – Judicial delays are estimated to cost the Indian economy between 1.5% and 2.5% of GDP annually. Increasing the number of judges is considered a high-return investment to mitigate this loss. A faster system lowers the risk premium businesses add to investments, which in turn reduces the cost of borrowing capital.

3. One other new national indicator (16.3.3) under the sustainable development goal framework of India is that "Number of Judges (all levels; working strength) per lakh population." This means that the total working strength of (i) judges in Supreme Court, (ii) judges in High Court, and (iii) judicial officers in District and Subordinate Courts,

per lakh mid-year population. It is feeble that the most populous country in the world struggles in appointing 100% working strength (of the sanctioned strength). A country with approximately 1.5 billion people and experienced learned counsels with experience greater than most of the youngsters, it remains unexplainable to many in the country why other than the Hon'ble Supreme Court of India, no other Court in India has a 100% working manpower capacity where the District Courts of India has total vacancy of 4,818 which is approximately 18.6% of the sanctioned strength.

Table 3: Number of Judges (all levels; working strength) per lakh population

Year	Value
2016	1.33
2017	1.34
2018	1.38
2019	1.39
2020	1.48
2021	1.48
2022	1.50
2023	1.53
2024	1.55

**Source**: Sustainable Development Goals – National Indicator Framework: Progress Report 2025, MoSPI, Government of India.

Having full working strength allows the judicial system to reach more people per lakh population while there is a significant need to increase both the working strength and sanctioned strength. India's population may slow but not its growth rate. India does not have any population policy which states on mandatory limiting a married couple to have a limited number of children viz., like China's one child policy, though India has spread awareness about family planning and having small family [via., We two, Our two (trnsl. Hum Do, Humare Do)] under the National Family Planning Programme launched in 1952. Increasing working strength will only boost firm performance and productivity, a) Higher Growth and Output - Studies show a direct correlation between a higher judge-to-population ratio (and faster trials) and higher sales and labour productivity growth for firms, particularly in contract-intensive industries (like manufacturing and finance) that rely heavily on the formal legal system, and b) Efficient Capital Allocation - A quicker resolution of disputes, especially those involving the Insolvency and Bankruptcy Code (IBC) and debt recovery, ensures that non-viable assets are liquidated and the capital is rapidly freed up and reallocated to more productive sectors of the economy. Therefore, continuous evaluation of Judicial manpower capacity and recommendations made by the Law Commission of India needs to be addressed and realistically be realized for bettering our justice delivering mechanism.

4. One of other major causes of pendency and delays that the Indian Judicial System faces is the judgement itself. Earlier, judgements were written summarizing the case matter and providing an appropriate explanation of judgement passed. But in this contemporary modern era, there are no judgements written instead the Judges might have started to believe that the judgements are an opportunity to present a dissertation/thesis level doctrine of law. This only increases their effort and time in furnishing a copy of the summary judgement which only creates pendency and delays further ahead. Time is a fundamental and pervasive factor. It itself is a scarce resource that must be allocated optimally, and its efficiency is a major driver of economic and

judicial growth determining value, risk, and effects of judgement, a) Labour and Productivity – The amount of time spent working directly influences output. Economic growth relies on increasing labour productivity, which is the value of output per unit of time (e.g., per hour worked on writing the judgement). Innovations like automation could prove valuable because they essentially save time or allow more to be produced at the same time, and b) Duration of Production – Some school of thought emphasizes on the time length of the production process. Longer, more 'roundabout' production methods (like giving ample of time to hearing the case matter) are often more capital-intensive and ultimately more productive, but they require the sacrifice of immediate consumption for future gains. This requires a check and balance measure for better justice delivery mechanism.

5. Any and all reforms require some sought of infrastructure. Infrastructure in such cases are of, generally, three types, viz., 1) Physical Infrastructure consists of tangible, manmade structures and systems supports a community's or economy's functioning, including transportation networks, energy grids, and water/sewer systems. The judicial system completely requires physical infrastructure as more appointments of judges would require more organized physical infrastructure, 2) Social infrastructure refers to the facilities and services that support social and economic well-being, such as schools, hospitals, community centers, and housing. As for the judicial system, prisons, police, and fire stations which fall under the mechanism for delivering timely judgements become a part of social infrastructural capacity of judicial bodies. Everything depends on the level of social infrastructure available. Strong social infrastructure reduces the burden of financial infrastructure of the country and certainly for Indian Judicial system., and 3) Financial infrastructure is the underlying foundation of a country's financial system, comprising the institutions, rules, and technologies that enable financial transactions. A robust and efficient financial infrastructure is crucial for economic stability, development, and growth. More importantly the need for appropriate budget for unwrinkled functioning has a major ask from the Indian Judicial System. Except the Hon'ble Supreme Court, which is funded by the central government, all the expenses of the High Court and the District Courts in a state are funded by the respective state government. As of 2018, 92% of all expenditure on the judiciary was borne by the states. This includes salary of judges, non-judicial staff and all operation costs. In 2019, India spent 0.08% of its GDP on the judiciary. All states and union territories are allocated less than 1% of its annual budget on the judiciary, except Delhi with 1.9%. There is no guideline for the state expenditure on the judiciary to ensure higher efficiency of the judiciary. In comparison, the United States spends 2% of its annual budget on judiciary.

