

DELAY IN JUSTICE IN THE INDIAN JUDICIAL SYSTEM: A CONSTITUTIONAL AND SOCIO-LEGAL ANALYSIS

by

JANANI RAJASEKAR, MBA.,

S.Thangapazham Law College, Tamil Nadu

&

K. RAJESH KUMAR, (Ph.D)

Faculty of Law, S.Thangapazham Law College, Tamil Nadu.

ABSTRACT

Delay in the administration of justice is one of the major challenges confronting the Indian judicial system. The effectiveness of the rule of law depends not only upon the existence of courts and legal remedies but also upon the ability of courts to provide justice within a reasonable period. Prolonged litigation affects both civil and criminal proceedings and may undermine access to justice, equality, personal liberty and public confidence in judicial institutions.

The problem of judicial delay is caused by several factors, including judicial vacancies, inadequate infrastructure, shortage of supporting staff, procedural complexity, frequent adjournments, delays in investigation and prosecution, repeated appeals and increasing litigation. In civil cases, delay may affect property, contractual, family, employment and commercial rights. In criminal cases, prolonged proceedings may affect accused persons, under trial prisoners, victims and witnesses.

The constitutional dimension of judicial delay is particularly significant under Article 21 of the Constitution of India. The Supreme Court has recognized speedy trial as an essential component of the right to life and personal liberty. In *Hussainara Khatoon v State of Bihar*, the Court emphasized that speedy trial forms part of the fair and reasonable procedure guaranteed under Article 21. The Supreme Court has continued to reaffirm this principle.¹

The present research adopts a constitutional and socio-legal approach to examine the causes and consequences of judicial delay. It analyses the distinction between civil and criminal delay, the constitutional right to speedy trial, important judicial decisions, the impact of delay on vulnerable sections of society, and existing measures such as digitisation, e-Courts, mediation and other alternative dispute-resolution mechanisms.

Keywords: Judicial Delay, Pendency, Article 21, Speedy Trial, Access to Justice, Civil Justice, Criminal Justice, Rule of Law.

1. INTRODUCTION

Justice is an essential foundation of constitutional democracy and the rule of law. The effectiveness of a legal system depends not merely upon the existence of laws and courts but upon the ability of judicial institutions to provide justice in a timely, fair, affordable and accessible manner. The principle "justice delayed is justice denied" reflects the reality that a remedy obtained after an unreasonable period may lose much of its practical value.

Judicial delay has become a significant concern in India because of the large number of cases pending before courts. The National Judicial Data Grid currently records more than 5 crore pending cases, with criminal cases constituting the larger share of the total pendency. The official dashboard also records substantial numbers of cases pending for periods exceeding five and ten years.²

The scale of this challenge is compounded by a significant gap between the available judicial strength and the recommended benchmark. As of 2025, India has approximately 22 judges per million of population, whereas the Law Commission of India recommended in 1987 a target of 50 judges per million of population, a benchmark subsequently endorsed by the Supreme Court in 2002. Nearly four decades after that recommendation, the country has still not come close to achieving it, and this deficit directly increases the workload on sitting judges and contributes to the accumulation of pending cases across all tiers of the judiciary.¹

Judicial delay affects both civil and criminal justice, although its consequences differ. In civil cases, prolonged litigation may delay the determination of rights relating to property, contracts, family matters, employment, compensation and commercial transactions. In criminal cases, delay may affect the liberty of accused persons, the rights of victims and the reliability of witnesses.

Delay is not caused by a single factor. Judicial vacancies, inadequate infrastructure, shortage of supporting personnel, procedural complexity, adjournments, delays in investigation, repeated appeals and ineffective case management may all contribute to prolonged proceedings.

¹ Srishti Ojha, '22 Judges per Million, 26 Lakh Cases Pending: India's Judicial Gap Widens Despite Years of Reform' (The Print, 22 March 2026) <<https://theprint.in/judiciary/22-judges-per-million-26-lakh-cases-pending-indias-judicial-gap-widens-despite-years-of-reform/2885551/>> accessed 30 August 2026; Law Commission of India, 120th Report on Manpower Planning in Judiciary: A Blue Print (1987); All India Judges Association v Union of India (2002) 4 SCC 247.

