INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed



www.ijlra.com

ISSN: 2582-6433

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

Copyright © International Journal for Legal Research & Analysis. All rights reserved.

ISSN: 2582-6433

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

ISSN: 2582-6433

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

ISSN: 2582-6433

CONSTITUTIONAL REMEDIES FOR JUDICIAL DELAY: A CRITICAL REVIEW OF THE RIGHT TO SPEEDY JUSTICE

AUTHORED BY - [1]DR. N. SUDARSHAN & [2]DR. RAMESH LUNAVATH
[1]Principal Investigator, [2]Research Project Fellow
RUSA 2.0 Research Project
University College of Law, Kakatiya University, Warangal

Abstract

The right to speedy justice is an essential component of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Judicial delay undermines the rule of law, weakens public confidence in the judiciary, increases litigation costs, and may deprive individuals of meaningful access to justice. Although the Constitution does not expressly use the phrase "right to speedy justice," the Supreme Court of India has interpreted Article 21 to include the right to a speedy trial as an integral element of a fair, just, and reasonable procedure. Constitutional remedies under Articles 32 and 226, judicial supervision, directions for expeditious disposal, bail in appropriate circumstances, and procedural reforms provide mechanisms for addressing unreasonable delay. However, the effectiveness of these remedies is constrained by excessive case pendency, judicial vacancies, inadequate infrastructure, procedural complexity, and uneven access to legal representation. This paper critically examines the constitutional foundations of speedy justice, the development of judicial principles through landmark decisions, and the remedies available to persons affected by unreasonable judicial delay. It also evaluates the limitations of existing mechanisms and proposes institutional, procedural, and technological reforms to strengthen timely adjudication. The paper argues that speedy justice requires not merely constitutional recognition but also effective enforcement, accountable administration, and sustained investment in the subordinate judiciary.

Keywords: Right to Speedy Justice, Article 21, Judicial Delay, Constitutional Remedies, Article 32, Article 226, Judicial Pendency, Fair Trial, Access to Justice, Indian Judiciary.

ISSN: 2582-6433

Introduction

The administration of justice is a fundamental responsibility of the State and an essential condition for maintaining the rule of law. Courts are expected to resolve disputes fairly, impartially, and within a reasonable period. However, prolonged litigation remains one of the significant challenges facing the Indian judicial system. Delays in the disposal of civil and criminal cases affect litigants, accused persons, victims, witnesses, businesses, and public institutions. When legal proceedings continue for years without meaningful progress, the practical value of judicial remedies diminishes.

The principle that justice delayed is justice denied reflects the relationship between timely adjudication and effective legal protection. A judgment delivered after an unreasonable period may fail to provide meaningful relief, particularly when the dispute concerns personal liberty, employment, livelihood, property, family relationships, or fundamental rights. In criminal proceedings, prolonged pre-trial detention may cause severe hardship to accused persons who are presumed innocent until proven guilty. Victims and witnesses may also experience intimidation, financial burdens, emotional distress, and declining confidence in the justice system.

The Constitution of India establishes a framework for protecting fundamental rights and ensuring judicial review of governmental action. Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Through judicial interpretation, the Supreme Court has recognised that such procedure must be fair, just, and reasonable. The right to a speedy trial has consequently developed as an important component of Article 21.

The constitutional framework also provides remedies through Article 32, which empowers the Supreme Court to enforce fundamental rights, and Article 226, which empowers High Courts to issue writs for the enforcement of fundamental rights and for other legal purposes. These provisions offer constitutional avenues through which affected persons may seek appropriate relief when delay becomes unreasonable and threatens their legal rights.

Nevertheless, constitutional recognition alone cannot eliminate judicial delay. Effective enforcement depends on judicial capacity, procedural efficiency, adequate court infrastructure, timely investigation, effective prosecution, competent legal representation, and responsible case management. Constitutional remedies must therefore be understood alongside the institutional conditions necessary for their practical implementation. This paper critically examines the constitutional foundations of the right to speedy justice, the remedies available against judicial delay, and the judicial principles developed by the Supreme Court of India. It

ISSN: 2582-6433

also considers the limitations of existing mechanisms and identifies reforms necessary to strengthen access to timely and effective justice.