The critical integration into the global and national economy will enable the Indian Judicial System to leverage its comparative advantage in this labour-intensive country. Focusing on the economy's endowments and what it could most competitively supply – rather than what its greatest national demand is – could drive growth and enable structure to adapt as comparative advantage evolves. Faster justice delivery directly improves India's score on the World Bank's Ease of Doing Business indicator, specifically for 'Enforcing Contacts.' This jump in ranking is crucial for attracting Foreign Direct Investment (FDI). Stronger, faster legal protection against breach of contracts encourages firms to enter into complex and long-term business relationships, which are vital for large-scale investments and innovation. The reformation of India's legal architecture is a crucial driver of its economic development focusing on improving the business environment, formalizing the economy, and enhancing the efficiency of capital allocation. The overall economic philosophy behind these reforms is to reduce administrative

friction and legal uncertainty, thereby encouraging investment and fostering a market-oriented economy. When judicial outcomes are swift and predictable, it removes a major source of business risk. The increased number of judges, coupled with technological adoption (e-Courts) and administrative reform (case management) is a necessary investment to end the problem of "Justice Delayed, Prosperity Denied."

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Table 2: HIGH COURT-WISE AND STATE-WISE VALUE OF CASES PER JUDGE AND JUDGES PER 1,00,000 POPULATION

HON'BLE HIGH COURTS OF INDIA					HON'BLE DISTRICT COURTS OF INDIA				
OFFICIAL NAME OF HIGH COURT	STATE JURISDICTION	SANCTIONED STRENGTH	PENDING CASES	CASES PER JUDGE	JUDGES PER 1,00,000 POPULATION <sup>6</sup>	SANCTIONED STRENGTH	PENDING CASES	CASES PER JUDGE	JUDGES PER 1,00,000 POPULATION <sup>7</sup>
High Court of Allahabad	Uttar Pradesh	160	1156952	7230.95	0.065	3700	11374921	3074.30	1.494
High Court of Andhra Pradesh	Andhra Pradesh	37	248659	6720.51	0.060	642	910081	1417.57	1.044
	Goa					50	60282	1205.64	2.778
High Court of Bombay	Dadra and Nagar Haveli Daman and Diu	94	665097	7075.5	0.066	7	8294	1184.86	0.933
	Maharashtra					2190	5799077	2647.98	1.573
	Andaman & Nicobar Island	98	201480	2055.9	0.086	12	8307	692.25	2.667
	West Bengal					1105	3688187	3337.73	0.977
High Court of Chhattisgarh	Chhattisgarh	22	78321	3560.05	0.070	663	432775	652.75	2.095
High Court of Delhi	Delhi	60	121442	2024.03	0.288	897	1566720	1746.62	4.302
	Arunachal Pradesh	30	63432	2114.4	0.068	53	10562	199.28	3.212
High Court of Gauhati	Assam					485	550211	1134.46	1.253
Trigii Court of Gaunati	Mizoram					74	6593	89.09	5.482
	Nagaland					34	3677	108.15	1.417
High Court of Gujarat	Gujarat	52	172674	3320.65	0.069	1720	1681707	977.74	2.298
High Court of Himachal Pradesh	Himachal Pradesh	17	100866	5933.29	0.199	179	648884	3625.05	2.094
High Court of Jammu &	Jammu and Kashmir	17	45190	2658.2	0.110	322	386553	1200.48	2.125
Kashmir and Ladakh	Ladakh	1 /				17	1487	87.47	5.667
High Court of Jharkhand	Jharkhand	25	71775	2871	0.061	707	556449	787.06	1.727

<sup>&</sup>lt;sup>6</sup> This is equal to the sanctioned strength of Hon'ble High Court of the respective state to the population of that state.

<sup>7</sup> This is equal to the sanctioned strength of Hon'ble District Courts of the respective state to the population of that state.

