



American Journal of Society and Law (AJSL)

ISSN: 2835-3277 (ONLINE)

VOLUME 5 ISSUE 1 (2026)

A decorative graphic at the bottom of the cover features a network of glowing blue nodes and lines. The nodes are represented by small circles containing a person icon, and they are connected by a series of lines that form a zigzag pattern across the width of the page. The background is a dark teal color with some faint, scattered light blue dots.

PUBLISHED BY
E-PALLI PUBLISHERS, DELAWARE, USA

Trends in Case Filings, Disposal, and Pendency: Assessing Access to Justice in the Supreme Court of Bangladesh

Md Mostafijur Rahman^{1*}

Article Information

Received: January 01, 2026

Accepted: March 11, 2026

Published: June 29, 2026

Keywords

Access to Justice, Clearance Rate, Court Congestion, Institutional Capacity, Judicial Backlog, Supreme Court of Bangladesh

ABSTRACT

This paper looks at long-term trends in the number of cases filed, disposed and pending in the Supreme Court of Bangladesh since the year 2000 in order to determine its impact on access to justice. The research is based on the Access to Justice Theory and Institutional Capacity Theory and assumes a quantitative secondary data design with the official statistics of the Appellate Division and the High Court Division on the criminal justice. The new filings, disposals, pending cases, and clearance rates are analyzed to examine the demand versus the institutional capacity regarding the litigation questions. Results indicate that there has been non-stop rise in cases filing in both divisions throughout the twenty-five years indicating growing dependency on the apex court. Nevertheless, performance on disposal has been variable as opposed to structural (that is, high levels in some years and then renewed high levels of backlog). In 2024, pendency remains at fairly historic high levels in the High Court Division and is likely to suggest structural congestion. The study finds that episodic fluctuations in the capacity to dispose have decreased the backlog in the short term but there has not been a long-term balance between inflow and disposal capacity of cases. Sustainable access to justice will thus take place by enhancing structural capacity and steady performance management within the Supreme Court system.

INTRODUCTION

The rule of law and constitutional governance is founded on access to justice. It does not just imply the availability of courts on paper but also the accessibility of the courts by the subjects in terms of time and effectiveness to get a problem solved efficiently and in a timely manner. An effective justice system should be such that the legal rights are enforceable in a reasonable period (Abu Taher & Jamaluddin, 2022). Law remedies do not work effectively when there is a high backlog and delays in court, thus this may compromise the trust people place on the law institutions.

Diverse litigation has put a lot of strain on the judicial systems in most cases in the developing jurisdictions. The growth in population, economic growth, and the growth in regulatory complexity and the rise in rights awareness have also led to a rise in demand of judicial services (Tahura & Alam, 2025). Although more cases being filed indicates the risk of higher trust in the judicial system, it also challenges institutional capacity of the court system. In case the rate of disposals does not match new filings then pending cases are plowed leading to structural congestion.

The top court of Bangladesh is the Supreme Court of Bangladesh and is governed by the High Court Division and the Appellate Division, the Supreme Court is the protector of constitutional rights. The implication of its performance is on legal certainty, enforcement of rights and consistent interpretation of the law (Siddiqui, 2023). Constant backlog at this juncture may cause timely resolution of disputes, continue to lengthen, and impact the rest of the justice system.

The paper looks at the case-filing trends, disposal trends, and pendency trends in the Supreme Court of Bangladesh over the twenty-five-year period, 2000 to 2024. The research takes the quantitative institutional approach to access to justice by using official judicial statistics. In lieu of normative or perception-based measurement, the research measure is a measure of judicial performance as indicated by measurable characteristics. It aims at discovering, whether the disposal capacity has been keeping up with the increase in filing or not and also evaluates the structural impact of trends in pendency on the delivery of justice on time (Abu Taher & Jamaluddin, 2022).

The study brings empirical knowledge to the topic of judicial workload dynamics through longitudinal statistical analysis, as well as insights regarding data on court congestion and access to justice in Bangladesh.

LITERATURE REVIEW

Access to Justice: Conceptual Foundations

The following categories have been taken to mean less of a process than more of a framework of institutions and norms, the access to justice. Previously, it used to mean the right of a member to file claims before courts and remedy under the law (Siddiqui, 2023). In the course of time scholars came to realize that formal access is not enough in case people are practically locked out through high cost, complexity of the procedures involved or lengthy wait (Rahman, 2025). Access to justice is thus developed in contemporary perspectives as the effective means of accessing fair, timely, and enforceable legal results.

¹ Bangladesh

* Corresponding author's e-mail: mostafijurlawiu@gmail.com

Timeliness is a dimension of access to justice that has come to have prominence. The pending adjudication process may undermine the worth of the right, raise the expense of litigation and introduce uncertainty (Khan, 2019). Justice at this is not judged regarding the substantive results only but also regarding the effectiveness and reactivity of the judicial entities (Tahura & Alam, 2025). A lack of ability to adjudicate cases in a reasonable period of time means that the courts effectively limit access to justice, although in statute legal remedies may be available.

Higher courts are very important in facilitating access to justice. With the power of interpreting the law and the role of ultimate decision-makers in constitutional protection, the supreme courts influence the process of legal formation and defend the major rights (Kawser, 2025). They are systemically important to their effect. Intrinsic stalling at the apex level can destroy not only individual justice but also legal certainty in general.

Judicial Backlog and Court Congestion

The congestion in courts is one of the issues well known to impede justice on time. Backlog occurs when the number of cases that come into the system is more than that system can handle by disposition. With time, cases that are yet to be resolved add up to pendency, prolonging the average time of cases.