Constitutional Framework for the Right to Speedy Justice

Article 21: Right to Life and Personal Liberty

Article 21 of the Constitution provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Although the provision does not expressly mention speedy justice, its interpretation by the Supreme Court has expanded its protection to include procedural fairness and timely criminal adjudication.

In *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, the Supreme Court established that a procedure affecting personal liberty must be fair, just, and reasonable rather than arbitrary, fanciful, or oppressive. This constitutional approach provided an important foundation for the subsequent development of the right to speedy trial. The right to speedy trial protects accused persons against prolonged criminal proceedings and unnecessary pre-trial detention. It also safeguards the fairness of adjudication because excessive delay may result in the loss of evidence, disappearance of witnesses, deterioration of memory, and diminished capacity to prepare an effective defence.

The constitutional guarantee is not restricted to the actual trial. Judicial decisions have recognised its relevance to investigation, inquiry, trial, appeal, revision, and retrial. The duration of proceedings must be assessed in the context of the particular case rather than through a universal time limit applicable to every category of criminal litigation. However, Article 21 does not mean that every delay automatically constitutes a constitutional violation. Courts must examine the length of delay, its causes, the conduct of the parties, the nature and complexity of the proceedings, the prejudice caused, and the interests of justice.

Article 14: Equality Before the Law

Article 14 guarantees equality before the law and equal protection of the laws. Judicial delay may undermine this guarantee when access to timely adjudication becomes disproportionately dependent on financial resources, social position, geographical location, or the ability to obtain effective legal representation. Wealthier litigants may be better equipped to sustain prolonged litigation, whereas economically disadvantaged persons may suffer serious hardship from repeated adjournments and increasing legal expenses. Prolonged proceedings can also disproportionately affect undertrial prisoners, daily-wage workers, marginalised communities, and persons dependent on judicial relief for their livelihood.

ISSN: 2582-6433

Article 14 therefore reinforces the need for a judicial system that administers justice impartially and without arbitrary distinctions. Although not every difference in case duration amounts to discrimination, systemic inequalities that obstruct meaningful access to courts require serious constitutional attention.

Article 32: Constitutional Remedies before the Supreme Court

Article 32 guarantees the right to move the Supreme Court for the enforcement of fundamental rights. It authorises the Court to issue directions, orders, and writs, including habeas corpus, mandamus, prohibition, quo warranto, and certiorari. Article 32 is especially significant when unreasonable delay directly threatens a fundamental right, particularly the personal liberty of an accused person. Depending on the facts and applicable law, the Supreme Court may consider appropriate directions to expedite proceedings or other relief necessary to protect the constitutional guarantee.

Article 32 is not a general substitute for ordinary appeals, revisions, or applications before the competent criminal court. The petitioner must establish a legally sustainable basis for constitutional intervention. The appropriate remedy depends on the nature of the violation and the circumstances of the proceedings.

Article 226: Writ Jurisdiction of High Courts

Article 226 empowers High Courts to issue writs, directions, and orders for the enforcement of fundamental rights and for other purposes. Its scope is broader than Article 32 in terms of the purposes for which writ jurisdiction may be exercised. A person affected by unreasonable delay may approach the appropriate High Court for relief where the legal requirements for exercising its jurisdiction are satisfied. Depending on the circumstances, the High Court may consider directions to a public authority to perform a legal duty, examine an unlawful administrative obstruction, or grant other appropriate relief within its constitutional powers.

High Courts also exercise supervisory jurisdiction over subordinate courts under Article 227. This supervisory jurisdiction must be distinguished from the writ jurisdiction under Article 226, particularly when a challenge concerns the functioning or order of a subordinate judicial court. Constitutional intervention must respect judicial independence, statutory procedures, and the distinction between correcting an unlawful delay and directing a court to decide a case in a predetermined manner. The objective is to secure timely adjudication without compromising an impartial hearing.

ISSN: 2582-6433

Article 39A: Equal Justice and Free Legal Aid

Article 39A, a Directive Principle of State Policy, directs the State to ensure that the operation of the legal system promotes justice on the basis of equal opportunity. It also requires the provision of free legal aid through suitable legislation, schemes, or other arrangements so that opportunities for securing justice are not denied because of economic or other disabilities. Although Article 39A is not independently enforceable in the same manner as a fundamental right, it provides an important constitutional foundation for legal aid and accessible justice.

