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Indian Judicial System and Reforms: The Story of Delays and Pendency

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ABSTRACT

India's judiciary faces a crisis of credibility with over 50 million pending cases, making justice appear more like a distant promise than a lived reality. This paper explores the systemic delays in FIRs and chargesheets, aggravated by corruption, inefficiency, and political interference. It revisits landmark rulings like Hussainara Khatoon and Kadra Pahadiya, which recognised speedy trial as a fundamental right under Article 21, yet remain largely symbolic for millions of undertrials. Drawing lessons from global practicesthe US balancing test, UKECHR stopwatch, Canada's Jordan timelines, and SingaporeEstonia's digital courtsthe paper argues that while technology offers speed, true reform demands accountability, transparency, and insulation from political pressure. Ensuring speedy, fair, and transparent justice is not just legal necessityit is the lifeblood of Indian democracy.

Keywords: Judicial Delay, Case Pendency, Speedy Trial Article 21, FIR Delays, Chargesheet Delay, Undertrial Prisoners, Corruption in Justice System, Comparative Judicial Reforms, Technology in Courts, Democracy and Justice Delivery

Introduction

The Indian judicial system, a proud yet weary legacy of colonial governance, was designed to be the grand custodian of liberty, equality, and fraternity. On paper, it promises every citizen justice; in reality, it often delivers long queues, dusty files, and courtroom corridors where hope grows old before justice arrives. By 2025, the National Judicial Data Grid (NJDG) reported more than 5.1 crore pending cases—of which nearly 4.5 crore were waiting in subordinate courts, 60 lakh in High Courts, and around 80,000 knocking at the doors of the Supreme Court [1]. One need not be a statistician to see that behind every number is a living human saga: a widow fighting for her rightful property, a young under trial losing his youth in prison, or a small trader whose entire livelihood is paralyzed by litigation. The sheer scale is not just a backlog—it is a mountain of broken promises.

The doctrine of speedy trial was famously declared a fundamental right in Hussainara Khatoon v. State of Bihar, where Justice Bhagwati warned that justice delayed is justice denied [2]. And yet, irony mocks us. Even today, the legal process moves not at the pace of modern governance but at the speed of a bullock cart—stopping often, wobbling underweight, and rarely reaching its destination on time. Delay has become systemic, woven into the very fabric of criminal procedure: from the filing of a First Information Report (FIR), to investigations, to the filing of the charge sheet, the framing of charges, the trial, and, at long last, the appeal.

The FIR, supposedly a simple act of lodging a cognizable offence under Section 154 of the Code of Criminal Procedure, 1973 (CrPC), has become the first bottleneck. For many ordinary citizens—especially the poor, women, Dalits, and minorities—the police station is less a doorway to justice and more a wall of resistance. Complaints are turned away, compromises are pushed, or the process is delayed till the complainant gives up. Add to this the poisonous mix of corruption and political interference, and the FIR turns from a foundational step into a stumbling block [3].

The chargesheet, filed under Section 173 CrPC, is the next hurdle. The law mandates it within 60 or 90 days, depending on the gravity of the offence. But the ground reality? Police routinely overshoot these deadlines. The National Crime Records Bureau (NCRB) shows that nearly 40% of chargesheets in serious

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offences are filed late [4]. The consequences are not abstract—they are painfully human. Some accused walk free on "default bail" under Section 167 CrPC, while countless undertrials languish in overcrowded jails, their right to liberty mocked by the very system sworn to uphold it. In Kadra Pahadiya v. State of Bihar, the Supreme Court thundered against such prolonged detention, yet the practice continues like a stubborn shadow [5].

This paper ventures into these systemic cracks, focusing on FIRs and chargesheets, while peeling back the layers of corruption in bureaucracy, opacity in the judiciary, and the heavy hand of political pressure that distorts justice. At the same time, it turns towards technology— Artificial Intelligence (AI), online hearings, and paperless courts—to ask the pressing question: are these innovations genuine remedies, or are they mere sticking plasters over a festering wound? As India stands at the crossroads, the choice is stark—either let justice limp along as it has for decades, or reimagine it for a democracy that deserves speed, fairness, and dignity.