In a scholarly analysis, short-term congestion and structural backlog are usually separated. Several factors can cause short term congestion: momentary increases in litigation or exceptional conditions (Hodder-Williams, 2025). Structural backlog on the other hand is a long term imbalance between the rate of filing and the capacity of disposing (Islam *et al.*, 2024). In case of such imbalance in several years, pendency accumulates when compared with previous years and can be in form levels, which are crippling to institutional operations (Ashiquzzaman, 2023). There are a number of consequences of backlog. Delays may be a deterrent to investment and upset the assurance of a contract in civil litigation. Long adjudication in the criminal proceedings may impinge on equality to trial as well as citizen confidence on the mechanism of accountability (Ferraz, 2025). On appeal, delays in correcting mistakes of the lower court and delays in defining the law may occur due to congestion.

Notably, backlog is not just an inconvenience at an administrative level, but backlog has normative implications. Failure to deliver timely judgments by the courts may cause a problem in the trust given to the judiciary and consequent undermining of perceptions of institutional legitimacy (Abu Taher & Jamaluddin, 2022). Therefore, the issue of judicial overwork is a managerial and constitutional one.

Measuring Judicial Performance

In order to measure the efficiency of courts, the researchers are based on the quantitative performance indicators. New filings, disposals, pending cases and clearance rates

are the most prevalent. These are measurable indicators on the workload of the judiciary and the capacity of the institutions (Khatun, 2021).

The new filings are orders of judicial services. Increase in rates of filings can indicate more awareness on rights, economic growth, or widening regulation systems (Hasanat, 2024). Although the high filing rates can be associated with the trust in legal institutions, it also overloads the judicial resources.

Outputs of institutions are disposals. The capacity of disposal is determined by the factors of appointment of judges, support of the administration and efficacy of the procedures and management of the cases (Mizan & Rezwana, 2023). Constant disposal rates that do not exceed filings are the keys to avoiding the growth of the backlog.

Unclosed cases reflect a retrospective pressure in the institution. Increase in pendency implies that the system cannot handle the received cases as quickly as they arrive. The ratio of disposals and new filings is commonly called clearance rate which helps to evaluate whether the backlog grows or declines (Halim, 2023). A clearance less than 100 percent is usually an indication of backlog growth and a rate that is higher than 100 percent depicts contraction (Paul, 2025).

A longitudinal study of these indicators enables the establishment of trends, oscillations and structural changes. Trend analysis on a long-term basis gives more insight into the performance of the system, not fluctuation on the short-term basis.

Institutional Capacity and Litigation Growth

Institutional capacity is greatly associated with judicial performance. The institutional capacity entails the capability of supply (material resources as well as organizational arrangements) that should satisfy demand. In legal systems, capacity consists of court fills, bureaucrats, infrastructure, procedure, and technology (Tasnim & Bint-E-Basar, 2024).

In less developed situations, the increase in litigation usually goes in tandem to the socio-economic change. The growth in the regulatory governance, augmented commerce, and the elevated consciousness of people regarding rights can result in growth in the quantity of filing (Creutzfeldt *et al.*, 2024). Unless institutional capacity is increased proportionately, however, congestion arises.

Demand and capacity have a working relationship. The gains in disposal efficiencies can alleviate temporary backlog but a long-term rise in filing nearly will again create imbalance. Hence, long-term trend analysis is required to determine whether the institutional reforms will have functioned effectively in terms of increasing the capacity of disposal alongside the increased demand (Davidson, 2025).

Empirical Gap and Relevance to Bangladesh

Although access to justice and judicial backlog has been well covered by global scholarship, empirical literature

about long-term statistical patterns in apex courts has still not been undertaken in some jurisdictions. In Bangladesh, the discourse of judiciary delay often gives prominence to normative issues and policies (Ahmmed, 2024). Nonetheless, little systematic study of the patterns of filing, disposal, and pendency at the Supreme Court level has been done.

Constitutional power in Bangladesh is vested in the Supreme Court which influences the development of the law in the country. Its effectiveness affects the inferior courts as well as people regarding their understanding of justice. Continued congestion of this scale can result in ripple effects all along the judicial system.

This research presentation is a systematic evaluation of

statistics on judicial filing, performance and pendency in the Supreme Court through a twenty-five year period of official judicial data analysis. According to the literature, the sustainable access to justice implies the balance between the demand and institutional capacity. This study is important to the literature as it examines whether such a state of equilibrium has been attained over time as it was the case in Bangladesh (Tasnim & Bint-E-Basar, 2024).

Theoretical Framework

This study is grounded in two complementary theoretical perspectives: Access to Justice Theory and Institutional Capacity Theory.