The issue is also closely connected with constitutional rights. Article 21 guarantees life and personal liberty, and the Supreme Court has interpreted this provision to include the right to speedy trial. The Court has emphasized that a procedure which does not ensure a reasonably expeditious trial may fail the constitutional requirement of fairness under Article 21.³

Therefore, judicial delay must be studied not merely as an administrative problem but as an issue involving constitutional rights, access to justice, social equality, human dignity and institutional legitimacy.

2. STATEMENT OF THE PROBLEM

The Indian judicial system continues to experience substantial pendency despite efforts to improve the efficiency of courts.

The problem is particularly serious when:

- Civil disputes remain pending for several years;
- Accused persons remain under trial for prolonged periods;
- Victims wait for justice and compensation;
- Witnesses become unavailable or their memories deteriorate;
- Litigants incur substantial financial expenses;
- Vulnerable persons are unable to sustain prolonged litigation.

The central problem addressed by this research is whether the existing judicial and institutional framework is capable of ensuring timely, effective and meaningful justice.

3. RESEARCH QUESTIONS

1. What are the major causes of judicial delay in India?
2. How does delay affect civil and criminal proceedings?
3. What is the relationship between judicial delay and Article 21?
4. How has the Supreme Court developed the right to speedy trial?
5. What are the socio-economic consequences of prolonged litigation?
6. How effective are existing measures for reducing judicial pendency?
7. What reforms can improve timely access to justice?

4. OBJECTIVES OF THE STUDY

The objectives of this research are:

1. To examine the nature and extent of judicial delay in India.
2. To identify the causes of delay in civil and criminal proceedings.
3. To examine the constitutional implications of judicial delay.
4. To analyse Article 21 and the right to speedy trial.
5. To study the socio-economic effects of prolonged litigation.
6. To examine existing measures for reducing judicial pendency.
7. To suggest reforms for improving timely and effective justice.

5. HYPOTHESIS

Judicial delay in India is a multidimensional institutional and socio-legal problem which cannot be effectively addressed merely by increasing the number of judges; comprehensive procedural, administrative, technological and institutional reforms are necessary to ensure timely and meaningful access to justice.

6. RESEARCH METHODOLOGY

The study follows a doctrinal and socio-legal research methodology.

Doctrinal Method

The doctrinal component is based on:

- Constitution of India;
- statutes;
- judicial decisions;
- government reports;
- official judicial statistics;
- books and academic articles.

Socio-Legal Method

The socio-legal approach examines the practical consequences of judicial delay for litigants, accused persons, under trial prisoners, victims, witnesses and economically weaker sections.

The study primarily relies on secondary sources and publicly available official information.

7. SCOPE OF THE STUDY

The study focuses on:

- Civil judicial proceedings;
- Criminal judicial proceedings;
- Judicial pendency;
- Article 21;
- Right to speedy trial;
- Access to justice;
- Socio-economic consequences;
- Judicial infrastructure;
- Technological reforms;
- Alternative dispute resolution.

The study does not attempt to examine every procedural provision governing every category of litigation.

8. MEANING AND NATURE OF JUDICIAL DELAY

Judicial delay refers to the failure to resolve a judicial proceeding within a reasonable period. It may occur at different stages, including filing, service of notice, pleadings, evidence, arguments, judgment and appeals.

Delay should be distinguished from ordinary judicial time. Courts require adequate time to examine evidence, hear parties and deliver reasoned judgments. Therefore, the objective is not simply to dispose of cases as quickly as possible but to ensure reasonable expedition without compromising fairness and due process.

Judicial delay becomes problematic when the duration of proceedings becomes unreasonable and causes substantial prejudice to the parties or undermines the effectiveness of the remedy.

9. DELAY IN CIVIL JUSTICE

Delay in civil justice is often less visible than delay in criminal proceedings, but its consequences can be equally devastating. A civil dispute concerning property, inheritance, or livelihood may affect not merely the immediate litigants but an entire family and, in prolonged cases, successive generations.

For an ordinary family, property is rarely just an asset. A house may represent lifetime savings, agricultural land may be the family's livelihood, and ancestral property may provide financial security for future generations. When such property becomes trapped in litigation, the family may be unable to sell, develop, mortgage, cultivate, divide, or otherwise use it productively. The property remains, but the security it was meant to provide remains inaccessible.