Literature Review

The registration of a First Information Report (FIR), meant to be a straightforward doorway into the criminal justice system, has become a contested battlefield. In Lalita Kumari v. Government of Uttar Pradesh, the Supreme Court made it crystal clear: registration of FIRs in cognisable offences is not optional but mandatory [6]. Yet, reality has a dark sense of irony police stations often act like fortress gates, shutting out complaints when the accused is politically powerful or socially influential. Scholars have noted how this reluctance corrodes public faith in the rule of law, leaving citizens with the bitter taste of injustice even before the trial begins. When it comes to chargesheets, the picture is no brighter. Research by the Bureau of Police Research and Development (BPRD) points to chronic investigative incapacity, weak forensic infrastructure, and bureaucratic bottlenecks [7]. In practice, this means evidence is compromised, delays become the norm, and the accused as well as victims are dragged through an endless cycle of waiting. To borrow an old English phrase, the wheels of justice here do not merely grind slowly—they sometimes grind to a halt. Global experiences, however, offer rays of hope. Estonia has been a pioneer in blockchainbased judicial record systems that promise transparency and efficiency [8]. Singapore and the United Kingdom have embraced digital courts and AI-powered case management, innovations that India too has begun to explore under the E-Courts Mission Mode Project [9]. The irony is clear—while our courts still push paper files tied with red tape, elsewhere, justice rides on the wings of algorithms and secure ledgers.

But the literature also carries a sober warning: technology cannot become the magic wand. Without addressing the deeply human factors—corruption, political interference, structural inefficiency—AI, blockchain, and online courts risk becoming mere window-dressing. The academic consensus is clear: India's justice system demands not just technological upgrades but also administrative honesty and legal reforms. In short, a blend of steel and soul—machines for efficiency, and men for integrity.

FIR and Chargesheet: Delay

FIR: First Step in Criminal Justice

The First Information Report (FIR), governed by Section 154 of the Code of Criminal Procedure, 1973 (CrPC), is supposed to be the very foundation stone of criminal justice. Without it, the edifice of investigation crumbles like a house of cards. In theory, it is simple: record the complaint, begin the investigation, and set the process of justice in motion. In practice, however, the FIR has often become the "first hurdle" rather than the "first step." The Supreme Court in Lalita Kumari v. Government of Uttar Pradesh ruled unequivocally that FIR registration in cognisable offences is mandatory and not a matter of discretion [10]. Yet, in countless police stations, reality plays a cruel joke—complainants are made to wait, to plead, or worse, to compromise. Victims from marginalised groups often describe the station not as a gateway to justice but as a gatekeeper's fortress, where entry is allowed only if one has influence, money, or political patronage. What should be a simple procedural duty has, in many cases, turned into a bargaining chip. Transparency International has repeatedly noted that police stations rank among the most corruption-prone public offices in India [11]. Officers sometimes flatly refuse to lodge FIRs against the powerful. Irony drips heavy here: the very institution tasked with upholding law becomes the barrier to it.

Chargesheet and Its Delays

Once the FIR is registered and investigation initiated, the next milestone is the chargesheet, governed by Section 173 of the CrPC. The law draws a strict timeline—60 days for offences punishable with less than ten years, and 90 days for serious offences. But in practice, these deadlines are honoured more in breach than in observance. According to National Crime Records Bureau (NCRB) data, nearly 40% of chargesheets in serious offences are filed late [12]. These delays are not just bureaucratic hiccups; they strike at the heart of justice. They create two bitter consequences:The accused often secures "default bail" under Section 167 CrPC, not because he is innocent but because the system is slow. On the flip side, countless undertrials remain imprisoned for years, waiting endlessly for charges to be framed, their lives reduced to a tragic paradox—punished without being convicted.The Supreme Court, in Kadra Pahadiya v. State of Bihar, thundered against this practice, condemning prolonged detentions without trial as a violation of fundamental rights [13]. And yet, like an old wound that refuses to heal, the problem persists. Without police accountability, modern investigative infrastructure, and systemic reform, the chargesheet remains less a shield of justice and more a shield for delay. The truth, then, is stark: both the FIR and the chargesheet, meant to be pillars of the criminal justice process, have instead become choke points. They are the very knots in the rope of justice that keep the system from pulling forward.

