



# International Journal of Research in Academic World



Received: 29/February/2024

IJRAW: 2024; 3(4):06-09

Accepted: 01/April/2024

## Analyzing the Impact of Judicial Reforms on Speedy Justice Delivery in India: A Comprehensive Study

\*<sup>1</sup>Sunil Kachhawaha\*<sup>1</sup>Research Scholar, Department of Law, Faculty of Law, Jai Narain Vyas University Jodhpur, Rajasthan, India.

### Abstract

Maintaining the supremacy of the law and safeguarding the rights and liberties of the general population are two of the most important functions that the Indian judiciary, which is an essential component of democracy, contributes to. The system, on the other hand, is sensitive to impediments that prevent it from properly functioning. The Indian court is confronted with a number of issues that have an influence on its efficiency, efficacy, and the impression it has among the general public. An in-depth study of the problems that are impacting the judicial system in India is going to be provided as part of this research article's mission. With the goal of improving efficiency, accessibility, and fairness, the judicial reform in India has had a considerable influence on the system that is responsible for the delivery of justice. Among the reforms that are being implemented are the use of technology for the administration of cases, the construction of alternative conflict resolution procedures, and the formation of specialised courts. This measure is intended to minimise the backlog, promote transparency, and guarantee that justice is delivered in a timely manner. Nevertheless, difficulties such as difficulties in execution and limitations on resources continue to exist, necessitating ongoing examination and modification in order to achieve favourable results that are maintained over time. The purpose of this research study is to discuss the influence that judicial reforms have had on the justice system in India, as well as the issues that the justice system is now facing and the notion of fast trial in the constitution.

**Keywords:** Judicial reforms, justice system of India, speedy trial, speedy justice and constitution of India

### Introduction

Attempts to explain the connection between social and legal change within the framework of the evolution of legal institutions have interested law and society theorists for decades. A nation's justice system is not the product of a single individual's efforts or a single day of hardship, but rather represents the combined wisdom, hard work, and careful preparation of many. It is essential to learn about the evolution of the legal system in order to understand and appreciate it as it is today. This is not to say that we should let the past dictate our present and future. Everything in our world is built on rules <sup>[1]</sup>. The past sheds light on the present, and the present on the future <sup>[2]</sup>. Rules are the basis of the universe. Every living thing is uplifted (that is, socially justified) by law, which is promulgated in the form of commands and made for the benefit and happiness of the people. The State is charged with the duty of enforcing laws in pursuit of human happiness. No community can be really homogeneous unless its members all adhere to the rule of law <sup>[3]</sup>. In the past, a system of panchas was put in place to settle disagreements by including the elders. People increasingly began to see the panchas who handed down their verdicts as divine agents, and their conclusions were accepted without dispute, due to the widespread belief that God spoke through them <sup>[4]</sup>.

\*Corresponding Author: Sunil Kachhawaha

*"Justice Delayed is Justice Denied"*. Consequently, the question of how justice might be swiftly and efficiently achieved is of paramount importance. In order to keep up with the increasing volume of litigation in the nation, the answer is to expedite justice and implement creative changes to the judicial system. Even though we have set up a plethora of fast track courts, the issue of cases sitting idle persists to this day. With an eye towards the needs of the downtrodden, the crippled, the socially and economically disadvantaged, and those without access to legal representation, and with the knowledge that the rule of law is not a privilege bestowed upon a select few, but rather upon all citizens. In order to guarantee that no citizen is denied equal opportunities to access justice due to economic or other disabilities, the state is obligated to guarantee that the legal system secures justice. This includes providing free legal aid through appropriate legislation or schemes, or any other means <sup>[5]</sup>. The present moment calls for an exhaustive investigation of the foundations of the current legal system, with the goal of proposing solutions to develop a robust judiciary. International trade in all its forms commerce, investment, technology transfer, developmental and building works, banking operations, and so on grew at an astounding rate after economic liberalisation and market openness.