The Legal Services Authorities Act, 1987, establishes institutional mechanisms for providing legal services to eligible persons and promoting access to justice. Effective legal aid can reduce avoidable adjournments, assist accused persons in seeking bail where appropriate, help litigants understand procedural requirements, and support the timely presentation of evidence and arguments. Free legal assistance must be meaningful rather than merely formal. The appointment of a lawyer without adequate preparation, communication, or professional support may fail to provide effective access to justice.

Articles 136 and 227: Appellate and Supervisory Jurisdiction

Article 136 empowers the Supreme Court to grant special leave to appeal from judgments, decrees, determinations, sentences, or orders of courts and tribunals within its constitutional scope. It is an exceptional discretionary jurisdiction, not an automatic appeal available in every case. Article 227 vests High Courts with superintendence over courts and tribunals within their territorial jurisdiction, subject to the constitutional provisions governing that power. It supports judicial oversight of subordinate courts and helps maintain lawful and orderly judicial administration.

These provisions may be relevant to correcting serious procedural irregularities or addressing circumstances in which judicial supervision is legally warranted. However, neither provision should be understood as creating an automatic right to have every pending case transferred or expedited. Relief depends on the applicable jurisdictional principles and the facts of the individual case.

Judicial Development of the Right to Speedy Justice

The Supreme Court has progressively developed the right to speedy trial through constitutional interpretation. The following decisions are central to understanding the scope of the right and the remedies available against unreasonable delay.

ISSN: 2582-6433

***Maneka Gandhi v. Union of India* (1978)**

In *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, the Supreme Court interpreted Article 21 in conjunction with Articles 14 and 19, where applicable, and emphasised that legal procedures affecting personal liberty must satisfy constitutional standards of fairness and reasonableness. Although the case did not directly establish the right to speedy trial, its interpretation of Article 21 helped create the constitutional foundation on which subsequent speedy-trial jurisprudence developed.

The decision strengthened the principle that procedural legality must be assessed in light of constitutional fairness. It supports the broader argument that judicial processes must not become arbitrary or oppressive through unreasonable delay.

***Common Cause v. Union of India* (1996)**

In *Common Cause v. Union of India*, (1996) 4 SCC 33, the Supreme Court addressed prolonged criminal proceedings and the consequences of excessive delay. The decision formed part of the Court's broader efforts to protect accused persons from oppressive prosecutions. The Court issued directions concerning the treatment of certain categories of pending criminal cases. However, the application of broad directions concerning the termination of proceedings was subsequently reconsidered and clarified in later decisions.

The litigation demonstrates both the potential and the limitations of judicially prescribed solutions. General rules may provide relief in appropriate circumstances, but they must be consistent with statutory requirements, the nature of the offence, and the constitutional interests of all parties.

***Vakil Prasad Singh v. State of Bihar* (2009)**

In *Vakil Prasad Singh v. State of Bihar*, (2009) 3 SCC 355, the Supreme Court considered the implications of prolonged criminal proceedings and the constitutional right to speedy trial. The decision reinforced the principle that unreasonable delay must be assessed in context. Courts must examine the circumstances responsible for the delay and determine whether the continuation of proceedings is compatible with Article 21.

The judgment confirms that the constitutional guarantee requires a substantive assessment of delay rather than the mechanical application of a universal limitation period.

***Javed Gulam Nabi Shaikh v. State of Maharashtra* (2024)**

In *Javed Gulam Nabi Shaikh v. State of Maharashtra*, 2024 INSC 645, the Supreme

ISSN: 2582-6433

Court considered prolonged incarceration and the significance of the right to a speedy trial in determining bail. The decision reaffirmed that the constitutional protection of personal liberty cannot be disregarded merely because an accused person faces serious criminal allegations. The court must consider the circumstances of detention, the progress of the proceedings, and the applicable legal standards when deciding whether continued incarceration is justified.

The decision illustrates the practical relationship between speedy-trial protection and bail jurisprudence. It reinforces the principle that prolonged detention and the feasibility of completing the trial within a reasonable period are relevant considerations, subject to the facts and governing law. Taken together, these decisions establish that speedy justice is a constitutional requirement, but the remedy for delay depends on the nature of the violation. Courts may consider expedition, release on bail where legally justified, or other appropriate relief rather than automatically terminating every delayed proceeding.