Procedural Delay: The Slow Poison of Justice

If justice were a train, India's judiciary would be one that halts at every station, often waiting longer at the platform than actually moving ahead. Procedural delay—adjournments piled upon adjournments, dates heaped one after the other—has become the slow poison corroding the system. What should have been a sprint for fairness has turned into a marathon of postponements.

Adjournments and Endless Dates

The practice of granting adjournments has become a culture, almost a ritual, in Indian courts. Day after day, week after week, month after month, litigants shuffle into courtrooms only to walk out with a new date scribbled on their case file. What should be

an exception has become the norm.

The causes of these delays are not mysterious; they are painfully routine:

- Non-appearance of witnesses: Key witnesses often fail to appear, either due to intimidation, negligence in serving summons, or sheer disinterest. Every absence pushes the case back by weeks, sometimes months.
- Delay in producing evidence: Investigative agencies frequently fail to file or produce crucial documents on time. Files go missing, forensic reports arrive late, or paperwork simply lingers in bureaucratic drawers.
- Prolonged cross-examinations: Lawyers, especially in high-stake cases, drag crossexaminations for days—sometimes asking repetitive questions just to buy time.
- Dilatory tactics by parties: Filing unnecessary applications, transfer petitions, or repeated pleas for adjournment has become an art form, used to tire out the opposing side.
- Judicial accommodation: Overburdened judges, often sympathetic to lawyers juggling multiple cases, grant adjournments as a matter of routine. What should have been a stern refusal often turns into a reluctant yes.

The result? Cases that should conclude in months stretch across decades. In some courts, civil suits last so long that it is not uncommon for the original parties to pass away, leaving their heirs to inherit not just the property dispute but also the litigation itself. To borrow a British phrase, justice here is not delayed—it is deferred into eternity. As Justice Krishna Iyer once warned, "Procedure should be the handmaid of justice, not its mistress [14]." Yet in today's India, procedure struts around like a domineering landlord, while justice is left standing outside the gate.

Frivolous and Vexatious Litigation

Adding fuel to this fire is the menace of frivolous suits and appeals. Wealthy litigants or politically connected parties often file case after case—not to win, but to stall. These vexatious filings clutter the system like weeds in a garden, choking the genuine plants that need sunlight. The Supreme Court in K.K. Modi v. K.N. Modi [15]. strongly condemned such tactics, but deterrence remains weak.

Interim Orders and Stays

Another culprit is the abuse of interim orders. While they serve a legitimate protective function, in practice they become a legal parking lot where cases remain stuck for years. Property disputes, corporate battles, and political cases often linger in this procedural limbo, where "interim" [16] relief becomes a permanent reality.

Systemic Loopholes

The system itself contributes to delay: summons that are served late or not at all, police officers not turning up for testimony, shortage of stenographers, and files physically travelling like old postal letters from one department to another. In an era of blockchain and digital signatures, India's courts often still rely on bundles of paper tied with red cloth—an irony not lost on those waiting outside the courtroom for years [19].

Case Pendency and Speed of Justice in India

If justice is supposed to be a river flowing steadily toward fairness, in India it often resembles a clogged drain—overflowing, stagnant, and suffocating those who depend on it. The problem of judicial backlog stretches far beyond the FIR or chargesheet; it seeps into every crevice of the system, leaving litigants to feel that justice is not denied outright but rather postponed into irrelevance.

Judicial Vacancies: Courts without Judges

India, with its population of 1.4 billion, has a sanctioned strength of around 25,000 judges— yet nearly 20% of these posts lie vacant [17]. This leaves the effective working strength even lower. The judge-to-population ratio in India is a mere 21 judges per million people, compared to the global average of 50+ per million [18]. In plain terms, India is trying to quench a forest fire with a garden hose. Vacancies linger because of delays in appointments, tussles between the executive and judiciary, and a lack of urgency in filling posts. The result is an overworked bench, fatigued judges, and cases piling up like traffic on a highway with no exits.

