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JUSTICE DELAYED: UNRAVELLING THE CONUNDRUM OF 'JUSTICE DELAYED IS JUSTICE DENIED

AUTHORED BY: PRIYA JAISWAL

ABSTRACT

“Justice contains words like fair, rational, and such fairness that involves equitable distribution and correction of what is inequitable,” Aristotle said. The legal maxim ‘Justice Delayed is Justice Denied’ refers to the principle that if the process to seek justice through any cause, the justice delivered does not amount to real justice. Further, the author strives to define the maxim and the origin of the abovementioned phrase in the following article. In the speech of our former Chief Justice P. N. Bhagwati, on account of Law Day held in the year 1985, “I am pained to observe that the judicial system in the country is on the verge of collapse. Our judicial system is crashing under the weight of arrears. It is a trite saying that justice delayed is justice denied. We often utter this platitudinous phrase to express our indignation at the delay in the disposal of cases, but this indignation is only at an intellectual and superficial level. Those seeking justice in our Courts have to wait patiently for years and years to get justice.”

The various causes for the delay of justice to the general public and some means through which the functioning of the justice mechanism can be improved have been portrayed in the following composition. The present technical scenario in the functioning of the judicial mechanism witnesses the current case laws that seek delayed justice.

KEYWORDS: corruption, e-courts, justice, judicial mechanism, modernization.

INTRODUCTION

Since the 1980s, the phrase “Justice Delayed is Justice Denied” has become the center of concern for almost all domestic and international issues. The main reason for the grave popularity of the phrase is the economic consequences it may lead to. It is often believed that if the justice mechanism is swift enough, it can eliminate all forms of deviance, which can be crime, torts,

corruption, and many more. Most of the research has shown that the time taken to deliver justice in a case is a crucial factor in determining the effectiveness and efficiency of the justice system. The elements of proportionality and appropriateness of the time taken to provide the judgment in a case are said to form part of the definition of time taken by the court. While enhancing the speed of the justice system, one must also keep improving the quality of the judiciary's work.

The word justice originates from the Latin word jus, which means right or law. According to philosophers like Plato, Justice is a virtue that can be used as a tool in establishing rational order, while Aristotle said that justice contains words like fair, rational, and such fairness that involves equitable distribution and correction of what is inequitable. Once, Martin Luther King said, "Injustice everywhere is a danger to justice everywhere." In the case of a legitimate legal system, justice thus delivered should be fair, inexpensive, and quick. Justice, being everyone's right, acts like the guardian of civil rights and the shield of innocence.¹

Former Chief Justice P N Bhagwati, in his Law Day speech in 1985, said, "I am pained to observe that the judicial system in the country is on the verge of collapse. Our judicial system is crashing under the weight of arrears. It is a trite saying that justice delayed is justice denied. We often utter this platitudinous phrase to express our indignation at the delay in the disposal of cases, but this indignation is only at an intellectual and superficial level. Those who are seeking justice in our Courts have to wait patiently for years and years to get justice."²

The phrase "Justice Delayed is Justice Denied" (hereinafter mentioned as this phrase) is a legal maxim that means if the process of seeking justice gets delayed due to some circumstances, the justice delivered does not amount to real justice as specified in the law of the land. In other words, this maxim refers to the denial of equitable relief and justice to the aggrieved party if they do not approach the court within the time frame allotted for the consideration of the case. This phrase was coined by the then-British Prime Minister William E. Gladstone during the tenure of his office (1809–1898). It is held in the Limitation Act, of 1963, that there exists a time limit for filing a civil suit, but it remains silent about the period of the disposition of the civil cases. It is seen that the costs of continuing a civil case are quite high, and sometimes it takes around 3 to 4 generations to get justice in their matters. Through the decades, it has been said that the failure of

¹ Shreemh Agarwal, Justice Delayed is Justice Denied, Law Gurukul (June 7, 2021)

² Manisha Kumari, Justice Delayed is Justice Denied: Status of Indian Judicial System, Nyaayshatra Law Review, Volume II, PP. 02 (2021)

the judiciary is equal to the failure of the democratic legal system.³

Reasons for delay in Justice Mechanism

This phrase has been prevalent for decades because of various causes that lead to delays in the delivery of justice. The delay in justice further leads to denial of justice in some cases having time-bound relief while in some cases, it leads to the delivery of justice but not real justice. There are some of the following causes that lead to the reason of delay in the justice mechanism:

A. Pendency of Cases

In an official report, the number of pending cases has crossed over 4.41 crore nationwide, with Maharashtra alone accounting for over 50 lakhs, per the National Judicial Data Grid records on July 15, 2023.⁴ The cause of pending cases can be the allotment of multiple dates for the trial of the case, the adjournment taken by the lawyers to deal with a large number of cases at a time, etc. The pending cases serve as an excess burden on the work of the Judiciary.