Constitutional and Legal Remedies for Judicial Delay

The effectiveness of the right to speedy justice depends on the availability of remedies capable of addressing unreasonable delay. Constitutional remedies are not confined to a single procedure. They operate alongside statutory protections, judicial supervision, bail jurisprudence, legal aid, and administrative reforms.

Writ Petitions under Articles 32 and 226

Articles 32 and 226 provide constitutional avenues for enforcing fundamental rights. Where unreasonable delay results in a violation of Article 21, an affected person may seek appropriate constitutional relief, subject to the jurisdictional and procedural requirements applicable to the case. A petition may seek directions for expeditious consideration or disposal, particularly where prolonged proceedings threaten personal liberty or cause serious prejudice. A court may examine whether the delay is attributable to the investigating agency, prosecution, judicial administration, the parties, or circumstances beyond their control.

Article 32 provides a remedy before the Supreme Court for the enforcement of fundamental rights. Article 226 permits recourse to the relevant High Court for fundamental-rights enforcement and other legally recognised purposes. In many cases involving subordinate courts, the High Court is the more immediate constitutional forum, although the appropriate procedural route depends on the circumstances. However, writ jurisdiction is discretionary and must be exercised according to established principles. An applicant cannot assume that a constitutional petition will automatically result in a fixed deadline, transfer, acquittal, or

ISSN: 2582-6433

termination of proceedings.

Applications for Expeditious Hearing or Disposal

A person affected by delay may request the competent court to prioritise a case or issue appropriate case-management directions. Depending on the applicable procedure and circumstances, the request may be made before the court where the matter is pending or through the relevant supervisory judicial forum. Such applications are especially important where repeated adjournments, prolonged non-production of witnesses, delayed consideration of bail, or administrative obstacles have prevented meaningful progress.

A request for expedition should ordinarily identify the duration of the delay, the procedural stage reached, the reasons for previous adjournments, the prejudice suffered, and the specific relief sought. Courts must balance the need for timely disposal against the requirements of a fair hearing. Expedited proceedings should not prevent the accused from obtaining legal representation, examining witnesses, presenting a defence, or exercising other procedural rights.

Bail as a Remedy for Prolonged Pre-Trial Detention

Bail may provide an important form of relief when an accused person has remained in custody for an excessive period and the trial is unlikely to conclude within a reasonable time. The constitutional basis for such relief arises from the protection of personal liberty under Article 21. The Supreme Court has repeatedly emphasised that prolonged incarceration and unreasonable delay are relevant to bail decisions.

The appropriate assessment depends on factors including:

- The duration of custody and the likely remaining period of trial.
- The nature and seriousness of the allegations.
- The progress of the proceedings and the causes of delay.
- The applicable statutory restrictions on bail.
- The risk of absconding, witness intimidation, or interference with evidence.
- The constitutional rights of the accused and the interests of victims and society.

Bail is not an automatic consequence of every delay. Special statutory conditions, the nature of the alleged offence, and the facts of the case must be considered. Nevertheless, the State should not be permitted to disregard the constitutional significance of prolonged detention simply because a trial has not been completed.

ISSN: 2582-6433

Quashing or Termination of Proceedings in Appropriate Cases

In exceptional circumstances, prolonged and unjustified delay may contribute to a conclusion that continuing criminal proceedings would violate constitutional protections or otherwise constitute an abuse of the legal process. The Supreme Court's decisions in *A.R. Antulay v. R.S. Nayak* and *P. Ramachandra Rao v. State of Karnataka* establish that the right to speedy trial must be evaluated according to the circumstances of each case rather than through a universal time limit.

Accordingly, termination of proceedings may be considered where legally justified, but delay alone does not automatically require quashing. Courts must consider the seriousness of the alleged offence, the reasons for the delay, responsibility for the delay, actual prejudice, and the public interest in a lawful determination of criminal charges. This approach protects individual liberty without converting the right to speedy trial into a mechanism for avoiding accountability in every delayed prosecution.