Infrastructure Deficiency: Courts without Tools

Many courts, especially in rural and semi-urban districts, function without basic digital infrastructure. Judges sit in cramped halls, stenographers are scarce, and case files are tied together with the same red cloth that has bound them for decades. Technology that could speed up hearings—such as digital case tracking, video testimony, and e-filing—is either missing or half-heartedly implemented. When justice depends on electricity, internet access, and functioning courtrooms, the rural litigant is at an even greater disadvantage.

Appeals and Reviews: Justice in a Maze

The appellate system is essential—it allows errors to be corrected and fairness to be safeguarded. Yet, in practice, it adds layer upon layer of delay. A case can move from the trial court to the High Court, then to the Supreme Court, with multiple reviews, curative petitions, and interlocutory applications along the way. Each step adds years to the journey. The phrase justice delayed is justice denied is not just a cliché here—it is a lived reality for millions.

High-Profile Cases: Justice on Trial

High-profile disputes expose these weaknesses starkly. The Babri Masjid–Ram Janmabhoomi dispute, litigated for decades, symbolised the painfully slow pace of adjudication in matters that shaped the nation's politics [19]. Criminal trials involving powerful political figures drag on for years, not necessarily because of complexity, but because of procedural sluggishness and deliberate stalling. These cases become a public spectacle, reinforcing the perception that justice is a privilege of the powerful rather than a right of the commoner. In sum, the pendency of cases in India is not just a statistical burden—it is a credibility crisis. When citizens lose faith in the timeliness of justice, they also lose faith in the fairness of democracy. The judiciary, once hailed as the sentinel on the qui vive, risks being seen as a weary watchman, too burdened to act, too slow to matter.

Corruption in Bureaucracy, Judiciary, and Political Pressure

If delay is the slow poison of Indian justice, then corruption is its cancer—spreading silently, eroding credibility, and leaving citizens cynical about the very system meant to protect them.

Corruption does not always wear the mask of grand scandals; often, it comes in the form of a quiet bribe slipped under the table, a file that mysteriously "goes missing," or an FIR that is never written.

Bureaucratic Corruption: Justice for Sale

The frontline of justice—the police station and the investigative bureau—is also its most vulnerable point. Studies by Transparency International reveal that the police remain among the most corruption-prone institutions in India [20]. Ordinary citizens often narrate the same story: the FIR is not registered unless a "chai-pani" (bribe) is paid, or worse, the chargesheet is manipulated to shield the powerful. Justice, thus, becomes transactional. The rule of law starts looking like the rule of money.Delays in FIR registration are frequently linked to extralegal payments; chargesheets are sometimes "diluted" or re-written depending on who the accused is. For the poor villager or the urban labourer, the police station is not a refuge but a toll booth—where justice has a price tag.

Judicial Corruption: Cracks in the Ivory Tower

The judiciary enjoys constitutional independence, yet even here the whispers of corruption cannot be ignored. Lack of transparency in judicial appointments, opaque transfer processes, and allegations of quid pro quo dealings have periodically dented the institution's aura [21].

When judges are accused of favouritism, or when transfers are seen as punishments, public faith is shaken. Justice must not only be done but must be seen to be done; yet in India, the sight of judges accused of impropriety strikes at the very heart of credibility. The irony is cruel: an institution sworn to punish corruption is itself not immune to its contagion.

Political Pressure: The Invisible Hand on the Scale

Perhaps the most corrosive influence is political interference. FIRs against ruling party members often remain unregistered, while those against opponents are swiftly filed. Chargesheets, too, are sometimes conveniently "softened" or strategically delayed.Investigative agencies like the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) have faced accusations of being "caged parrots," echoing the voice of whichever government happens to be in power [22]. Selective targeting of rivals and selective shielding of allies undermine the constitutional guarantee of equality before the law under Article 14. The very scales of justice, supposed to be blind, appear tilted by invisible political hands. In such an environment, citizens begin to believe not in the impartiality of the law but in the partiality of connections. To borrow an old saying, justice in India sometimes looks less like "a blindfolded goddess with scales" and more like "a market stall where prices are haggled."