The burden becomes particularly severe for economically weaker families. Legal fees, travel expenses, documentation costs, and repeated court appearances may consume savings and income that could otherwise be used for education, healthcare, housing, or livelihood. A family may ultimately be compelled to compromise not because its legal claim is weak, but because it can no longer afford to wait.

The human cost is equally significant. A litigant may spend the most productive years of life waiting for a judgment and may even die before the proceedings conclude. The case then passes to the heirs. What should have been an inheritance of property or financial security becomes an inheritance of court files, legal expenses, hearing dates, and uncertainty. In exceptionally prolonged litigation, even grandchildren may become involved in disputes that began before they were born.

Delay can also damage family relationships. Long-running disputes between siblings, parents and children, or different branches of a family may transform temporary disagreements into permanent estrangement. Thus, prolonged civil litigation can impose both economic and social costs.

Most importantly, time lost to litigation cannot be recovered. A judgment delivered decades later may formally recognise a legal right but arrive after the circumstances that made that right valuable have changed. A child may have completed education, a business opportunity may have disappeared, savings may have been exhausted, or the original litigant may no longer be alive. This demonstrates that justice delayed in civil litigation is not merely an administrative failure; it can become a question of human dignity, economic security, family welfare, and intergenerational justice.

Behind every pending civil case may be a family's livelihood, a child's education, a parent's final hope, or the accumulated wealth of generations. Therefore, timely civil justice is not simply about deciding cases faster. It is about ensuring that when justice arrives, it still has the power to make a meaningful difference in people's lives.

Therefore, timely civil justice is essential for the protection of private rights and economic stability.

10. DELAY IN CRIMINAL JUSTICE

Criminal proceedings involve the interests of the State, accused persons, victims and society. Delay may occur during:

1. investigation;
2. filing of the charge-sheet;
3. framing of charges;

4. examination of witnesses;
5. production of evidence;
6. arguments;
7. judgment;
8. appeals and revisions.

The consequences can be serious. An accused may remain under trial for an extended period. A victim may wait for years for justice. Witnesses may become unavailable or may have difficulty remembering events.

The scale of this problem is reflected in official prison data. According to Prison Statistics India 2023, published by the National Crime Records Bureau, undertrial prisoners constituted approximately 74 per cent of the total prison population in India as of 31 December 2023, with around 3.84 lakh persons in custody who had not yet been convicted of any offence. The same data indicate that approximately two in every three undertrial prisoners belong to Scheduled Caste, Scheduled Tribe, or Other Backward Class communities, demonstrating the disproportionate burden that criminal delay places on marginalised sections of society.²

The criminal justice system must therefore balance the rights of the accused with the interests of victims and society while ensuring a fair and timely trial.

11. MAJOR CAUSES OF JUDICIAL DELAY

- 1. Huge Case Pendency** – Continuous filing of new cases exceeds disposal, creating an ever-growing backlog.
- 2. Vacancies of Judges** – Shortage of judges under Articles 124, 217 and 233 increases workload and reduces disposal capacity.
- 3. Frequent Adjournments** – Unnecessary postponements under Order XVII CPC and Section 309 CrPC prolong trials.⁴
- 4. Procedural Delays** – Delays in pleadings, framing of issues, evidence and arguments under Orders VI, VIII, XIV and XVIII CPC.

² National Crime Records Bureau, Prison Statistics India 2023 (Ministry of Home Affairs, 2025) <<https://ncrb.gov.in>> accessed 30 August 2026; IndiaSpend, 'Half a Million Indians Behind Bars, 74% Still Awaiting Trial' (IndiaSpend, 14 October 2025) <<https://www.indiaspend.com/governance/half-a-million-indians-behind-bars-74-still-awaiting-trial-968804>> accessed 30 August 2026.

5. Interlocutory Applications – Applications under Order VII Rule 11, Order VI Rule 17, Order XXXIX CPC, etc., often delay the main suit.