Supervisory Jurisdiction of High Courts

High Courts play a central role in ensuring the effective functioning of subordinate courts. Article 227 provides constitutional superintendence over courts and tribunals within the High Court's territorial jurisdiction, subject to constitutional limitations. High Courts can also employ appropriate administrative and judicial mechanisms to monitor long-pending matters, review case-management practices, identify systemic obstacles, and improve the functioning of subordinate judicial institutions.

Supervisory intervention must not compromise the independence of the judicial officer deciding a case. Its purpose is to ensure lawful administration and efficient judicial functioning rather than to dictate the substantive outcome of individual proceedings.

Legal Aid and Assistance through Legal Services Authorities

Legal aid is an important instrument for protecting persons who cannot afford effective legal representation. Under the Legal Services Authorities Act, 1987, eligible persons may receive legal services through the established legal services institutions. Legal aid can help litigants understand procedural requirements, prepare applications, challenge unjustified detention, obtain information about their cases, and seek appropriate remedies for prolonged proceedings.

Legal Services Authorities can also contribute to legal awareness, pre-litigation settlement where appropriate, and the effective use of mediation and other alternative dispute

ISSN: 2582-6433

resolution mechanisms. However, the availability of legal aid does not itself guarantee speedy disposal. Adequate funding, competent representation, continuity of legal assistance, and effective coordination between legal services institutions and courts are essential.

Statutory and Procedural Remedies

Constitutional remedies must be considered alongside the ordinary remedies provided by procedural law. Depending on the case, parties may seek appropriate orders from the trial court, pursue statutory appeals or revisions, apply for bail, or invoke other remedies permitted by the applicable legislation. The criminal procedure framework also provides mechanisms intended to facilitate efficient proceedings, subject to the safeguards necessary for a fair trial.

As India has transitioned to the Bharatiya Nagarik Suraksha Sanhita, 2023, applicable procedural questions must be assessed in accordance with its commencement provisions, relevant transitional arrangements, and any applicable savings provisions concerning pending proceedings. The existence of ordinary remedies does not exclude constitutional review where a genuine fundamental-rights violation is established. However, the relationship between constitutional and statutory remedies must be considered carefully in each case.

Causes of Judicial Delay in India

Constitutional remedies cannot be evaluated effectively without examining the structural causes of delay. Many instances of prolonged litigation arise not from a single judicial decision but from interconnected institutional and procedural weaknesses.

Excessive Case Pendency

The accumulation of pending cases places sustained pressure on courts and judicial officers. When the number of new cases exceeds the system's capacity to dispose of existing matters, backlogs increase. The Law Commission of India's Report No. 245, *Arrears and Backlog: Creating Additional Judicial (wo)manpower* (2014), examined the relationship between judicial manpower, caseloads, and delays. It highlighted the need for a rational approach to judicial capacity and planning.

Pendency, however, must be distinguished from delay. A recently instituted case may be pending without being delayed, while a case that has remained unresolved beyond a reasonable period may constitute an arrear. Meaningful policy responses should therefore consider case age, complexity, procedural stage, and reasons for non-disposal.

ISSN: 2582-6433

Judicial Vacancies and Insufficient Infrastructure

Vacancies among judicial officers, inadequate courtrooms, insufficient administrative staff, and limited technological facilities can significantly affect the disposal of cases. When judicial establishments lack adequate resources, even well-designed procedural rules may fail to produce timely results. The constitutional responsibility to protect personal liberty therefore has an institutional dimension: the State must take reasonable steps to provide the infrastructure required for the administration of justice.

The problem requires coordinated action by the appropriate governmental authorities, High Courts, and judicial administration. Increasing judicial strength should be accompanied by effective recruitment, training, staff support, and infrastructure development.

Frequent Adjournments

Repeated adjournments are another major cause of delay. Proceedings may be postponed because of the absence of parties or witnesses, the unavailability of counsel, incomplete documentation, delayed service of notices, or other procedural difficulties. Although adjournments are sometimes unavoidable, unnecessary postponements increase litigation costs and may undermine public confidence in the judiciary.

Effective case management requires courts to identify avoidable delays, record reasons for adjournments where required, and ensure that procedural opportunities are not misused to obstruct adjudication.

Delays in Investigation and Prosecution

Criminal proceedings depend on timely investigation, the collection and preservation of evidence, the preparation of final reports, and the effective presentation of the prosecution case. Investigative delays may arise from insufficient personnel, forensic backlogs, difficulties in locating witnesses, inadequate coordination, and the complexity of the allegations.