Role of AI, Online Platforms, and Paperless Justice

For decades, Indian courts have been synonymous with dusty files tied in red cloth, clerks drowning in paperwork, and litigants clutching endless photocopies. But in recent years, the judiciary has begun dipping its toes—sometimes reluctantly, sometimes boldly—into the digital stream. Technology is now pitched as the new medicine for an old disease: pendency. Whether it will cure or merely provide a cosmetic bandage remains the question.

E-Courts Mission Mode Project: From Dust to Digital

Launched in 2005, the E-Courts Mission Mode Project marked India's first serious attempt to digitise its justice system. Filing, cause lists, and judgments slowly moved from paper registers to screens. The National Judicial Data Grid (NJDG), a jewel of this initiative, now offers realtime data on pending cases across courts [23]. For litigants and researchers alike, this transparency was a revolution. For the first time, one could peek into the scale of pendency at a click rather than chase clerks through crowded corridors. Yet, critics rightly point out: digitising delay does not eliminate it. The mountain of pendency is still there; only the statistics are more visible.

AI in Judiciary: The SUPACE Experiment

In 2021, the Supreme Court introduced SUPACE (Supreme Court Portal for Assistance in Court Efficiency), an AI-powered tool designed to assist judges in legal research and case management [24]. Imagine it as a judicial intern that never sleeps—sifting through precedents, flagging relevant judgments, and prioritising urgent cases.

AI offers immense potential:

- Automated drafting of routine orders could save precious judicial hours.
- Predictive analytics could flag cases likely to drag on, prompting pre-emptive action.
- Prioritisation tools could ensure urgent matters get heard first.

But there is a cautionary note: AI may assist but cannot replace judicial wisdom. Law, after all, is not just logic—it is also empathy, fairness, and discretion. To rely blindly on algorithms would be to treat justice as a math equation, forgetting that it is also a moral compass.

Online Hearings: Justice on a Screen

The COVID-19 pandemic forced courts into an unprecedented experiment: virtual hearings. The Supreme Court and High Courts shifted thousands of proceedings online, proving that justice could, at least partially, survive without the physical courtroom [25]. Lawyers argued from dining tables, judges ruled from chambers, and litigants joined via smartphones. The benefits were striking—time and travel costs fell, adjournments reduced, and efficiency improved. But the digital divide revealed its sharp teeth. Rural litigants often lacked internet access, digital literacy, or even electricity. For them, the virtual court was not a window to justice but a wall. As the saying goes, technology is only as inclusive as the society it serves.

Blockchain and Paperless Systems: Locking Justice in Code

Blockchain is being touted as the next leap—ensuring secure, tamper-proof judicial records that cannot be altered or "lost." Paperless courts, piloted in Delhi and Kerala, have already shown promise by eliminating the ritual of carrying heavy files from bench to bench [26].

Global examples shine bright: Singapore's Smart Courts employ AI-driven case management, while Estonia runs blockchain-based judicial records. India has begun to learn from these models, but the road ahead is long. In a system where even, basic summons often arrive late, blockchain may sound futuristic, but its promise is undeniable. Technology has given us digital dashboards, AI interns, and Zoom hearings, but it has not yet broken the spine of delay. To borrow a phrase, India is still "old wine in a new bottle"— wrapping the same procedural malaise in digital packaging. Unless corruption, adjournments, and vacancies are addressed alongside, AI and e-courts risk being remembered not as saviours but as shiny tools on a rusty machine.

Policy Recommendations

If pendency is the ailment and corruption the cancer, then reforms are the prescription. But as every Indian knows, prescriptions written on paper mean nothing unless the medicine is actually taken. For India's justice system, this medicine has six essential doses.

Judicial Appointments and Vacancies: Filling the Empty Chairs

India's courts cannot deliver justice if one-fifth of the chairs remain empty. The sanctioned strength must not only be filled urgently but also expanded to bring the judge-to-population ratio closer to international standards [27]. Justice cannot be delivered by ghosts or overworked mortals sitting on mountains of files. A transparent and timely judicial appointment mechanism is the first step.

