

JUSTICE DELAYED: AN ANALYSIS OF SYSTEMIC FLAWS AND REFORMS IN THE INDIAN JUDICIARY

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ABSTRACT

The judiciary is a cornerstone of governance, tasked with upholding justice and enforcing the rule of law. In India, however, numerous systemic flaws hinder the efficient and timely dispensation of justice. Problems such as case backlogs, delays, corruption, and a lack of transparency persist, causing significant disruptions in the justice delivery system. This paper seeks to analyse these concerns comprehensively, focusing on their impact and the necessity of reform. The article covers the judiciary's current issues, their root causes, the effects on society, and possible solutions based on case law, research, and recent reforms. The paper also discusses both the negative and positive dimensions of the judiciary's functioning and concludes with suggestions for improving justice delivery in India.

Keyword:–Indian Judiciary, Judicial Reforms, Justice Delivery System, Case Backlog, Judicial Delays, Access to Justice, Judicial Accountability, Transparency, Corruption, Undertrial Prisoners, Judicial Activism, E-Courts, Digitization, Fast-Track Courts, Public Interest Litigation (PIL)

Introduction

In any democratic setup, the judiciary plays an indispensable role in ensuring justice, safeguarding citizens' rights, and interpreting legal provisions. The Indian judiciary is entrusted with a vast range of responsibilities, from adjudicating civil and criminal cases to addressing constitutional disputes. However, the judiciary faces serious challenges that cast doubt on its ability to deliver timely and effective justice.

The old adage "Justice delayed is justice denied" resonates deeply in India, where cases can linger for years, if not decades, due to a severe case backlog and other systemic issues. While the judiciary has played a pivotal role in delivering landmark judgments that have shaped the legal landscape, it is also riddled with structural and procedural weaknesses. These challenges bring into question the

accessibility, accountability, and overall efficiency of the judicial system.

Negative Impact of Judicial Reforms

1. Delays in Justice Delivery

One of the judiciary's most significant issues is the extensive delays in resolving cases, particularly in India, where legal proceedings can stretch for many years. This delay not only affects those directly involved in the cases but also undermines public confidence in the justice system.

Impact on Undertrial Prisoners: A significant proportion of India's prison population comprises undertrial prisoners. These individuals remain incarcerated for long periods, awaiting trial, often for non-serious offenses. This delay infringes on their fundamental rights.

Erosion of Public Faith: As cases drag on for years, the public's faith in the judiciary deteriorates. The slow pace of justice often compels people to turn to alternative methods of dispute resolution, which may not always be legal or fair.

2. Case Backlog

India's judicial system is plagued by a massive backlog of pending cases. With over 40 million cases pending at various levels of the judiciary, the situation has reached critical proportions.

Judicial Vacancies: A significant contributor to the case backlog is the high number of judicial vacancies. Many high courts and lower courts lack enough judges, creating a bottleneck in the legal process.

Economic Consequences: The slow pace of the judiciary has severe economic ramifications, particularly for businesses. Disputes, especially commercial ones, remain unresolved for years, which in turn hampers business activities and contracts.

3. Corruption and Lack of Accountability

Corruption within the judiciary remains a key challenge. Accusations of corrupt practices in judicial appointments, bribery for favorable judgments, and lack of accountability are common, weakening public confidence in the system.

- Opaque Appointment Process: The current system for appointing judges, led by the Collegium, has been widely criticized for its lack of transparency. The selection process remains opaque, giving rise to concerns about favoritism and nepotism.

4. Limited Access to Justice

Though the Indian Constitution guarantees equal access to justice, in practice, several barriers prevent this ideal from being realized, particularly for marginalized sections of society.

-Geographical Challenges: Many rural and remote areas in India lack adequate access to

courts, making it difficult for people living in these regions to approach the judiciary for help.

- Economic Disparity: The high costs associated with litigation, including legal fees and prolonged court proceedings, often prevent economically disadvantaged individuals from seeking justice, leaving them without adequate legal recourse.