6. Multiple Appeals and Revisions – Sections 96, 100, 114 and 115 CPC and Articles 132 to 136 of the Constitution may prolong finality.⁵

7. Delay in Investigation – Slow investigation, forensic reports and charge-sheets under Section 173 CrPC delay criminal trials.⁶

8. Witness and Evidence Problems – Non-appearance of witnesses, repeated summons and lengthy cross-examination cause trial delays.

9. Government Litigation – Government is a major litigant; bureaucratic approvals and delayed instructions prolong cases.

10. Inadequate Infrastructure – Shortage of courtrooms, staff, technology, forensic facilities and administrative support.

11. Frivolous Litigation – Vexatious suits and repeated applications consume judicial time; Sections 35, 35A and 35B CPC provide cost mechanisms.

12. Delay in Pronouncement of Judgments – Delay even after completion of arguments affects timely justice under Order XX CPC and Section 353 CrPC.⁷

12. CONSTITUTIONAL FRAMEWORK

Article 14

Article 14 guarantees equality before law and equal protection of laws. Judicial delay can raise equality concerns because economically stronger litigants may be better able to sustain prolonged litigation than poorer litigants.⁸

Article 21

Article 21 protects life and personal liberty. The Supreme Court has interpreted Article 21 broadly and has held that the procedure depriving a person of liberty must be fair, just and reasonable. Speedy trial is an important part of this constitutional guarantee. The Supreme Court has reaffirmed that a reasonably expeditious trial is integral to Article 21.¹⁰

Recognising the imperative of timely resolution, the legislature has progressively enacted statutory measures to ease the burden on courts. The Mediation Act, 2023, which received Presidential assent on 14 August 2023 and came into force on 15 September 2023, provides a comprehensive framework for institutional and pre-institution mediation in civil and commercial disputes, reflecting the legislature's acknowledgment that timely

resolution is a matter of legal policy directly connected to the constitutional right of access to justice.³

Access to Justice

Access to justice is not satisfied merely by the formal existence of courts. Justice must also be reasonably affordable, accessible and timely.

13. SOCIO-LEGAL IMPACT OF JUDICIAL DELAY

Judicial delay has consequences beyond the legal system.

Economically Weaker Sections

Poor litigants may be unable to bear prolonged legal expenses, travel costs and loss of income.

Vulnerable Groups

Women, children, elderly persons and marginalised communities may experience greater hardship when proceedings remain unresolved.

The impact of delay on women in family and domestic violence proceedings is a particularly acute concern. In November 2024, the Supreme Court of India observed that cases under the Protection of Women from Domestic Violence Act, 2005 were moving as slowly as ordinary family court matters, despite the statute being designed to provide quick remedies to survivors. The Court noted that this legislative intention was being frustrated by systemic delays, leaving women at risk for prolonged periods while proceedings remained unresolved.⁴

Undertrial Prisoners

Prolonged criminal proceedings can result in extended deprivation of liberty before guilt has been established.

As noted above, Prison Statistics India 2023 records that approximately 74 per cent of India's prison population consists of undertrial prisoners who have not been convicted of any offence. Beyond the deprivation of liberty itself, prolonged pre-trial detention imposes

³ Mediation Act 2023, s 1(3); 'The Mediation Act 2023: Understanding the Key Features' (Mondaq, 14 December 2023) <<https://www.mondaq.com/india/civil-law/1401910/the-mediation-act-2023-understanding-the-key-features>> accessed 30 August 2026.

⁴ LiveLaw, 'Domestic Violence Act Meant for Quick Remedy, Yet Cases Drag on Like Other Family Court Matters: Supreme Court' (LiveLaw, 7 November 2024) <<https://www.livelaw.in/top-stories/domestic-violence-act-meant-for-quick-remedy-yet-cases-drag-on-like-other-family-court-matters-supreme-court-274188>> accessed 30 August 2026.

severe consequences on employment, family relationships, and social standing, and creates a structural disadvantage for the accused in mounting an effective defence as witnesses become unavailable and evidence deteriorates with the passage of time.⁵

Victims

Victims may experience delayed justice, compensation and closure.

Witnesses

Long delays may affect witness memory and availability, thereby affecting the quality of evidence.

Public Confidence

Persistent pendency can create a perception that the justice system is expensive, slow or inaccessible.