These difficulties can prolong criminal proceedings even before the trial begins. Since the right to speedy trial extends beyond the courtroom stage, institutional reforms must address investigation and prosecution as well as judicial disposal.

Procedural Complexity and Litigation Practices

Complex procedural requirements, repeated interlocutory applications, unnecessary disputes over documentation, and poorly coordinated hearings may increase the time required to resolve cases. At the same time, procedural safeguards must not be weakened merely to

ISSN: 2582-6433

increase disposal figures. Fair notice, the opportunity to present evidence, reasoned judicial decisions, and meaningful access to appellate review remain essential components of justice.

The objective should be to simplify unnecessary procedural burdens while preserving the safeguards required by the Constitution and applicable law.

Socio-Economic Inequalities

The impact of delay is not uniform. Persons with limited financial resources may find it difficult to attend repeated hearings, retain counsel, travel to court, or remain away from employment. For undertrial prisoners, prolonged proceedings may mean continued loss of liberty. For victims, delay may postpone compensation, rehabilitation, and closure. In civil disputes, it may prevent access to property, livelihood, or other entitlements.

An effective system of speedy justice must therefore consider not only the number of cases disposed of but also the practical consequences of delay for the people who depend on judicial remedies.

Conclusion

The right to speedy justice occupies an important position within India's constitutional framework. Although the Constitution does not expressly enumerate a separate fundamental right to speedy justice, the Supreme Court has interpreted Article 21 to protect the right to a speedy trial as an essential component of fair, just, and reasonable procedure. The decisions in *Hussainara Khatoon v. Home Secretary, State of Bihar*, *A.R. Antulay v. R.S. Nayak*, and *P. Ramachandra Rao v. State of Karnataka* demonstrate the development of this constitutional principle and the importance of assessing delay according to the circumstances of individual cases. Articles 32 and 226 provide mechanisms for enforcing fundamental rights, while Article 227 supports the supervisory role of High Courts over subordinate courts. Bail, appropriate procedural applications, legal aid, and other legally available remedies can also help address particular forms of unreasonable delay.

However, constitutional remedies cannot independently eliminate the structural causes of judicial delay. Excessive pendency, judicial vacancies, insufficient infrastructure, procedural inefficiencies, delayed investigations, and unequal access to legal representation continue to affect the timely administration of justice. A meaningful response requires a comprehensive approach that combines constitutional enforcement with institutional strengthening, effective case management, responsible use of technology, adequate legal aid, and evidence-based judicial planning. Reforms must focus not merely on disposing of more cases but on ensuring

ISSN: 2582-6433

that every person receives a fair and effective hearing within a reasonable period.

Ultimately, speedy justice is not simply an administrative objective; it is an essential condition for the practical enjoyment of constitutional rights and the preservation of public confidence in the rule of law. A judicial system that protects liberty, respects procedural fairness, and resolves disputes without unreasonable delay gives substantive meaning to the constitutional promise of justice.

References

1. Constitution of India, Articles 14, 21, 32, 39A, 136, 226 and 227.
2. Legal Services Authorities Act, 1987.
3. Bharatiya Nagarik Suraksha Sanhita, 2023.
4. Code of Civil Procedure, 1908.
5. Limitation Act, 1963.
6. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
7. *Hussainara Khatoon v. Home Secretary, State of Bihar*, (1980) 1 SCC 98.
8. *A.R. Antulay v. R.S. Nayak*, (1992) 1 SCC 225.
9. *Common Cause v. Union of India*, (1996) 4 SCC 33.
10. *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578.
11. *Vakil Prasad Singh v. State of Bihar*, (2009) 3 SCC 355.
12. *Javed Gulam Nabi Shaikh v. State of Maharashtra*, 2024 INSC 645.
13. Law Commission of India, *Arrears and Backlog: Creating Additional Judicial (wo)manpower*, Report No. 245 (2014). S3WaaS
14. Ministry of Law and Justice, Government of India, official materials on judicial administration and court reforms.
15. National Judicial Data Grid, official judicial pendency and disposal statistics.
16. Department of Justice, Government of India, materials on the e-Courts project.