	TOTAL	1140	6362129	5580.82	0.076	25886	47081590	1818.81	1.725
High Court of Uttarakhand	Uttarakhand	11	58324	5302.18	0.088	298	310529	1042.04	2.394
High Court of Tripura	Tripura	5	1350	270	0.111	133	54649	410.90	2.956
High Court for the State of Telangana	Telangana	42	232081	5525.74	0.097	560	966052	1725.09	1.292
High Court of Sikkim	Sikkim	3	266	88.67	0.400	35	1900	54.29	4.667
High Court of Rajasthan	Rajasthan	50	675780	13515.6	0.059	1691	2371947	1402.69	1.992
Haryana	Chandigarh	85	425436	5005.1	0.127	30	101044	3368.13	2.222
High Court of Punjab and	Punjab					811	893465	1101.68	2.361
High Court of Description 1	Haryana					781	1508127	1931.02	2.491
High Court of Patna	Bihar	53	213981	4037.38	0.041	2022	3682195	1821.07	1.567
High Court of Orissa	Odisha	33	154868	4692.97	0.063	1043	1715404	1644.68	2.004
High Court of Meghalaya	Meghalaya	4	1441	360.25	0.107	99	16167	163.30	2.640
High Court of Manipur	Manipur	5	5661	1132.2	0.159	62	15217	245.44	1.968
	Puducherry	75	554267	7390.2	0.083	38	35613	937.18	2.533
High Court of Madras	Tamil Nadu	75	554267	7200.2	0.002	1383	1702890	1231.30	1.547
High Court of Madhya Pradesh	Madhya Pradesh	53	477848	9016	0.059	2028	2018119	995.13	2.253
High Court of Kerala	Lakshadweep	47	260063	5533.3	0.113	4	563	140.75	5.333
	Kerala					617	1760353	2853.08	1.490
High Court of Karnataka	Karnataka	62	323165	5212.34	0.082	1394	2231713	1600.94	1.840

Source: Authors' compilation based on National Judicial Data Grid (NJDG) database and Ministry of Law and Justice, Government of India.

Table 3: STATE-WISE PERCENT SHARE OF STATE POPULATION (PER 2011 CENSUS)

OFFICIAL NAME OF HIGH COURT	STATE JURISDICTION	POPULATION OF THE STATE	PERCENT SHARE OF STATE POPULATION (PER 2011 CENSUS)		
High Court of Allahabad	Uttar Pradesh	24,76,45,532	16.51		
High Court of Andhra Pradesh	Andhra Pradesh	6,14,98,891	4.1		
	Goa	17,99,968	0.12		
High Court of Bombay	Dadra and Nagar Haveli Daman and Diu	7,49,986	0.05		
	Maharashtra	13,91,97,489	9.28		
П. 1. С СС. 1	Andaman &Nicobar Island	4,49,992	0.03		
High Court of Calcutta	West Bengal	11,30,97,960	7.54		
High Court of Chhattisgarh	Chhattisgarh	3,16,49,429	2.11		
High Court of Delhi	Delhi	2,08,49,624	1.39		
	Arunachal Pradesh	16,49,970	0.11		
III'd Coost of Costot	Assam	3,86,99,302	2.58		
High Court of Gauhati	Mizoram	13,49,976	0.09		
	Nagaland	23,99,957	0.16		
High Court of Gujarat	Gujarat	7,48,48,650	4.99		
High Court of Himachal Pradesh	Himachal Pradesh	85,49,846	0.57		
High Court of Jammu & Kashmir	Jammu and Kashmir	1,51,49,727	1.01		
and Ladakh	Ladakh	2,99,995	0.02		
High Court of Jharkhand	Jharkhand	4,09,49,261	2.73		
High Court of Karnataka	Karnataka	7,57,48,633	5.05		
High Count of Varials	Kerala	4,13,99,253	2.76		
High Court of Kerala	Lakshadweep	74,999	0.005		
High Court of Madhya Pradesh	Madhya Pradesh	8,99,98,376	6.0		
High Count of Madros	Tamil Nadu	8,93,98,387	5.96		
High Court of Madras	Puducherry	14,99,973	0.1		
High Court of Manipur	Manipur	31,49,943	0.21		
High Court of Meghalaya	Meghalaya	37,49,932	0.25		
High Court of Orissa	Odisha	5,20,49,061	3.47		
High Court of Patna	Bihar	12,89,97,673	8.6		
	Haryana	3,13,49,434	2.09		
High Court of Punjab and Haryana	Punjab	3,43,49,380	2.29		
	Chandigarh	13,49,976	0.09		
High Court of Rajasthan	Rajasthan	8,48,98,468	5.66		
High Court of Sikkim	Sikkim	7,49,986	0.05		
High Court for the State of Telangana	Telangana	4,33,49,218	2.89		
High Court of Tripura	Tripura	44,99,919	0.3		
High Court of Uttarakhand	Uttarakhand	1,24,49,775	0.83		
	TOTAL <sup>8</sup>	1,49,99,72,940	100.00		

Source: Authors' compilation

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 $<sup>^8</sup>$  Mid-Year Population of 2025 assumed 1,50,00,00,000. Total sanctioned strength of Judges is 25,886. Remaining Population is 1,49,99,72,940.