Economic Development

Delayed commercial and property disputes can create uncertainty and affect investment and business activity.

14. EXISTING MEASURES TO REDUCE JUDICIAL DELAY

E-Courts

Digitisation of court records, electronic filing and technology-enabled proceedings can improve access and administrative efficiency.

Virtual Hearings

Virtual hearings can reduce travel and facilitate participation in appropriate proceedings.

Mediation

Mediation enables parties to resolve suitable disputes through negotiated settlement and can reduce the burden on courts.

The legal foundation for mediation in India was substantially strengthened by the Mediation Act, 2023. The Act establishes time-bound proceedings with an outer limit of 180 days, extendable by agreement, and provides for the enforcement of mediated settlement agreements. It mandates pre-institution mediation for civil and commercial

⁵ National Crime Records Bureau, Prison Statistics India 2023 (n 12); The News Minute, 'DataViz: Who Are India's 371,000 Prisoners Awaiting Trial?' (The News Minute, 2 July 2026) <<https://www.thenewsminute.com/news/dataviz-who-are-indias-371000-prisoners-awaiting-trial>> accessed 30 August 2026.

disputes, with the aim of reducing the volume of matters that proceed to formal adjudication. The establishment of the Mediation Council of India under the Act is intended to regulate and promote institutional mediation as a credible alternative to litigation.⁶

Lok Adalats

Lok Adalats provide a mechanism for settlement of appropriate disputes through compromise.

The practical reach of Lok Adalats has grown considerably in recent years. The first National Lok Adalat of 2024, organised by the National Legal Services Authority across 34 States and Union Territories on 9 March 2024, settled over 1.13 crore cases in a single day, with a combined settlement value of approximately Rs 8,065 crore. These disputes spanned compoundable criminal offences, bank recovery matters, motor accident claims, and matrimonial disputes other than divorce, illustrating the broad range of matters amenable to consensual resolution through this mechanism.⁷

Case Management

Effective scheduling and monitoring of old cases can assist courts in prioritising matters requiring urgent attention.

Legal Aid

Effective legal aid can improve access to justice for economically weaker sections.

Strengthening Infrastructure

Adequate courtrooms, judicial officers, staff and technological resources are necessary for effective justice delivery.

15. ROLE OF TECHNOLOGY

Technology has become increasingly important in modernising the Indian judicial system. Digital systems can assist in:

⁶ Mediation Act 2023, ss 18-21 (pre-institution mediation), 26-29 (enforcement of mediated settlement agreements), 33-43 (Mediation Council of India); 'India: The Mediation Act 2023 — Will the ADR Wave Pick Up Momentum?' (International Bar Association, 2024) <<https://www.ibanet.org/india-mediation-act-2023-will-the-ADR-wave-pick-up-momentum>> accessed 30 August 2026.

⁷ Business Standard, 'Over 11.3 Million Cases Settled in First National Lok Adalat of 2024' (Business Standard, 9 March 2024) <https://www.business-standard.com/india-news/over-11-3-million-cases-settled-in-first-national-lok-adalat-of-2024-124030900723_1.html> accessed 30 August 2026.

- Electronic filing;
- Digital case records;
- Online case-status information;
- Virtual hearings;
- Automated notices;
- Monitoring of pending cases;
- Electronic payment of court fees;
- Access to judgments and orders.

The NJDG provides an important national database of judicial pendency and related case information. Its current dashboard provides separate civil and criminal pendency figures and age-wise information.

In September 2023, the Union Cabinet approved Phase III of the eCourts Mission Mode Project for the period 2023 to 2027, with a financial outlay of Rs 7,210 crore, representing more than four times the funding allocated to Phase II. Phase III aims to transition courts to digital and paperless functioning, involving comprehensive digitisation of all court records including legacy archives, expansion of video-conferencing facilities to courts, jails, and hospitals, and saturation of court complexes with e-Sewa Kendras to ensure that litigants without independent technological access are not excluded from digital judicial services.⁸

However, technology should supplement rather than replace judicial reasoning and human access to justice. Digital reforms must also address the digital divide and ensure that persons without technological resources are not excluded.

16. ROLE OF ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) can reduce pressure on courts by resolving suitable disputes outside conventional trials.