The inherent human entitlement to actively seek or strive for Swift justice is an immediate result of the core tenets of the criminal justice system, which include the ideas that "delayed justice is equivalent to denied justice," "withheld justice is akin to withdrawn justice," and "justice must not only be carried out but also be perceived as having been carried out." The essence of criminal justice is in the guarantee of a prompt trial, and it is indisputable that a delayed dispensation of justice equates to a denial of justice. While the Indian Constitution does not explicitly mention the right to a speedy trial as a fundamental right, it is implicitly inferred from the provisions of Article 21 (Sharma, 1999) [6]. Every individual have an inherent entitlement, as stipulated in Article 21, to safeguard their life and liberty, unless such deprivation is carried out in accordance with the prescribed legal procedures. Furthermore, the method must be logical, fair, and impartial. In order for the process to be considered fair, it is essential that it provide a prompt trial to establish the guilt of the accused. Individuals seek justice that is fair, untainted, prompt, and affordable, and they are justified in their pursuit. However, the unfortunate truth is that there are significant and regrettable delays in the delivery of justice. The desire for swift justice remains unmet, as the perception of justice diminishes when it is not promptly administered (Chattaraj, 2011) [7]. During the filing of a case, the court detains the accused individual, and based on the circumstances of the case, the alleged criminal is incarcerated until the trial (Sarathe, n.d) [8].

## Judicial Reforms in India [9]

### Overview

- The judicial system serves as the primary mechanism for fulfilling the obligations outlined in the Constitution.
- The general populace exhibits higher levels of trust and confidence in the judiciary.
- Swift and efficient dispensation of justice is essential for upholding the principles of legal order and ensuring effective government.
- Hence, it is essential to prioritise judicial reforms as the primary focus of growth.

### Current Problems

- Justice Delayed
- India's low performance on the ease of doing business index might be attributed to the lag in the execution of contracts, mostly caused by an inefficient court system.
- According to the National Judicial Data Grid, there are now 2.54 crore outstanding cases in subordinate courts.
- The system is incapable of keeping up with the influx of new cases arising in our multifaceted economy.
- With the exception of major cities and state capitals, the majority of lower courts suffer from a lack of fundamental infrastructure to support judges, court personnel, and individuals involved in legal proceedings.
- The intricacies and expenses associated with judicial proceedings provide a significant barrier for the impoverished, resulting in limited access to justice.
- Judicial overreach refers to the excessive use of judicial power beyond the limits prescribed by law or the constitution.
- Currently, there are six High Courts in the nation that have been without permanent Chief Justices for some months.
- The rise in crimes such as rape, murder, looting, and cheating may largely be attributed to the inefficiency of the judicial system.

- The Supreme Court invalidated the government's endeavour to establish the National Judicial Appointments Commission (NJAC) with the aim of expediting the appointment process.
- The impasse between the Judiciary and Executive can only lead to anguish for the people.
- The funding allocated to the court system has been insufficient.
- The escalation of crimes against women and the surge in the reporting of criminal incidents have resulted in an upsurge in the judicial burden.
- Hence, it is imperative to promptly implement reforms in both the lower and upper echelons of the court in order to fortify and empower the foundations of democracy.

### Justice Delivery System [10]

One tool for social transformation has been the law. History repeatedly confirmed it. There have been many kings in India, and the country is a melting pot of civilizations. As a result, the law also continued to evolve. There were moments when it was pleasant and other times when it was cruel. To keep society in order, however, the rule of law was and always will be an essential tool. One result of law is the judicial system. A smart man, so the saying goes, should stay out of court. Although it is not always the case that justice is not served in court, it is certain that the length and expense of legal processes are excessive. As a result, there was always a middle ground to resolve conflicts outside of the court system. Because the legislation should not be in its current form but rather should reflect what it should be. Justice is the end purpose of the law, and any delay in its execution is unacceptable. Justice denied is justice delayed, in other words. In his seminal work "The Nature of Judicial Process," American Supreme Court Justice Benjamin Cardozo introduced the concept of the Judicial Process. A watershed moment in legal history was set in motion in 1921 when Justice Cardozo gave lectures at Yale University on the essence of the judicial process. The field of "Judicial Process" was laid the groundwork by him. He claims that the term "Judicial Process" encompasses everything that a judge does when dispensing justice. What happens in a courtroom from the moment a lawsuit is filed all the way through to the announcement of a verdict is known as the Judicial Process. The Judicial Process encompasses all actions taken by judges to administer justice. Achieving "justice" is the ultimate goal of the judicial process. When the "is" approaches the "ought," we have justice. The responsibility to approximate the "is" with the "ought" falls on the judiciary, which is concerned in the legal ordering of facts. The fulfilment of administrative obligations is all that this ordering entails. When the rule of law is supreme, everyone is subject to its stipulations and no one is exempt. Since the judiciary is the last arbiter of legal disputes, our nation's top parliamentarians may also serve as judges. Since interpretation is essential, they guide all law making. Whenever they interpret contracts, property, vested rights, due process of law, or liberty, they inevitably enact components of a social philosophical system into law. Judges' adherence to economic and social philosophies of the twentieth century-rather than a philosophy that has long since outgrown its roots in more primitive economic conditions-is the determining factor in court rulings on economic and social issues. If our people were able to peacefully progress through the twentieth century, it will be because of these judges. One religious system is the judiciary. The court system, the backbone of any civilization, exists primarily to punish