Police Reforms: Ending the "Chai-Pani" Culture

Policing in India often begins at the police station, where the humble FIR decides whether a citizen will see justice or be turned away. An independent police commission must oversee FIR registration and chargesheet filing, ensuring that refusal, delay, or manipulation becomes punishable misconduct. Strict penalties for officers who deliberately stall or dilute cases would send a message that law is not for sale [28].

Technology Integration: From Files to Firewalls

Technology cannot remain a pilot project forever. Nationwide adoption of e-FIRs, digital chargesheets, AI-driven case allocation, and blockchain-secured records is critical. Digital tools must replace dusty files tied in red cloth. But technology should not be just about gadgets; it must be integrated in spirit, ensuring that rural litigants are not left behind in this digital leap [29].

Anti-Corruption Measures: Cleaning the Ivory Tower

The judiciary must live up to its own sermons on transparency. This means open judicial appointments, periodic performance audits, and protection for whistleblowers who expose corruption within the system. The words "Caesar's wife must be above suspicion" apply doubly to judges; their integrity must not only exist but must be visible [30].

Hybrid Courts: Justice Without Borders

The pandemic showed that online hearings can cut delays, but they cannot entirely replace physical courts. The way forward is hybrid—where routine hearings, bail applications, and administrative matters move online, while serious trials remain in person. This model blends efficiency with inclusivity, ensuring that justice does not stop at the urban digital divide [31].

Legal Aid Strengthening: Justice for the Forgotten

For the poor, the Dalit, the tribal, and the marginalized, justice often ends before it begins. Strengthening legal aid services is crucial—more lawyers on panels, better funding, and awareness campaigns that inform citizens of their rights. A justice system that fails the weakest is not worthy of the strongest. Legal aid must be seen not as charity but as constitutional obligation under Articles 21 and 39A.^6 [32]. Policy reforms cannot be lip service. They must be implemented with the urgency of a fire brigade, not the laziness of a post office. India stands at a crossroads: it can either remain the land of adjournments and corruption or transform into a system where justice is not just a promise but a practice.

Historical Context of Judicial Delay in India.

Judicial delay in India is not a post-Independence accident—it is a colonial inheritance polished with desi inefficiencies over time. To put it simply, the snail-like pace of justice has a pedigree.

Colonial Legacy: Justice as a Luxury for the Few

The British, who established the modern judicial system in India, did not design it for the masses; it was meant to protect imperial interests. The Charter of 1774 that created the Supreme Court of Calcutta, and later the Indian High Courts Act of 1861, introduced a formal legal structure [33]. But these courts were notorious for their alien procedures, technicalities, and rigid adherence to rules. Proceedings were in English, alien to most Indians, and delays were rampant even then. As one colonial critic quipped, British courts in India delivered "justice at such cost and delay that it was a punishment in itself."

Post-Independence Optimism and Harsh Reality

At Independence in 1947, there was optimism that the courts would become the "temples of justice" for the common Indian. The Constitution of India (1950) enshrined access to justice under Articles 14, 21, and 39A, creating a vision of equality before law and speedy trial as part of the fundamental rights [34]. Yet, the new system inherited the procedural rigidity of the colonial era—heavy reliance on paperwork, multiple appeals, and adjournments that became the daily bread of litigation.

Law Commission Reports: Warnings Unheeded

Since the 1950s, the Law Commission of India has published report after report highlighting pendency, vacancies, and inefficiency. The 14th Report (1958) under M.C. Setalvad, the first Attorney General, warned that delays were eroding faith in courts. Later reports, including the 79th (1979) and the 230th (2009), painted the same picture: too many cases, too few judges, and a culture of adjournments [35]. But successive governments treated these reports like old newspapers—read once, then forgotten.

Judicial Pronouncements: Speedy Trial as a Right

The courts themselves recognised delay as a constitutional violation. In Hussainara Khatoon v. State of Bihar (1979), the Supreme Court declared that the right to a speedy trial is part of Article 21[39]. This landmark judgment came after it was revealed

that thousands of undertrials in Bihar had been languishing in jail for years without trial. Later, in Kadra Pahadiya v. State of Bihar (1981), the Court condemned prolonged detentions as an affront to human dignity [36]. Yet, despite judicial rhetoric, the ground reality remained unchanged.