Important mechanisms include:

- arbitration;
- mediation;
- conciliation;
- negotiation;
- Lok Adalats.

⁸ Press Information Bureau, 'Govt Clears eCourts Project Phase-III, with Financial Outlay of Rs 7,210 Crore' (PIB, 13 September 2023) <<https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2040232>> accessed 30 August 2026; Business Standard, 'Govt Clears eCourts Project Phase-III' (Business Standard, 13 September 2023) <https://www.business-standard.com/india-news/govt-clears-ecourts-project-phase-iii-with-financial-outlay-of-rs-7-210-cr-123091300651_1.html> accessed 30 August 2026.

ADR can be particularly useful in civil, commercial, family and other disputes where settlement is possible.

However, ADR should not be treated as a substitute for courts in every situation. Certain disputes require authoritative judicial determination, particularly where constitutional rights, criminal liability or significant public interests are involved.

17. CRITICAL ANALYSIS

Judicial delay is often explained primarily through the shortage of judges. While judicial vacancies are important, the problem is broader.

Even where judicial strength is increased, delay may continue if:

- Investigation remains slow;
- Court infrastructure is inadequate;
- Procedures remain complex;
- Adjournments are excessive;
- Case management is weak;
- Appeals remain prolonged;
- Supporting staff are insufficient.

Therefore, judicial delay should be treated as a system-wide problem.

At the same time, reforms aimed at increasing disposal rates should not compromise the quality of judicial decisions. Speed must be balanced with fairness, evidence-based adjudication, hearing of parties and reasoned judgments.

The goal should therefore be reasonable expedition rather than mechanical disposal.

18. LIST OF CASES

1. Maneka Gandhi v Union of India (1978)

Facts

Maneka Gandhi's passport was impounded by the Government under the Passport Act, 1967. She challenged the action, contending that it affected her personal liberty and that she had not been given a proper opportunity to be heard.

Issues

The principal issue was whether the expression 'procedure established by law' under Article 21 merely required the existence of a legally prescribed procedure, or whether that procedure must also be fair and reasonable.

Principle Laid Down

The Supreme Court held that the procedure under Article 21 must be fair, just and reasonable, and not arbitrary, oppressive or fanciful. The Court also emphasized the interrelationship between Articles 14, 19 and 21.

Constitutional Significance

Maneka Gandhi gave Article 21 a broad and substantive meaning. It established that mere compliance with a formal legal procedure is insufficient where personal liberty is affected.

Relevance to the Research Topic

This judgment provides the constitutional foundation of the right to speedy trial. If a criminal procedure results in unreasonable and prolonged delay, it may cease to be 'fair, just and reasonable' under Article 21. This reasoning subsequently enabled the Court in *Hussainara Khatoon* to recognize speedy trial as a fundamental right.

2. Hussainara Khatoon v State of Bihar (1979)**Facts**

The case arose from the shocking condition of undertrial prisoners in Bihar. Many accused persons had remained in jail for years without their trials being completed, and in some cases the period of detention was longer than the maximum punishment that could have been imposed if they were convicted.

Issues

The Court had to consider whether prolonged detention without trial violated Article 21 and whether an accused has a constitutional right to have criminal proceedings completed within a reasonable time.

Principle Laid Down

The Supreme Court categorically held that speedy trial is an integral part of the fundamental right to life and personal liberty under Article 21. A procedure that permits a person to remain in custody for an unreasonable period without trial cannot be considered fair, just and reasonable. The Court also emphasized the importance of free legal aid for poor and disadvantaged accused persons, linking it with the requirement of a fair procedure.

Constitutional Significance

This is the landmark judgment that constitutionalised the right to speedy trial in India. The Court made clear that delay in criminal proceedings is not merely an administrative problem but can amount to a violation of a fundamental right.

Relevance to the Research Topic

The case is central to research on speedy trial because it establishes the basic proposition that Article 21 protects an accused against unreasonable delay and prolonged pre-trial incarceration. It also highlights the relationship between speedy trial, bail, legal aid and access to justice.