The access to Justice Theory assumes that justice can exist

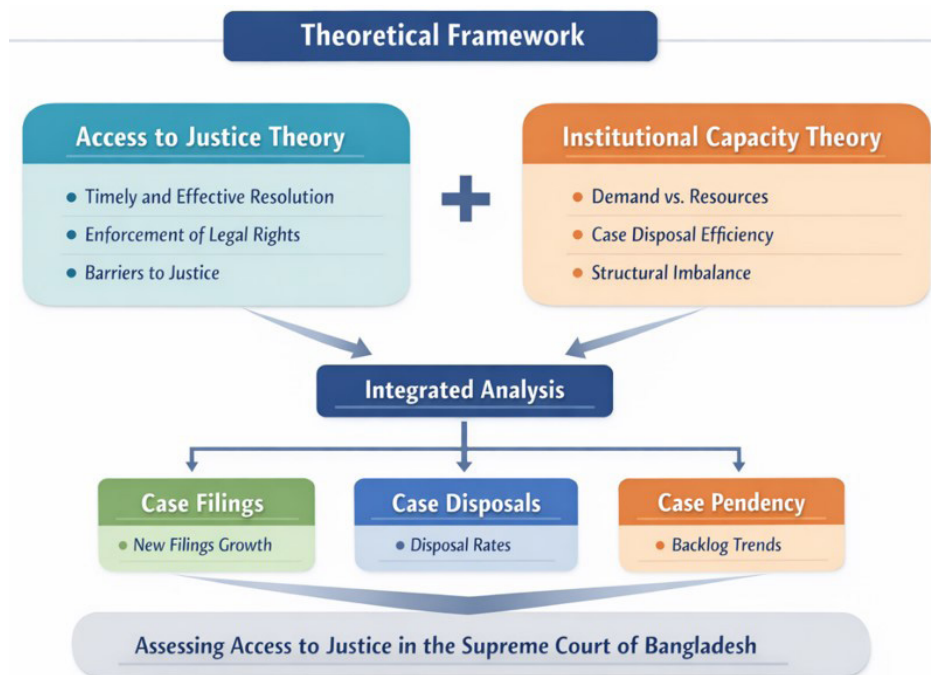


Figure 1: Access to Justice Theory and Institutional Capacity Theory

only when people are able to get time-saving effective resolution of conflicts. The issue with the formal access to courts is that inappropriate delays cannot be tolerated because they hamper legal rights enforcement. Timeliness is therefore a vital aspect of substantive justice. Access to justice in this study is considered by the use of some measurable indicators which include the cases that are filed, the cases that are disposed, and those pending. Continuous rise in the number of pending cases is an indicator that could use it as a grace to judgment and possibly a limitation to effective access to justice.

The institutional Capacity Theory describes the organization performance through the demand-resource relationship. In courts, new cases are an indicator of demand and a definition of their institutional capacity is through disposal rates. When there is a continuous surpassing of filings and a greater disposal value, backlog builds referring to structure skewness. On the other hand, a constant improvement of the disposal rates leads to a decrease in pendency and enhances institutional efficiency. The connection between the study and the larger

normative issues by incorporating these two frames empirically connects judicial statistics to norms issues in a broader sense. Trends in filings, disposals and pendency are examined to determine whether the institutional capacity of the Supreme Court has remained in line with increased demand and also assess the implications of the dynamics in the backlog in accessing justice in Bangladesh.

MATERIALS AND METHODS

The research used a secondary data quantitative design study. The data were in the form of officially published annual statistics on the Supreme Court of Bangladesh, both the Appellate Division and the High Court Division, between 2000 and 2024.

The subject of analysis was three variables; new case filing, case disposal, and pending case. The rate of clearance and the increase in backlog were used to estimate the judicial performance and congestion pattern.

The results have been compared with the help of descriptive statistical measure and longitudinal trend to

assess the dynamics of changes as time goes by and to compare the relationship between filings, disposals, and pendency as the measure of access to justice.

RESULTS AND DISCUSSION

This chapter presents the statistical analysis of case filings, disposals, and pending cases in the Supreme Court of Bangladesh from 2000 to 2024. The findings are organized separately for the Appellate Division and the High Court

Division, followed by a comparative assessment. The analysis examines trends in litigation growth, disposal performance, clearance rates, and backlog dynamics to evaluate their implications for access to justice.

Statistical Data Analysis for the Appellate Division of the Supreme Court of Bangladesh (2000–2024)

The annual review of new filings, disposals, and outstanding cases in the Appellate Division between 2000

Table 1: Year-wise New Filing, Disposal and Pending Cases from the Year 2000 to 2024, Source: Annual Report 2024, Supreme Court of Bangladesh

year	New filing	Disposal	Pending	Clearance rate	Pending change	Pending growth percent
2000	2228	2116	11816	94.97		
2001	3517	2819	8997	80.15	-2819	-23.86
2002	3003	2789	4781	92.87	-4216	-46.86
2003	3212	2587	5406	80.54	625	13.07
2004	3021	2690	5737	89.04	331	6.12
2005	3405	2372	6770	69.66	1033	18.01
2006	3855	1501	9124	38.94	2354	34.77
2007	4093	6146	7071	150.16	-2053	-22.50
2008	5041	5220	6892	103.55	-179	-2.53
2009	4403	6035	5260	137.07	-1632	-23.68
2010	5464	1583	9141	28.97	3881	73.78
2011	4749	1449	12441	30.51	3300	36.10
2012	6036	1830	16647	30.32	4206	33.81
2013	5989	8298	14338	138.55	-2309	-13.87
2014	6919	5911	15346	85.43	1008	7.03
2015	8007	9992	13361	124.79	-1985	-12.93
2016	9945	9634	13672	96.87	311	2.33
2017	11484	8591	16565	74.81	2893	21.16
2018	10572	6695	20442	63.33	3877	23.40
2019	9478	6303	23617	66.50	3175	15.53
2020	6958	15350	15225	220.61	-8392	-35.53
2021	7806	6859	16172	87.87	947	6.22
2022	9162	5406	19928	59.00	3756	23.23
2023	11938	5349	26517	44.81	6589	33.06
2024	9915	5312	31120	53.58	4603	17.36

and 2024 illustrates high instability in the amount of the judicial workload, disposal rate, and backlog forces.