wrongdoing and maintain order and fairness. For a nation to function smoothly and develop, the judicial process is crucial. In addition to the ordinary arbitration, judges are also required to make decisions on matters of national concern. Because of their adaptability, judges play a crucial role in our nation, and the judiciary is often the highest authority concerned with the well-being of its citizens and the nation as a whole. The judicial process is essential to the efficacy and utility of law in preserving social order. Justices P. N. Bhagwati and V. R. Krishna Iyer shared the view that the rule of law may bring about social transformation, equity, and order. "Law is a means to an end and justice is the end," as accurately noted by Justice Rangnath Mishra, a former Chief Justice of India. The Judicial Process, by which laws are enforced, is, therefore, undeniably, a tool for social order.

### Thoughts on Speedy Justice: In Practice

One of the cornerstones of criminal law has always been the need for swift justice. Preventing arbitrary and abusive imprisonment is a crucial concern. Feelings of worry and anxiety related to the allegation are lessened. This further reduces the likelihood of compromising an accused person's capacity to provide a defence. The public still has a strong desire for swift justice. A right to swift justice has recently been exercised. The courts have also expanded the scope of basic rights in a number of rulings.

One of the first documents to include the idea of a prompt trial was the 1776 Virginia Declaration of Rights. Later on, this idea was included into the Sixth Amendment of the US Constitution, which guarantees that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." In 1974, the United States also passed the Speedy Trial Act, which establishes deadlines for important steps in criminal proceedings such as arraignments, indictments, and information filings.

Legal precedents establishing the right to a prompt trial exist in Canada as well. A concept of common law having roots in the Magna Carta, this right is also well-known. Only in the US, Canada, and New Zealand does this view hold water; Australia is a complete exception.

Nevertheless, regardless of its origin, the right to a swift trial is not a panacea but rather is bound by precedents set by previous court rulings. A right to a quick trial is also guaranteed under Article 14 of the 1966 International Covenant on Civil and Political Rights. Similarly, it is acknowledged as a basic right in both the U.S. Constitution and Article 3 of the European Convention on Human Rights. In India, according to Article 21 of the Indian Constitution, the right to life and liberty includes the right to a prompt trial, which is considered paramount. The right to a swift trial is a basic right of every individual accused of a crime, according to the Supreme Court's constitutional bench ruling in the Abdul Rehman Antulay vs. R.S. Nayak<sup>[11]</sup> case. In the case of Hussainara Khatoon (I) V. Home Secretary, State of Bihar,<sup>[12]</sup> the Supreme Court made the following pronouncement:

*Now obviously procedure prescribed by law for depriving a person of his liberty cannot be 'reasonable, fair or just' unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as 'reasonable, fair or just' and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21.*

Many people fail to see that the right to a speedy trial is a fundamental component of our criminal justice system. No civilization, at any point in its history, has failed to acknowledge the need of a speedy judicial system. Justice being delayed is widely seen as a major problem impacting human society across all civilised systems. The issue of legal delays has been around for as long as there has been legislation. Every major legal system throughout history has dealt with this problem (Bajpayee, 1978)<sup>[13]</sup>. This includes the American, English, Greek, and Roman systems.