3. Kdra Pahadiya v State of Bihar (1981)

Facts

The case revealed continuing systemic delays in Bihar's criminal justice system. The petitioners had ultimately been acquitted after spending about eight years in custody without receiving a timely trial. The Court also found that numerous other prisoners had remained in custody for years without their inquiries or trials commencing.

Issues

The principal issue was whether such prolonged detention violated the constitutional right to speedy trial and what directions could be issued to make that right effective.

Principle Laid Down

Reaffirming Hussainara Khatoon, the Supreme Court held that an accused denied speedy trial can approach the Court for enforcement of the fundamental right. The Court directed the authorities to:

- Expedite old criminal cases;
- Conduct certain trials on a day-to-day basis;
- Complete pending committal proceedings expeditiously;
- Provide legal aid to unrepresented prisoners; and
- Consider bail for eligible undertrial prisoners.

The Court also sought information regarding judicial vacancies, case pendency and the need for additional courts.

Constitutional Significance

Kdra Pahadiya moved the doctrine from recognition to enforcement. It established that the State has a positive obligation to create adequate judicial infrastructure to give practical effect to Article 21.

Relevance to the Research Topic

The case is particularly relevant when examining systemic causes of delay, such as shortage of judges, excessive pendency, inadequate courts and lack of legal representation. It demonstrates that speedy trial requires not only judicial recognition but also institutional capacity.

4. Abdul Rehman Antulay v R.S. Nayak (1992)

Facts

A.R. Antulay, a former Chief Minister of Maharashtra, faced prosecution relating to allegations of corruption and abuse of public office. The proceedings continued for several years amid disputes concerning jurisdiction and the appropriate forum. The case reached the Supreme Court in the context of the broader question of whether prolonged criminal proceedings violated Article 21.

Issues

The Constitution Bench considered:

- Whether speedy trial is a fundamental right under Article 21;
- The stages to which the right applies;
- How delay should be assessed; and
- Whether courts could prescribe a fixed time limit beyond which criminal proceedings must automatically terminate.

Principle Laid Down

The Court reaffirmed that speedy trial is a fundamental right of the accused under Article 21. It held that the right extends to investigation, inquiry, trial, appeal, revision and retrial.

The Court rejected a rigid mathematical formula for determining unconstitutional delay. Courts must consider factors including:

- length of delay;
- reasons for delay;
- responsibility for the delay;
- nature and complexity of the offence;
- number of accused and witnesses;
- workload of the court;
- systemic delays; and
- prejudice caused to the accused.

Constitutional Significance

Antulay provided the principal constitutional framework for determining violation of the right to speedy trial. It recognised that Article 21 requires reasonable expedition while acknowledging that every delay does not automatically constitute a constitutional violation.

Relevance to the Research Topic

This case is particularly important for analysing what constitutes 'unreasonable delay'. It establishes a balancing approach rather than a fixed number of years. It also recognises that the right belongs to the accused, while speedy adjudication simultaneously serves the interests of society and the criminal justice system.

5. P. Ramachandra Rao v State of Karnataka (2002)

Facts

The case arose against the background of earlier Supreme Court decisions that had attempted to prescribe specific time limits for completing criminal proceedings. The matter was referred to a seven-judge Bench to determine whether such rigid time limits were constitutionally permissible.

Issues

The central issue was whether the Supreme Court could prescribe fixed periods after which criminal proceedings would automatically have to be terminated on the ground of violation of the right to speedy trial.

Principle Laid Down

The seven-judge Bench reaffirmed A.R. Antulay and held that rigid and universal time limits cannot be prescribed for all criminal cases. The guidelines in Antulay are illustrative rather than exhaustive and must be applied according to the facts of each case.

The Court nevertheless emphasised that criminal courts must actively prevent unnecessary delay and may use their procedural powers to protect the right to speedy trial. It also emphasised the constitutional responsibility of governments to strengthen the judiciary with adequate judges, manpower and infrastructure.

Constitutional Significance

The judgment strikes a balance between individual liberty and the societal interest in prosecution of crime. It protects the Article 21 right without converting it into an inflexible limitation period applicable to every criminal case.

Relevance to the Research Topic

The case establishes the present doctrinal position that speedy trial means reasonably expeditious trial, not trial within an identical fixed period in every case. It is therefore essential when discussing whether India should adopt statutory or judicially prescribed time limits for criminal trials.