Trends in New Filings

The number of new case filings depicts an overall increasing trend over the twenty-five years. Increased filings have risen by 2,228 cases in 2000 to 9,915 cases in 2024, indicating an enormous growth in demand of appellate adjudication. In 2017 (11,484), 2023 (11,938)

and 2024 (9,915) there can be seen notable peaks. This uniform growth indicates the increase in dependency on the Appellate Division, perhaps because of the increasing legal awareness, economic growth and increasing invocation of the appellate jurisdiction.

Although in some years these declines exist temporarily, e.g. in 2020 (6,958), the long-run trend shows that the litigation needs are increasing structurally. This increasing number of cases has a direct effect on the institutional

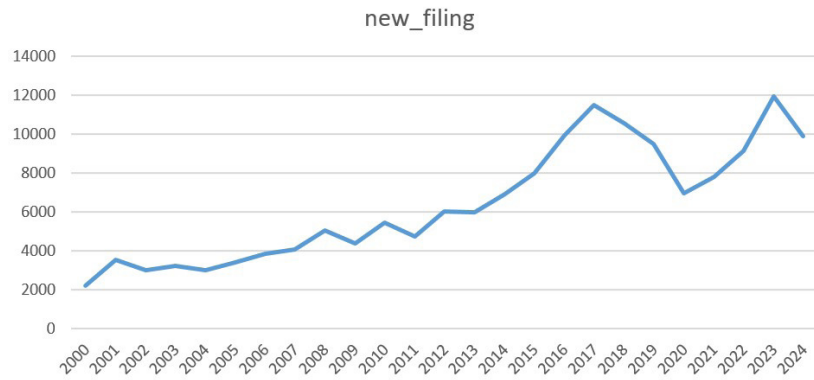


Figure 2: Trends in New Filings 2000 to 2024, Source: Annual Report 2024, Supreme Court of Bangladesh

capacity, and backlog.

Disposal Performance and Clearance Rates

The trends in disposal show some level of variation. Within a few years, there were massive disposals as in

comparison with new filings leading to clearance that were over 100 percent. Clearance rates were 150.16 percent in 2007, 137.07 percent in 2009, 124.79 percent in 2013 and 220.61 percent in 2020, yet may be exemplary. These periods saw the Appellate Division leading to an

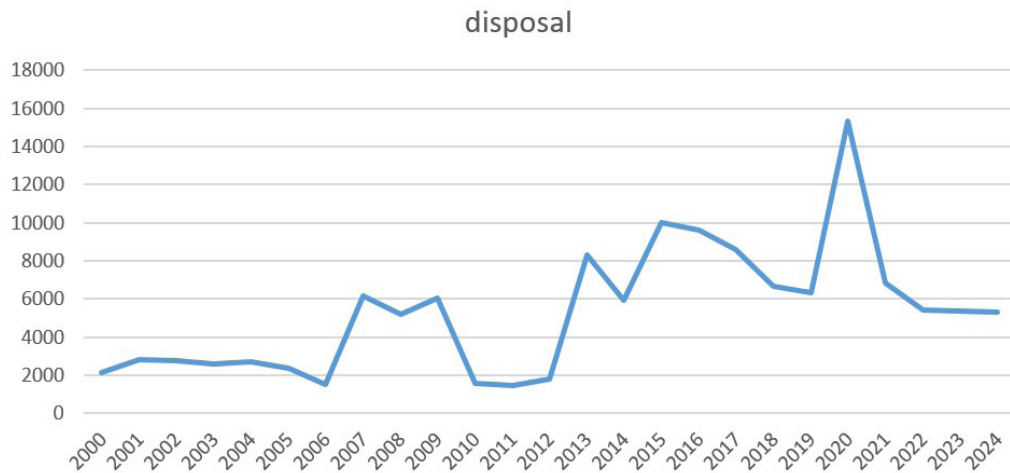


Figure 3: Disposal Performance, Source: Annual Report 2024, Supreme Court of Bangladesh

achieved reduction in backlog.

Nonetheless, in several years, there were clearance rates which were below 100 percent which was an indication that new filings exceeded the disposals. The clearance rates are especially low in 2006 (38.94 percent), 2010 (28.97 percent), 2011 (30.51 percent), 2012 (30.32

percent), 2018 (63.33 percent), 2022 (59.00 percent), 2023 (44.81 percent) and 2024 (53.58 percent). These years had a contribution towards the growth of backlog.

The high and low performance patterns of clearance indicate that the performance is cyclic and is not in equilibrium between demand and level of disposal

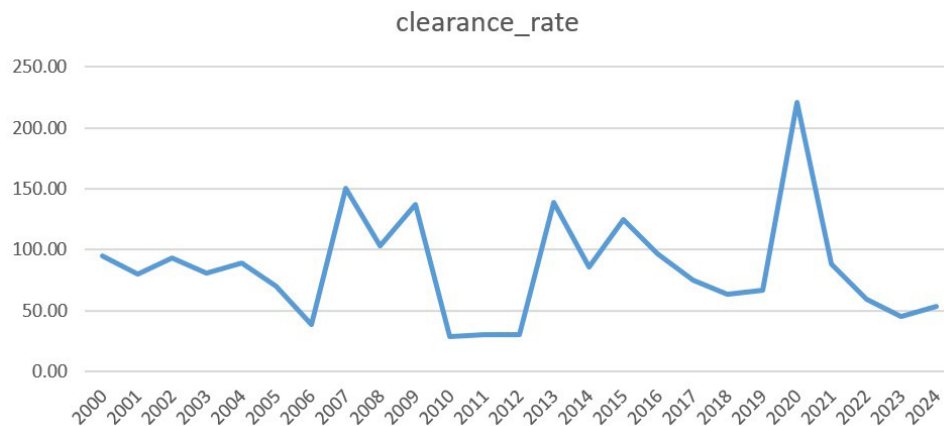


Figure 4: Clearance Rate, Annual Report 2024, Supreme Court of Bangladesh

capacity. The increases that were made on a regular basis were not always sustained resulting in a resurgence of congestion in the following years.