Positive Impact of Judicial Reforms

Despite the challenges, there have been notable positive developments due to various reforms within the judiciary. These initiatives aim to improve transparency, efficiency, and overall functioning.

1. Adoption of Digital Technologies

The introduction of digitization and e-courts has been a positive step toward making the judicial system more efficient and accessible. The Supreme Court's **E-Courts Mission Mode Project** has helped reduce dependency on paper records and streamlined case management.

E-Filing and Virtual Hearings: The COVID-19 pandemic further pushed the judiciary toward technological integration, leading to the widespread adoption of e-filing, online case management, and virtual court hearings, which has resulted in significant time savings.

2. Role of Judicial Activism

Judicial activism has played a significant role in promoting social justice in India. Through Public Interest Litigations (PILs) and suo motu actions, the judiciary has addressed issues that have a direct impact on citizens' rights.

Progressive Rulings: Landmark judgments, such as the decriminalization of homosexuality (Navtej Singh Johar v. Union of India, 2018) and the recognition of privacy as a fundamental right (K.S. Puttaswamy v. Union of India, 2017), reflect the judiciary's proactive stance in defending constitutional rights.

3. Establishment of Fast-Track Courts

The creation of fast-track courts has been instrumental in dealing with specific types of cases, such as those involving sexual crimes and corruption. These courts aim to deliver quicker judgments, thereby addressing concerns about delays in the legal process.

- Effect on Sexual Offense Cases: The introduction of fast-track courts has helped expedite cases involving sexual offenses, ensuring that justice is delivered swiftly, especially for vulnerable groups like women and children.

Case Analysis

1. Hussainara Khatoon v. State of Bihar (1979)

This case highlighted the plight of undertrial prisoners in India and reaffirmed the importance of the right to a speedy trial. The Supreme Court, in its ruling, emphasized that prisoners should not be left to languish in jail due to delays in the judicial process. Despite this ruling, the issue of undertrial prisoners remains a serious concern today.

2. Shiv Sena v. Republic of India (2022)

In this recent case, the judiciary acted swiftly to resolve the political crisis in Maharashtra, ensuring that constitutional provisions were followed. While the judiciary's swift action was commendable, it highlighted the inconsistency in how quickly other, less politically significant cases are handled.

3. Ayodhya Verdict (2019)

The Ayodhya land dispute case took nearly seven decades to reach a conclusion. The delayed resolution of the case led to heightened socio-political tensions, which could have been mitigated had the judiciary delivered a timely verdict.

Research and Reforms in Progress

Numerous studies and commissions have called for significant reforms in the judiciary to

address inefficiencies and improve transparency.

Law Commission of India: The Law Commission has consistently recommended reforms to streamline judicial appointments and enhance accountability. It has called for the establishment of a National Judicial Commission to oversee judicial conduct and appointments.

Judicial Appointments Commission (JAC) Bill: Though struck down by the Supreme Court, the JAC Bill highlighted the need for a transparent and accountable process for appointing judges.

National Mission for Justice Delivery and Legal Reforms: This initiative seeks to improve access to justice by addressing judicial vacancies, promoting alternative dispute resolution mechanisms, and modernizing court infrastructure.

Conclusion

The judiciary remains an essential pillar of India's democracy, but its effectiveness is severely hampered by procedural delays, a backlog of cases, lack of transparency, and limited access to justice. While reforms have been initiated, more comprehensive measures are needed to ensure timely and fair delivery of justice.

To address these challenges, it is critical to fill judicial vacancies, reduce procedural delays, and enhance the transparency of judicial appointments. Moreover, reforms such as increased use of digital technologies and the promotion of alternative dispute resolution mechanisms can improve the efficiency of the legal system. Ultimately, the judiciary must evolve to meet the needs of a changing society while maintaining its core mission of delivering justice fairly and promptly.

The road to reform is long, but with sustained effort, India's judiciary can better serve its role as the protector of rights and the dispenser of justice for all citizens.

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