B. Corruption in the Judiciary

It is sadly observed that many lawyers representing their clients often get a large sum of money to lose a case from the opposite party, which leads to the client losing hope and confidence in the justice system. It has become a common scenario where court staff and officials indulge in taking bribes for the service they provide to the public. Corruption in the field of the judiciary can lead to the withdrawal of public trust in the judicial mechanism.

C. The Traditional Functioning of the Judiciary

The workings and functions of the judicial system, based on the traditional customs and practices of the court, are time-consuming and exhaustive for both the parties to the case and the judges and lawyers. The strong belief and faith in traditional methods hinder it from becoming a technically advanced and well-equipped organization at the same time.

There are some more causes like unnecessary inflow of cases, absence of work culture, inadequate staff, etc that lead to delays in the delivery of justice. Thus, we come to the point that

³ Kumari, supra note 2, PP. 1

⁴ Vinod Kumar Menon, Justice delayed, justice denied: Pending legal cases in India cross over 4.41 crore, Mid-Day (July 15, 2023)

if these factors remain prevalent, it will lead the citizens to squander their belief on the pillar of justice. Justice, being the statue of democratic government, if falls will lead to destruction and chaos in the economy.

Suggestions To Improve the Judicial System

While identifying the causes of any issue, one must also give suggestions to overcome those problems. Herein the case, the courts must take appropriate measures to improve their working style. The adoption of effective measures will lead to the delivery of justice within a short time frame and will eventually lead to the efficient functioning of the judiciary. There are some of the following ways through which the working of the judiciary can be improved:

A. Improve the Number of Judges and Courts

The total number of judges should be increased to increase the productivity of the Judiciary. There should be an increase in the number of fast-track courts to deal with heinous crimes like rape, murder, etc. It further reduces the burden and workload of the higher courts in the country. The expenditure of the Judiciary must be increased to such an extent that it promotes the healthy growth and development of the courts as well as the judges at the same time.

B. Modernization of the Judiciary

The judicial system of the country must ensure the introduction of modern technology and practices in the courts. For example, steps like the e-Courts Mission Mode Project and The Judicial Data Grid should be taken into consideration to improve the effectiveness and efficiency of the courts.⁵ The adoption and practice of modern methods lead to a better and improved functioning of the judicial mechanism.

C. Fixed Time for the Disposition of the Cases

There should be a proper and adequate allotment of time within which a particular case must be resolved. The laws must specify the tenure of each case by classifying the cases in the forms of heinous crime cases, civil cases, cyber cases, and many more so that the cases can be easily disposed of, keeping in mind the level of loss and suffering with which the victim is undergone. The disposal of the cases within a particular time frame leads to improved functioning of the

⁵ Justice Delayed Justice Denied, Essay for the Judicial Services Exam <https://www.jurisacademy.com/justice-delayed-justice-denied>

courts by reducing the pendency of the cases, which further reduces the workload of the courts. There are some means like formulation of E-courts, annual vacancy of the court staff, formulation of anti-corruption cells in the courts, etc. Thus, we conclude that the judiciary must take adequate measures to improve the quality of justice delivered. The judiciary must hold on to the beliefs of citizens and keep flourishing so that the democratic government can work smoothly.

Judicial Approach Towards Delayed Justice

The instances of delayed justice are many in the national scenario. The causes of delay in justice have led to a rise in the number of cases all over the country, due to which the workload of the judiciary has increased to a great level. There are some of the recent case laws that witness the delay of justice and withdrawal of hope of citizens upon the judiciary which are as follows:

Wrestlers' Case⁶

The recent issue in which six wrestlers, including Sakshi Malik, Vinesh Phogat, Bajrang Punia, and Sangeeta Phogat, filed a case against Brij Bhushan Sharan Singh, the outgoing President of the Wrestling Federation of India, has been accused of demanding sexual favors in exchange for financial assistance. On April 23, 2023, they initiated a protest seeking justice for the deplorable actions of a politician. Vinesh Phogat remarked that women are targeted when they raise their voices," and Bajrang Punia held that justice is more important than Asian Games." The courts are just delaying the delivery of justice by being stuck in the traditional practices of filling out charge sheets, providing summons to the accused, and allotting different dates to the hearing of the case, which in turn loses hope and confidence in the justice mechanism of the country.

M. Siddiq (D) Thr Lrs v. Mahant Suresh Das & Ors⁷

This case is popularly known as the "Ayodhya Dispute Case," which was based on the dispute that arose between the two holy places, which were 'Ram Mandir' and 'Babri Masjid'. The legal clash over Ayodhya began in the year 1950 when a petition was first filed by Gopal Singh Visharad, Ayodhya 's secretary of the Hindu Mahasabha. The Hindu Mahasabha was an organization formed to oppose the secular principles of the Congress party at that time. The judgment in the case took around 69 years to deliver justice. The verdict of the Supreme Court

⁶ Krishnadas Rajagopal, Supreme Court closes wrestlers' case even as Delhi Police promises 'impartial' probe, The Hindu (May 04, 2023)

⁷ CA 10866-10867/2010

was passed by the then Chief Justice of India, Ranjan Gogoi, on November 9, 2019. This seems to be the clearest example of the aforementioned legal maxim, as justice was not delivered when it was needed the most but upon the wills and whims of the court and the government.