Growth and Fluctuation of Pending Cases

There is a cyclic yet a progressive trend in pending cases. Pendency went down drastically between the years 2000

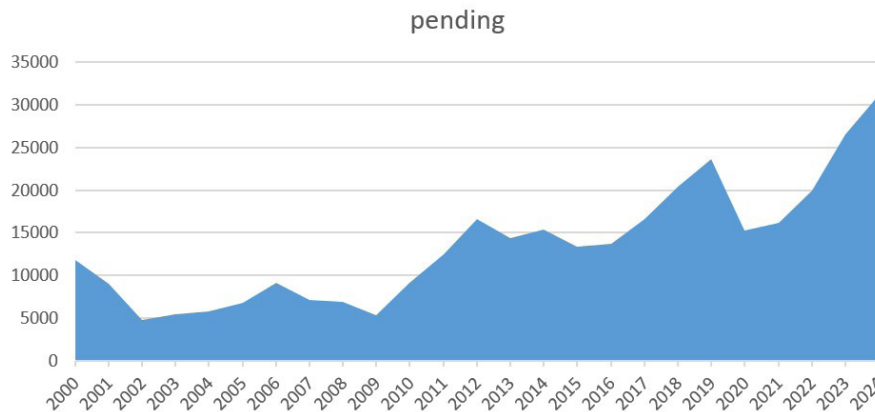


Figure 5: Growth and Fluctuation of Pending Cases

and 2002, peaking at 4,781 cases in 2002. However, since the year 2003, backlog has started to grow sporadically. Considerable growth in was registered in 2006 (34.77 percent growth), 2010 (73.78 percent growth), 2011 (36.10 percent) and 2012 (33.81 percent). Despite the decreased backlog in high-clearage years like

2007, 2009, 2013, 2015 and 2020, the backlog decreasing was short term. Pendency increased noticeably again after 2020 (19,928, 26517 in 2022, 2023 and 2024 respectively). The 33.06 percent and 17.36 percent increases of 2023 and 2024 respectively are very high backlog growths. As of 2024, its pending cases had slightly less than

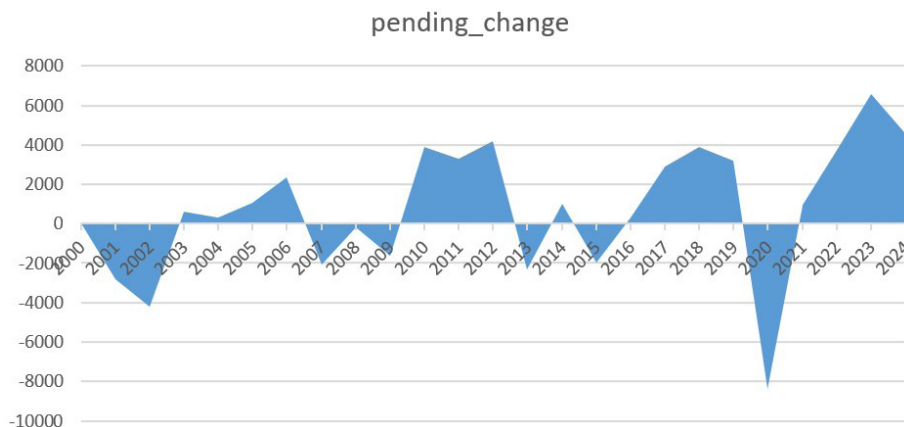


Figure 6: Pending Change

tripled those early in the 2000s, suggesting that it was not disposing cases at a rate adequate to counter long-term growth in the number of cases filed.

Structural Implications for Access to Justice

The statistics reveal that there has been structural imbalance of cases inflow and its disposal capacity.

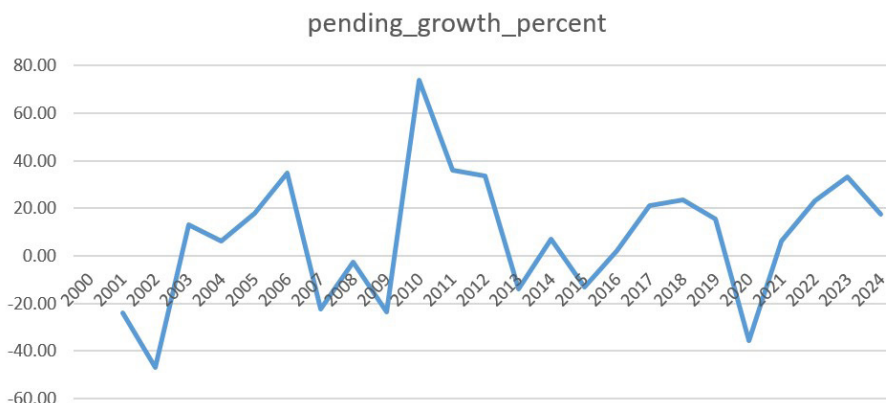


Figure 7: Pending Growth Percent

Even though the Appellate Division made significant improvements on backlog during some years, these results did not persist. Periodic editions of low rates of clearance translated to the build-up in backlog.