The Numbers Game: Backlog Across Decades

- In the 1950s, pendency was already a concern, though manageable.
- By the 1980s, cases pending in High Courts exceeded 20 lakh.
- In 2025, the backlog has crossed 5.1 crore cases, with the subordinate judiciary bearing the heaviest load [37]. In short, the problem did not mushroom overnight. It grew slowly, like rust on iron—decade after decade, report after report, adjournment after adjournment—until the structure itself began to creak under the weight.

The Irony of Legal History

The irony is rich: India inherited a colonial system designed to serve rulers, not citizens, and then failed to reform it even after becoming a republic. Today, the courts still carry the hangover of British procedure, layered with Indian bureaucracy, producing a unique hybrid—"justice Indian style": thorough in paperwork, sluggish in delivery, and deaf to the common man's urgency.

Right of Speedy Trial Under the Constitution

The Indian Constitution, though silent in black-and-white about the phrase "speedy trial," whispers it loudly through Article 21, which guarantees the right to life and personal liberty. Over the decades, the Supreme Court has chiselled this abstract promise into a concrete right: justice cannot be dragged at a snail's pace while citizens rot in jails or spend lifetimes in litigation.

Article 21: From Silence to Symphony

Article 21 states: "No person shall be deprived of his life or personal liberty except according to procedure established by law." At first glance, it looks procedural, even dry. But post-1970s, the Court breathed life into it. In Maneka Gandhi v. Union of India (1978), Article 21 was reinterpreted to mean not just any procedure, but a "fair, just, and reasonable" one [38]. A trial that takes decades cannot possibly be fair; liberty chained to endless adjournments is liberty in name only. Thus, was born the doctrine that speedy trial is an essential ingredient of Article 21.

Hussainara Khatoon: The Turning Point

The watershed came in Hussainara Khatoon v. State of Bihar (1979), when the Supreme Court was shocked to discover thousands of undertrials languishing in Bihar jails for periods longer than the maximum punishment for their alleged offences [39]. Justice P.N. Bhagwati thundered that "speedy trial is not a privilege but a fundamental right." That single judgment transformed Article 21 into a shield against judicial procrastination.

Kadra Pahadiya and the Cry Against Endless Detention

In Kadra Pahadiya v. State of Bihar (1981), the Court once again confronted undertrials who had been in jail for over a decade without trial [40]. The judgment was scathing: the State, by its apathy, was guilty of violating fundamental rights. It was as if the law itself had imprisoned the poor twice—once by accusation, and again by delay.

Sheela Barse and Women Prisoners

In Sheela Barse v. Union of India (1986), the Court extended this principle to women prisoners, holding that delay in trial particularly victimises the vulnerable. Speedy trial, the Court said, is the soul of Article 21; without it, justice is reduced to a hollow ritual [41].

The Present Picture: A Broken Promise

Despite these lofty rulings, the ground reality is grim. As of 2025, over 70% of India's prison population are undertrials, many of whom have spent more years in jail than the punishment prescribed for their alleged crimes [42]. The right to speedy trial has become like a mirage in the desert—visible in doctrine, elusive in practice.

It is deeply ironic that the Constitution guarantees a speedy trial, yet the average litigant feels more like a character in Kafka's The Trial—lost in endless procedures, adjournments, and appeals. Speed in Indian courts is often measured not in days or months but in generations. As the saying goes, "while Rome burns, the files move."

Comparative Perspectives: Global Experiences and Lessons for India

Judicial delay is hardly an "Indian exclusive." Courts worldwide struggle with backlogs, but many have found ways to trim the fat and move faster. If India is still jogging in judicial slippers, some nations are already sprinting in digital sneakers.