Ancient writings, such as the Magna Carta of 1215 AD, recognised and developed the idea of the "Right to Speedy Justice" from its foundation in inherent rights. It was stated in the Magna Carta, "To no man will we deny, to no man will we sell, or delay, Justice or Rights." This concept was later included in other "Bill of Rights" texts and national constitutions, such as the Petition of Rights (1627), Bill of Rights (1689), Massachusetts Constitution (1780), and the French Declaration of the Rights of Man and of the Citizen (1789), among others.

"In all Criminal Prosecutions, the accused shall enjoy the Right to Speedy and Public Trial." says the Sixth Amendment of the US Constitution. International and regional declarations and agreements have further strengthened and given global weight to this notion.

We have an unfavourable impression of our judicial system in large part because of the delays that occur, which deny the right to speedy justice. Nevertheless, the issue of delays persists and has become enormous. It seems as if the issue of court delays has reached a point of no return; delays conclude in feelings of unfairness, and protracted denials convey feelings of uncertainty (Bhatia, Singh & Singh, 1995)<sup>[14]</sup>. Many now doubt the reliability of the judicial system due to grievance backlogs, excessive delays in justice administration, and the exorbitant expense of litigation.

There is a backlog of more than 2 crore cases outstanding in the Subordinate Courts, according to the Parliamentary Standing Committee on Home Affairs. This is a very concerning situation. There are 1.32 crore criminal cases that have not yet been tried, some of which have been simmering for 25 to 30 years (Venkatesan, 2002)<sup>[15]</sup>.

The aforementioned elucidation of the factual circumstances unequivocally indicates that, despite several endeavours by the Legislature, the Executive, and the Judiciary, the backlog of cases in the courts is steadily increasing on a daily basis. The issue of court delays has persisted as an intractable problem despite the efforts of several academics to provide viable remedies, all of which have proven unsuccessful.

### Alternative Dispute Resolution is a Way to Achieve Speedy Justice

Many people used to think that the only way to settle a legal disagreement was via a lengthy trial before a judge and jury<sup>[16]</sup>. The number of conflicts has been rising in tandem with the proliferation of contractual agreements, leaving courts overwhelmed with cases and judge shortages. Since the parties involved in a disagreement often want to maintain the character of their relationship, individuals, including attorneys and judges, have started to look towards Alternative Dispute Resolution (ADR) as a means to provide some relief and swift justice. In alternative dispute resolution (ADR), a neutral third party fosters constructive dialogue between the disputing parties in order to help them reach a mutually acceptable settlement. Mediation and arbitration differ in that the former uses a neutral third party (the

arbitrator) to help the parties talk things out, the latter uses the same neutral third party (the conciliator) to help the parties talk things out and come up with solutions, and the third party (the mediator) in mediation just helps get the parties talking to each other.

### Constitutional Perspective

Because it is the bedrock law of the nation, constitutional law is very important. In accordance with the letter and spirit of the Constitution, every arm of the Indian government strives to do its best for the benefit of the Indian people. Liberty, equality, fraternity, and justice (in all its forms)-covering the social, economic, and political spheres-are guaranteed to all people of India under the Constitution of India. "Rule of law," "rule under law," and "rule according to law" are the three cornerstones of constitutionalism's lasting premise of the "rule of law" (Rao, N.D., [17] Wade & Phillips, 1965 [18]). While the right to swift justice is not explicitly or independently codified in the Constitution of India, it is recognised as a basic aim of the judicial system.

### Speedy Justice: Overcoming Obstacles [19]

- An enormous backlog of cases has accumulated in India's courts. There has been a dramatic increase in the backlog of cases awaiting decision in courts throughout the nation. Thursday, the Rajya Sabha was told that the number of cases pending in different courts throughout the nation had surpassed five crore. Minister of Law Arjun Ram Meghwal said in a written response that there were more than 5.02 crore cases in different courts, including the Supreme Court, 25 high courts, and subordinate courts. "As per data retrieved from the Integrated Case Management System (ICMIS) by the Supreme Court of India, as on July 1, there are 69,766 cases pending in the Supreme Court." According to data made public by the National Judicial Data Grid (NJDG), there are a total of 60,62,953 cases pending in the high courts and 4,41,35,357 cases in the district and subordinate courts as of July 14, respectively.
- Caused by Procedural Delays-The delivery of justice is slowed down by lengthy and complex legal processes. Prosecutors discourage people from pursuing justice because the procedure might take years from start to finish.
- Inadequate Courtrooms, Judges, and Support Workers All contribute to the problem's severity. Justice is being further postponed because the courts are overburdened.
- Due to a lack of financial resources, many Indians cannot afford legal counsel, which causes cases to drag on while parties involved try to work their way through the intricate court system on their own.
- The use of antiquated technology, red tape, and ineffective case management systems all add unnecessary time to the processing of cases.