In access to justice terms, the rising pendency is an issue of concern when it comes to the timeliness of justice in the topmost level of the judicial system. On the one hand, an increase in filings could indicate that people have confidence in the appellate system; however, persistent increases in pending cases imply that the institution is about to strain. Failure to maintain clearance rates of over 100 percent constantly represents the fact that disposal capacity has not kept pace with increasing demand.

The recent rise in pendency after the year 2021 is of significance. The 2022-2024 recorded the largest increase in backlog followed by a period of rapid growth. This trend indicates the emergence of structural congestion anew, and the notion that institutional capacity needs to be enhanced in the long run.

Overall Assessment

The longitudinal analysis shows that there are three significant findings:

- Litigation demand in the Appellate Division has increased substantially over time.
- Disposal performance has been inconsistent, characterized by periodic surges rather than steady growth.
- Backlog has accumulated over the long term despite intermittent reductions.

These trends show that even during some years when the Appellate Division could reduce the backlog, structural balance between filings and disposals has been not fully observed. Consequently, the pendency is at an all-time high and this is likely to have repercussions on accessing justice in a timely manner.

The longitudinal review of the Appellate Division

indicates a definite trend toward the increase in litigation demand and the lack of reliable performance on the disposal level. Despite the fact that the court had realized significant backlog improvement in some high-clearance years, this remained partial over time. There were years of high disposal capacity followed by years where the new filings were very high compared to the disposals leading to a new accrual of pending cases.

As per the pendency, the highest number of cases was 31,120 pendency in 2024, which is the highest in the period of the study, which means that the structural congestion has changed to worsening over the last few years. The constant failure to clear at or above rate of equilibrium indicates that institutional capacity has not grown in line with increase in filing.

Regarding the access to justice approach, the results reveal that there is a growing conflict between the appellate system and its growing dependence on the population and the capacity of the court to dispose cases. As much as increased filings could indicate confidence in the judicial system, constant backlog creation is a worrying issue on issues of timeliness, efficiency, and efficiency with which legal rights can be enforced. These statistics thus indicate that there might be long term structural changes that need to be implemented to help the Appellate division to deliver justice on time as per the constitutional expectations.

Statistical Data Analysis for the High Court Division of the Supreme Court of Bangladesh (2000–2024)

The analysis of the new filings, disposals, and pending cases to the High Court Division within the year depicts that there has been structural pressure during the twenty-five years. The High Court Division has much greater caseloads in comparison with the Appellate Division, and backlog items increase in place and proportion in a higher scale.

Table 2: Statistical Data Analysis for the High Court Division of the Supreme Court of Bangladesh (2000–2024), Source: Annual Report 2024, Supreme Court of Bangladesh

Year	New Filing	Disposal	Pending	Clearance Rate	Pending Change	Pending Growth Percent
2000	27931	11049	122178	39.56		
2001	32328	16014	135879	49.54	13701	11.21
2002	45627	22048	154168	48.32	18289	13.46
2003	37734	20331	168447	53.88	14279	9.26
2004	34217	15581	184811	45.54	16364	9.71
2005	42900	16894	208389	39.38	23578	12.76
2006	48056	13839	240483	28.80	32094	15.40
2007	47555	16578	262345	34.86	21862	9.09
2008	53220	21664	293901	40.71	31556	12.03
2009	53155	21485	325571	40.42	31670	10.78
2010	57470	69306	313735	120.60	-11836	-3.64
2011	45084	68425	279923	151.77	-33812	-10.78
2012	56732	38437	297731	67.75	17808	6.36
2013	50010	24295	323446	48.58	25715	8.64

2014	60069	22477	361038	37.42	37592	11.62
2015	70940	37753	394225	53.22	33187	9.19
2016	70647	39878	424994	56.45	30769	7.80
2017	87252	35496	476750	40.68	51756	12.18
2018	88801	49035	516652	55.22	39902	8.37
2019	107568	135275	489068	125.76	-27584	-5.34
2020	64013	34192	452963	53.41	-36105	-7.38
2021	83216	23654	512576	28.42	59613	13.16
2022	91498	87474	516674	95.60	4098	0.80
2023	101451	74278	543847	73.22	27173	5.26
2024	84082	38297	589651	45.55	45804	8.42

Trends in New Filings

The time trend is tremendous with new filings going up. The number of filings rose to 84,082 cases in 2024 as compared to 27, 931 cases in 2000. Peaks in the number of filings are recorded in 2019 (107,568), 2023 (101,451), and 2022 (91,498). The statistics show that there is a significant growth of litigation demand especially since 2014.

The total long run trend shows sustained growth though the filings decreased in 2020 (64,013) which is probably the result of the temporary systemic disturbance. Institutional pressure was further increased by the sudden rise in filings in 2021, 2022, and 2023.

Disposal Performance and Clearance Rates

Corrades of rate of Disposal are very fluctuating. During the years 2000 to 2009, the clearance rates were below 60 percent and therefore, disposals or disposal rates were quite low as compared to new filings of the same year. Backlog was growing consistently over this period.