United States: The Sixth Amendment Promise

In the US, the Sixth Amendment guarantees the right to a "speedy and public trial [43]." American courts take this promise seriously. In Barker v. Wingo (1972), the US Supreme Court laid down factors to judge whether a trial delay violates constitutional rights—length of delay, reasons for delay, assertion of the right, and prejudice to the accused [44]. This balancing test ensures that neither the prosecution nor the defence can exploit delay endlessly.

For India, the lesson is simple: define speed. Vague promises of "soon" are useless unless backed by timelines and enforceable standards. Otherwise, "justice delayed" becomes the default operating manual.

United Kingdom and Europe: Human Rights as a Stopwatch

Under the European Convention on Human Rights (ECHR), Article 6 guarantees trial "within a reasonable time [45]." The UK, after incorporating the Human Rights Act (1998), treats undue delay as a violation of fundamental rights. European courts have pulled up States where criminal trials dragged on, insisting that bureaucracy is no excuse for human liberty.

The metaphor here is striking: in Europe, justice carries a stopwatch, while in India, it often carries a calendar marked with adjournments.

Canada: The Jordan Revolution

In R v. Jordan (2016), the Canadian Supreme Court dropped a judicial bombshell: criminal trials must be completed within 18 months (lower courts) or 30 months (superior courts) [46]. Any delay beyond that, without exceptional justification, leads

to an automatic stay of proceedings. This ruling shook Canadian prosecutors out of complacency, forcing structural reforms.

Imagine if India had such a rule: half the docket would collapse overnight. But it would also mean accountability. The Canadian model proves that sometimes courts must wield a stick, not just sermons.

Singapore and Estonia: Techno-Legal Pioneers

Singapore's Smart Courts and e-Litigation system have turned case management into a science. Deadlines are strictly enforced, filings are digital, and adjournments are rare [47]. Estonia, a small Baltic nation, went further: it introduced blockchain-based judicial records, ensuring transparency, tamper-proof filings, and instant access [48].

India has tiptoed in this direction with the E-Courts Project and SUPACE AI tool, but compared to Singapore's highways, we are still laying bricks on a dusty road.

Lesson: The Common Thread

Across jurisdictions, the lessons converge:

- Constitutional commitment (US, UK, Canada) makes speedy trial enforceable, not optional.
- Technology (Singapore, Estonia) streamlines processes and cuts red tape.
- Judicial discipline (Canada's Jordan) shows that firm deadlines can change behaviour overnight.

India, in contrast, often preaches without practice. The irony is sharp: the land that gave the world the proverb "justice delayed is justice denied" struggles the most with delay.

Conclusion

India's justice system today feels like a grand old banyan tree—majestic in vision, sprawling in reach, but entangled in its own roots of delay and inefficiency. With over 50 million cases pending, the courts risk becoming museums of paperwork rather than temples of justice [49]. This is not just about numbers; it is about broken lives, undertrials forgotten behind bars, and citizens who die waiting for verdicts.

The FIR and chargesheet, the very stepping stones of criminal justice, are often tripped over by corruption, inefficiency, and political meddling. Judicial sermons about speedy trial, from Hussainara Khatoon to Kadra Pahadiya [50]. echo loudly in courtrooms, but outside, the common man still experiences justice as an endless queue—longer than a railway line, slower than a post office counter.

Technology offers a ray of light. AI-driven research tools, blockchain-secured filings, online hearings, and paperless courts can chop away months, even years, from the docket. But technology is not a magic wand; it is a scalpel, and without the surgery of police reforms, anticorruption measures, and political insulation of institutions, it may only scratch the surface. The Canadian Jordan model,[51] the European stopwatch of human rights, [52] and the SingaporeEstonia digital courts [53] show us that efficiency comes not just from gadgets but from discipline, deadlines, and accountability.

Ultimately, the question is stark: Will India continue to be the land of adjournments, where dates are granted like alms, or will it reclaim its constitutional soul where justice delayed is justice denied is more than a proverb?

The future of justice in India depends on marrying constitutional ideals with institutional efficiency. Ensuring trials that are speedy, fair, and transparent is not a luxury; it is the lifeblood of democracy. As the Constitution itself reminds us, liberty and equality are not ornamental words in a preamble—they are promises. And promises, if not kept, turn into betrayals.

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