Mukesh v. State (NCT of Delhi)⁸

This case is also known as the “Nirbhaya Case,” which highlights the act of rape committed by six men in a running bus in Delhi on December 16, 2012. The original name of the victim remains unpublished, while it is mentioned as Nirbhaya in all proceedings. The judgment was delivered by the bench comprising Chief Justice Dipak Misra, Justice R. Banumathi, and Justice Ashok Bhushan, where four criminals were awarded the death penalty and the other two were sent to the reformation home for around 3 years. The four criminals were hanged at Tihar Jail on March 20, 2020, which highlights the above legal maxim that the victim of the case gets justice eight years after her death from such an inhumane act.

Through these case laws, we come to know that due to delay in justice, the actual criminal moves freely with an evil intention to harm the victim of the crime. The freedom of the criminals and the sufferings of the victims are the biggest pitfall for the delay in justice. If the judiciary takes the appropriate steps, then its functioning will increase and it will induce the courts to punish the actual criminal of the prohibited act. The punishment given to the criminal within the short time of committing the crime will prevent people from committing crimes in the future.

CONCLUSION

It is popularly believed that impartial, positive, and independent justice are the foundations of an efficient government. The judiciary is the only path to protect and ensure social justice and social welfare for every citizen in various spheres of life, be it human rights, child adoption rights, or fundamental rights.⁹ The legal maxim is similar to one more phrase, “Justice Hurried is Justice Buried,” which says if there is quick judgment in any case, it is also harmful to securing real justice for the citizens, which seems to be equally true. Therefore, there should be a sufficient, reasonable hearing of every case after taking into consideration its circumstances, which is a

⁸ (2017) 6 SCC 1

⁹ Semwal, M. M., and Sunil Khosla, *Judicial Activism*, *The Indian Journal of Political Science*, Volume. 69, No. 1, PP. 113–26, JSTOR (2008)

requirement for the delivery of Natural Justice.¹⁰

The Judges are amply compensated for their notable contributions to their profession by getting certain awards, the publication of news articles, honors from the top administrative heads of the country, etc. Thus, it becomes the responsibility of the higher judiciary to give their best to ensure quick disposal of cases without compromising the quality of verdicts.¹¹ It is also held in Chapter 29 of the Magna Carta that Rights and Justice shall not be delayed, denied, or sold to any person.¹² At the function organized by the Supreme Court Bar Association (SCBA) to bid farewell to Justice Subhash Reddy, the then Chief Justice N.V. Ramana said, “We all have to work together to promote a sense of belonging with the justice delivery system among the public. The understanding of judicial infrastructure has to transcend the issues of pendency, vacancy, or the number of courtrooms. It should involve modernization, upgradation, and creating a ‘barrier-free, citizen-friendly environment’. We can assert true accessibility when the person with the maximum disadvantage can still knock on the doors of the court of justice.”¹³

For any problem to be solved, change must occur not in the form of a directory but in the form of rules and regulations that are compulsory. It must ensure the citizens of the country that the Judiciary is the temple of justice. It is believed that prolonged legal proceedings lead to severe consequences for the parties involved, public trust, and economic growth. It is the responsibility of the government, legal practitioners, and society as a whole to work together to ensure that the pursuit of justice remains swift, fair, and accessible to all. It is said, “Justice is the insurance we have in our lives, and obedience is the premium we pay.”¹⁴

¹⁰ Samriddhi Amrita Mishra, Justice Delayed is Justice Denied, Legal Services India E-Journal <https://www.legalserviceindia.com/legal/article-3313-justice-delayed-is-justice-denied.html>

¹¹ Gautam Bhattacharya, The Power of the PIL, The Telegraph Online (January 10, 2023) <https://www.telegraphindia.com/opinion/the-power-of-the-pil-justice-delayed-is-justice-denied-remains-relevant-today/cid/1908915>

¹² Roe, Gilbert E., et al, Social Justice and the Courts, The Yale Law Journal, Vol. 22, No. 1, 1912, PP. 19–29, JSTOR, <https://doi.org/10.2307/783947>

¹³ Justice delayed is Justice Denied: All is not well in the Supreme Court, Bar, and Bench (January 06, 2022) <https://www.barandbench.com/columns/all-is-not-well-supreme-court-justice-delayed-is-justice-denied>

¹⁴ Shreya Bhadauria, Justice Delayed is Justice Denied, International Journal of Law Management and Humanities, Volume 4, Issue 4, PP.254 (2021)