The best changes were seen in the years 2010 (clearance rate 120.60 percent) and 2011 (151.77 percent) when more of the disposals were made compared with filings and less backlog was made. The same high-performance high-performance year was registered in 2019 with clearance rate of 125.76 percent which led to the reduction of outstanding cases at 27584.

These high-clearance years were not however maintained. The low clearance rate of 28.42 percent in 2021 was one of the lowest through the dataset, with a backlog growth of 59,613 cases, which was the highest growth in a single year. Clearing rates at 2023 (73.22 percent) and 2024 (45.55 percent) once more were below the equilibrium, adding to a new backlog growth.

As a whole, the trend implies infrequent performance betterments, as opposed to sustained congruity between inflow of the case and disposition capacity.

Growth and Expansion of Pending Cases

There is a dramatic increase in pending cases in the long-term. In 2000, the number of pendency stood at 122,178 cases but increased to 589,651 cases in the year 2024. This is almost 5-fold improvement during the course of study. The number of backlog increased in every year between 2000 and 2009 because clearance rates were also low.

Still, these gains were counterbalanced by new growth of the years that followed, even though, at 2010 and 2011, major decreases had taken place. Backlog then dropped temporarily in 2019 and 2020 after it never fell below 476,750 and 516,652 cases in the years 2017 and 2018 respectively. Nevertheless, since the year 2021, pendency has been increasing at a rapid rate, with 2024 being its all-time high.

The current 2024 figure of 589,651 cases shows that there has been structural congestion in the High Court Division. The backlog accrual is so large as to indicate a longer-term lack of balance between demand and disposal capacity.

Structural Implications for Access to Justice

The data of the High Court Division indicates systematic strains. Although the disposal performance improved periodically to reduce backlog was only enough to offset the long-run increase in filing. Such a cumulative expansion of pendency has occurred due to the consistent trend of such low clearance rates over several years.

Under the access to justice, the prolonged rise of the pending cases is of concern as it concerns the timeliness of the adjudication. Due to the expansive jurisdiction of the High Court Division with constitutional and writ cases, there is a high likelihood of a long backlog that will have a major impact on the realization of legal rights and administrative responsibility.

It is especially important that pendency increased drastically after 2021. We have seen the growth in the backlog of 2021 and 2024 implying an institutional pressure again and the necessity of long-term capacity increase, as opposed to short-term bursts in disposal.

Overall Assessment

Longitudinal study of the High Court Division shows:

- Substantial and sustained growth in litigation demand.
- Periodic but inconsistent disposal performance.
- Persistent and large-scale backlog accumulation over time.

Although this has resulted in some short-term drops in some of the years of high clearance, generally, the wholesale movement is one of structural imbalance between the filings and disposals. As at 2024, the number

of pending cases was at historic highs, which implies that the capacity in institutions has not always kept pace with the growing demand of judicial services.

Such results contribute to the bigger picture, which is that to secure access to justice in a timely manner, there must be a permanent balance between incoming flow of cases and their capacity to dispose, especially to the High Court where the volume of caseload is very large.

Comparative Analysis: Appellate Division and High Court Division

Comparative evaluation of the Appellate Division and the High Court Division has shown that there is similarities in workload dynamics and backload trends along with some significant structural variations.

Caseload Volume and Institutional Scale

The most notable variance is the scale of the operations. The High Court Division has much bigger caseloads compared to the Appellate Division. Even though the Appellate Division had 31,120 pending cases as at 2024, the High Court Division had 589,651 pending cases during 2024. This difference is indicative of the wider jurisdiction and first instance constitutional jurisdiction of the Division of the High Court.

Nevertheless, the structural issues are similar in both divisions in terms of the scale despite differences because of the increasing filings, sporadic disposal performance, and the build-up of the backlog over a long period.

Filing Trends

The two divisions demonstrate a growing number of new filings over the long run. At the Appellate Division filings went up by 2,228 in 2000 to 9,915 in 2024. Within the High Court Division, there was an increment of 27,931 to 84,082 filings. The trend in both spheres is positive meaning increasing dependence on the Supreme Court to resolve disputes and hear constitutional matters.

The trend of growth indicates that there has been steady increase in the demand of judicial services over the years thus exerting a continuous burden on institutional capacity.

Disposal Performance and Clearance Rates

There is variable clearance rate in both divisions. The times of high disposal performance 2007, 2013, 2015 and 2020 in the Appellate Division 2010, 2011 and 2019 in the High Court Division of the periods are high disposal performance, which indicates the ability of the judiciary to minimise backlog when the disposals are higher than the filings.

Nonetheless, these high-performance years did not always stay this way. Clearance rates of under 100 percent during several years were witnessed in both divisions whereby as a result, renewed growth of backlog became a reality. The cyclical nature of this trend shows that there are periodic bursts of performance and not permanent structural balance.

It is worth highlighting that everything in the High Court Division was much more dramatic with really low clearance rates (e.g., 28.42 percent in 2021) as well as the highest ones (151.77 percent in 2011). The Appellate Division was volatile too at a lesser numerical magnitude.

Backlog Growth Patterns

Backlog accumulation in both divisions implies structural imbalance in the long-run. The backlog in the Appellate Division increased by almost three times in the period of 2000 to 2024 and the overload by the High Court Division rose by almost five times in the same period.

The High Court Division is congested vastly in large numbers, but the Appellate Division is moderately but gradually increasing in the pendency. Significantly, the two divisions recorded massive backlog spikes throughout the post-2021 period, which signaled institutional re-stress.