### Conclusion

Assuring a fair and expedited trial within the shortest feasible period is the fundamental goal of the court and the legal system, so that those seeking justice may get it quickly. Every step of the legal system ought to be in harmony with constitutional standards and prepared to administer social justice. Avoiding unfair results and regaining public faith in the judicial system depend on prompt and effective judgements. A preliminary condition is conformity with the standards of expedited and fair trials. Every part of the

criminal justice system from the police to public prosecutors and defence attorneys must do their part to ensure that the accused receives a fair trial as soon as possible. Additionally, everyone has an obligation to help the courts and police get to the bottom of cases as quickly as possible. No government body can do its job well without the support of the general people. Hence, all these parts need to coordinate and work together to ensure that the guilty obtain justice speedily. The speed with which criminal justice services are provided is an important responsibility of the executive branch. Its goals are to protect victims and witnesses, bolster prosecution efforts, and stay free of political interference. Crimes employing complex tactics need investigative agencies that are prepared to delve into them. Further, as access to justice is an essential component of social justice, the legislature should prioritise some urgent matters.

### References

1. MP Jain, "Indian Constitutional Law", 5<sup>th</sup> Edition, 1990, 1.
2. Winston Churchill, "The Gathering Storm", 1950, 7.
3. K. L. Bhatia, "Judicial Review and Judicial Activism: A Comparative Study of India and Germany from an Indian Perspective", 1997, 3 & 4.
4. T.S. Mishra, "Alternatives to the Present System of Settling Villages Disputes of Civil Nature", 1980, 210.
5. Article 39A of the Constitution of India reads: Equal justice and free legal aid-The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunities and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities".
6. Sharma DP. Speedy Justice and Indian Criminal Justice System. *Indian Journal of Public Administration*. 1999; 45(3):356-363.
7. Chattaraj A. Justice delayed-justice denied-the right to speedy trial in India. Available at SSRN 1919493, 2011.
8. Sarathe A. (n.d). Speedy Justice in India in View of Delays-An Analytical Study, 1999.
9. Retrieved from. <https://www.insightsonindia.com/wp-content/uploads/2017/10/Judicial-Reforms-in-India.pdf> [last visited on 9<sup>th</sup> of February 2024]
10. Janmejay Singh, Dr. Taru Mishra, Kirtika Singh, "A critical study of the justice delivery mechanism in India: with special reference to A.D.R. " ISSN NO: 2347-3150. 2021; (V):184-185.
11. Air 1992 Supreme Court 1701,
12. (1980) 1 SCC 81,
13. Bajpayee B. Law's Delay. *The Journal of the Bar Council of India*, 1978; 1, 70.
14. Bhatia KL, Singh G, Singh J. Delay: A riddle wrapped in a mystery inside an enigma. *Journal of the Indian Law Institute*. 1995; 37(1):42-72.
15. Venkatesan J. Penal Concern Over Backlog in Courts, in: *The Hindu*, New Delhi, 10<sup>th</sup> March, 2002, 7
16. Retrieved from. <https://viamediationcentre.org/readnews/MjQ=/Advantages-and-Disadvantages-of-Alternate-Dispute-Resolution>. [last visited on 9<sup>th</sup> of February 2024]
17. Rao PP. (N.D) "National Judicial Service Commission" *Indian Bar Review*. 1976; 15(1&2):198:2 22.
18. Wade & Philips- "Constitutional Law", 1965, 1.
19. Dr. Md Junaid, "Speedy justice in India: Challenges, reforms, and the road ahead", ISSN: 2455-2194 Received: 12-09-2023, Accepted: 30-09-2023, Published: 14-10-2023. 2023; 9(5):190-195.