19. FINDINGS

The research reveals the following:

1. Judicial delay is a multidimensional problem.
2. Both civil and criminal proceedings are affected by prolonged litigation.
3. Criminal delay has particularly serious implications for personal liberty.
4. Judicial vacancies contribute to the problem but are not its only cause.
5. Procedural complexity and repeated adjournments can increase delay.
6. Delays in investigation and prosecution affect criminal trials.
7. Economically weaker persons may suffer disproportionately.
8. Prolonged litigation can reduce public confidence in courts.
9. Technology can improve judicial administration but cannot independently solve pendency.
10. ADR can reduce the burden on courts in suitable disputes.
11. Effective case management is essential.
12. Comprehensive institutional coordination is necessary.

20. SUGGESTIONS

The following measures may help reduce judicial delay:

1. Judicial vacancies should be filled promptly.
2. Court infrastructure should be strengthened.
3. Adequate supporting staff should be provided.
4. Unnecessary adjournments should be discouraged.
5. Effective case-management systems should be developed.

6. Old and long-pending cases should receive appropriate priority.
7. Investigation and prosecution systems should be strengthened.
8. Mediation and other ADR mechanisms should be expanded.
9. e-Courts and digital case-management systems should be improved.
10. Legal aid services should be strengthened.
11. Regular monitoring of cases pending for long periods should be undertaken.
12. Courts, police, prosecution and other justice institutions should improve coordination.
13. Special attention should be given to cases involving personal liberty.
14. Technological reforms should address the needs of persons who lack digital access.
15. Judicial efficiency should always be balanced with fair trial and due process.

21. CONCLUSION

Delay in justice is one of the major challenges facing the Indian judicial system. It affects the timely enforcement of civil rights as well as the protection of liberty and fair trial rights in criminal proceedings.

The problem is caused by a combination of judicial, procedural, administrative, infrastructural and socio-economic factors. It cannot therefore be solved through a single measure.

The constitutional recognition of speedy trial under Article 21 is particularly important. The Supreme Court's jurisprudence, beginning with *Hussainara Khatoon*, establishes that a reasonably expeditious criminal trial is an important element of fair and just procedure. The Court has continued to reaffirm this principle.

At the same time, timely justice must not mean hurried justice. Judicial efficiency must be balanced with fairness, due process, proper examination of evidence and reasoned decision-making.

The solution therefore requires a comprehensive approach involving adequate judicial strength, better infrastructure, effective case management, procedural reform, technological modernisation, stronger investigation and prosecution, ADR, legal aid and institutional coordination.

Ultimately, the constitutional promise of justice can be meaningful only when justice is not merely available in theory but is accessible, affordable, fair and reasonably timely in practice.

22. BIBLIOGRAPHY

A. Primary Sources

Constitution

1. Constitution of India, 1950.

Important Cases

1. Hussainara Khatoon v State of Bihar, AIR 1979 SC 1369.
2. A.R. Antulay v R.S. Nayak, (1992) 1 SCC 225.
3. Kdra Pahadiya v State of Bihar, (1981) 3 SCC 671.
4. P. Ramachandra Rao v State of Karnataka, (2002) 4 SCC 578.
5. Maneka Gandhi v Union of India, (1978) 1 SCC 248.

B. Government and Institutional Sources

1. National Judicial Data Grid (NJDG), Department of Justice, Government of India.
2. e-Courts Services, Government of India.
3. Law Commission of India Reports.
4. Supreme Court of India — official judgments and publications.
5. Department of Justice, Government of India — judicial pendency and justice delivery materials.

C. Books

1. M.P. Jain, Indian Constitutional Law.
2. V.N. Shukla, Constitution of India.
3. H.M. Seervai, Constitutional Law of India.
4. D.D. Basu, Introduction to the Constitution of India.
5. S.P. Sathe, Judicial Activism in India.

D. Online Sources

1. National Judicial Data Grid — official judicial pendency statistics: <<https://njdg.ecourts.gov.in>>.
2. Supreme Court of India — official judgments: <<https://main.sci.gov.in>>.
3. Department of Justice, Government of India: <<https://www.doj.gov.in>>.