Implications for Access to Justice

Compared with each other, the comparative results reveal systemic issues in both divisions as addressed through an access to justice lens. At the same time as the massive congestion of the High Court Division, the Appellate Division with its growing pendency influences the ultimate adjudication and the legal certainty at the highest level.

The repeated failure to maintain the clearance rates above the equilibrium level in both divisions indicates that the disposal capacity has not kept the pace with the litigation growth at all times. Consequently, the time lag can have an impact on the rights enforced on time, appellate review, and constitutional adjudication.

The comparison of the two shows that:

- Both divisions face sustained growth in litigation demand.
- Disposal performance improvements have been periodic rather than structural.
- Backlog accumulation remains a persistent challenge at both levels.

Though the water volume of congestion varies, the framework trend is not new: demand was growing steadier than the elimination ability. These results indicate that to secure timely access to justice in Bangladesh, strategic institutional capacity building is required over a long period of time and organizational capacity building as well as performance consistency between the two divisions of the Supreme Court.

CONCLUSION

This paper has analyzed the distribution of trends of case filings, disposal, and pendency in the Supreme Court of Bangladesh, Appellate Division and the High Court Division, and in 2000-2024. The study evaluated the role of judicial disposal capacity in relation to increased demand on the litigation system by taking a longitudinal statistical approach to estimate the relationship and the consequences of backlog issues in access to justice.

The research shows that it is important to achieve a

balance between the case inflow and the disposal capacity. The small short-term augmentations in disposal, although advantageous, cannot work without long-term structural amendments. Timely access to justice involves long term institutionalization such as regular case management, scaling up of capacity and administrative effectiveness.

REFERENCE

- Abu Taher, M., & Jamaluddin, S. Z. (2022). Enhancing access to justice through e-judiciary in Bangladesh. *UUM Journal of Legal Studies*, 13(2). <https://doi.org/10.32890/uumljls2022.13.2.13>
- Ahmmmed, M. E. (2023). *Access to justice for illiterate women in the southern char areas of Bangladesh* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4574794>
- Ahmmmed, S. (2024). Access to justice through district legal aid office (DLAO): Addressing barriers of the informal justice system in Bangladesh. *Khulna University Studies*, 284–294. <https://doi.org/10.53808/kus.2024.21.02.1210-ss>
- Ashiquzzaman, M. (2023). *Access to justice in Bangladesh: Problems & prospect* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4633773>
- Creutzfeldt, N., et al. (2024). Legal needs and access to justice. In *Access to justice, digitalization and vulnerability* (pp. 21–41). Policy Press. <https://doi.org/10.1332/policypress/9781529229523.003.0002>
- Davidson, A. A. (2025). The society cases. *The Supreme Court Review*, 2024, 271–326. <https://doi.org/10.1086/735607>
- Ferraz, L. S. (2025). Improving access ... delivering justice? Insights from empirical legal research on (rural) access to justice. In *Global reflections on positionality in rural access to justice research* (pp. 35–62). Bloomsbury. <https://doi.org/10.5040/9781509972852.ch-004>
- Halim, M. A. (2023). Judicial policy-making by the Supreme Court of Bangladesh. In *A history of the Constitution of Bangladesh* (pp. 100–111). Routledge. <https://doi.org/10.4324/9781003276814-8>
- Hasanat, A. (2024). *Legal aid in environmental litigation: How to promote sustainable development in Bangladesh* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4647340>
- Hodder-Williams, R. (2025). Some perspectives on the Supreme Court. In *The politics of the US Supreme Court* (pp. 1–18). Routledge. https://doi.org/10.4324/9781003664468_ch01
- Islam, M. J., Suzuki, M., & Mazumder, N. (2024). Promoting access to justice in Bangladesh: Towards a hybrid justice model. *International Journal of Law, Crime and Justice*, 77, Article 100655. <https://doi.org/10.1016/j.ijlcrj.2024.100655>
- Kawser, A. (2025). Supreme Court of Bangladesh (বাংলাদেশে সুপ্রীম কোর্ট). *Max Planck Encyclopedia of Comparative Constitutional Law*. <https://doi.org/10.1093/law-mpeccol/e865.013.865>
- Khan, A. R. (2019). *Legal aid to ensure access to justice in Bangladesh* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3945515>
- Khatun, F. (2021). Bangladesh Legal Aid and Services Trust (BLAST) in providing legal aid services to the oppressed women: A study on Sylhet branch. *International Journal of Political Science and Public Administration*, 1(2), 13–24. <https://doi.org/10.51483/IJPSPA.1.2.2021.13-24>
- Mizan, A. S., & Rezwana, N. (2023). Legal aid services for disaster-induced gender-based violence in coastal Bangladesh. In *International handbook of disaster research* (pp. 1799–1819). Springer. https://doi.org/10.1007/978-981-19-8388-7_122
- Paul, S. (2025). *Culturing PIL for women's rights in Bangladesh: A review of the Supreme Court jurisprudence* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.5494958>
- Rahman, A. (2025). *Legal aid: A process to ensure access to justice and human rights in Bangladesh* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.5047538>
- Siddiqui, M. (2023). Enhancing access to justice through alternative dispute resolution (ADR) in the civil justice system of Bangladesh: Sharing lessons from the United Kingdom. *Bangladesh Journal of Law*, 21(1), 75–100. <https://doi.org/10.58710/bjlv21n1y2023a03>
- Tahura, U., & Alam, S. (2025). *Looking ahead to legal aid services in Bangladesh: Is access to justice an unattainable ideal?* [Preprint]. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.5344943>