



## THE CRISIS OF JUDICIAL DELAY AND THE IMPERATIVE FOR SWIFT AND EXPEDITED JUSTICE: AN EMPIRICAL STUDY

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### ABSTRACT

The principle of "justice delayed is justice denied" has become increasingly relevant in contemporary judicial systems across the world. Courts are burdened with excessive case backlogs, procedural delays, shortages of judges, and inadequate infrastructural facilities, resulting in prolonged litigation and denial of timely justice. This research paper critically examines the necessity of expedited trials in an overburdened judicial system, with special reference to the Indian judiciary. The study explores the constitutional mandate for speedy justice, the causes of judicial delay, and the socio-legal implications of pendency in courts. It further evaluates judicial reforms, technological interventions, fast-track courts, alternative dispute resolution mechanisms, and policy initiatives aimed at ensuring swift justice delivery. The paper is based on primary and secondary data collected by the researcher. The paper concludes that expedited trials are essential for preserving public confidence in the rule of law and strengthening democratic governance.

**KEYWORDS :** Swift Justice, Expedited Trials, Judicial Reforms

### INTRODUCTION

Justice is considered one of the foundational pillars of a democratic society. The effectiveness of a judicial system depends not merely on the quality of judgments but also on the timeliness of justice delivery. In many countries, particularly in developing democracies like India, courts face enormous pressure due to rising litigation, insufficient judicial infrastructure, and procedural complexities. Judicial delays have become a major obstacle to ensuring effective justice. The Indian judiciary is currently burdened with millions of pending cases in subordinate courts, High Courts, and the Supreme Court. Delayed trials adversely affect litigants, undermine public confidence in the judiciary, and violate the constitutional guarantee of the right to life and personal liberty under Article 21 of the Constitution. The concept of swift justice emphasizes that legal disputes should be resolved within a reasonable period to maintain fairness, efficiency, and social order. Expedited trials have emerged as an important judicial reform mechanism intended to reduce delays and ensure timely disposal of cases. Fast-track courts, digital courts, e-filing systems, and alternative dispute resolution mechanisms are increasingly being adopted to address the issue of judicial backlog. This paper analyses the importance of expedited trials and examines their role in strengthening the administration of justice.

### LITERATURE REVIEW

A recent study titled *Judicial Delays in India: Analysing the Causes and Exploring Solutions for Expedited Justice* examined the relationship between backlog and access to justice. The authors observed that increasing litigation, a shortage of judges, and outdated procedural systems have significantly burdened the judiciary. The research proposed technological reforms, fast-track courts, improved infrastructure, and case management systems as essential tools for expedited justice delivery.

Mohd Adnan and Lakee Ali, in their work *Indian Judicial System and Reforms: The Story of Delays and Pendency*, analyzed the crisis of judicial pendency in India. The study highlighted that despite constitutional recognition of speedy trials through landmark cases such as *Hussainara Khatoon v. State of Bihar* and *Kadra Pahadiya v. State of Bihar*, implementation remains inadequate due to corruption, inefficiency, and political interference. The authors also examined international practices such as digital courts in Singapore and Estonia, suggesting that technological innovation can significantly enhance judicial competence and efficiency.

### Concept of Swift Justice

Swift justice refers to the prompt and efficient resolution of legal disputes without unnecessary delay. The concept is rooted in the belief that justice loses its value when delivered after an unreasonable period. Delays in trials often result in emotional, financial, and social hardships for litigants. The idea of speedy justice is recognized internationally as a fundamental human right. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) recognizes the right to a fair and public hearing within a reasonable time. Similarly, the Indian Constitution guarantees fair and speedy trial as an integral part of Article 21.

### Objective of Study

- To examine the concept and importance of swift justice.
- To suggest reforms for improving judicial efficiency and reducing case backlog.

### Research Methodology

The present study is doctrinal and analytical in nature. Descriptive research design is more appropriate for this study. It has therefore been adopted for this research study. For this study, a convenience sampling method was used to collect primary data. The primary data was collected through a structured questionnaire. For this study, Ahmedabad city is considered a population. To determine the sample size, the researcher considered a 95 percent confidence level, assuming a 5 percent tolerance error due to an unknown population. In view of this, the sample size needed for this study is 111. The secondary data are collected from books, journal articles, legal reports, case laws, government publications, and online databases. The researcher has used frequency distribution for percentage analysis along with analysis of variance and the chi-square test to prove the assumptions.

### Data Analysis and Interpretation

As per primary data collected by her, the measures that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts are

- 36 (32.4%) respondents think that the recruitment of more judges could be the measurement that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.
- 31 (27.9%) respondents think that the investment in digital

- infrastructure could be the measurement that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.
- 31 (27.9%) respondents think that the investment in legal reforms could be the measurement that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.
  - 13 (11.7%) respondents think that the increase in the judicial budget could be the measurement that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.

**Hypothesis Testing**

**H<sub>0</sub>:** There is no association between age and their opinion on measures that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.

**H<sub>1</sub>:** There is an association between age and their opinion on measures that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	22.212 <sup>a</sup>	9	.008
Likelihood Ratio	26.991	9	.001
Linear-by-Linear Association	1.236	1	.266
N of Valid Cases	111		

<sup>a</sup>. 7 cells (43.8%) have expected count less than 5. The minimum expected count is .70.

**Interpretation:** The above Chi-Square test table shows that the P-value (0.008) is less than the significance value. Therefore, H<sub>0</sub> is rejected. So, there is an association of age and their opinion on measures that should be undertaken by the government and policymakers to strengthen the delivery of speedy justice in subordinate courts.

**Causes of Judicial Delay**

- Excessive Case Backlog: One of the major reasons for judicial delay is the huge number of pending cases. Increasing litigation and population growth have significantly burdened courts.
- Shortage of Judges: India has a comparatively low judge-to-population ratio. Vacancies in courts contribute to delayed hearings and case disposal.

**Constitutional and Legal Framework**

The Constitution of India guarantees the right to speedy justice under Article 21. The judiciary has repeatedly interpreted speedy trial as a fundamental right.

- Hussainara Khatoon v. State of Bihar: The Supreme Court held that speedy trial is a fundamental right implicit under Article 21 of the Constitution.

**Importance of Expedited Trials**

- Protection of Fundamental Rights: Delayed justice often violates constitutional rights and undermines the dignity of individuals.
- Reduction of Undertrial Prisoners: Expedited trials help reduce overcrowding in prisons by ensuring timely disposal of criminal cases.

**Mechanisms For Expedited Trials**

- Fast-Track Courts: Fast-track courts were established to dispose of long-pending and sensitive cases quickly. These courts play an important role in handling cases related to women, children, and serious crimes.
- Alternative Dispute Resolution (ADR): Mechanisms such as arbitration, mediation, conciliation, and Lok Adalats help reduce the burden on traditional courts.

**Challenges in Implementing Expedited Trials**

- Lack of adequate financial resources limits the development of judicial infrastructure, recruitment, and modernization efforts.
- Resistance to procedural reforms often delays the implementation of new judicial practices and efficient systems.

**Possible Recommendations**

- Increase the number of judges and court staff to reduce case backlog and ensure quicker disposal of cases.
- Strengthen digital infrastructure in courts through e-filing, virtual hearings, and digital record management systems.
- Encourage alternative dispute resolution (ADR) mechanisms such as mediation and arbitration at pre-litigation stages to reduce court burden.

**CONCLUSION**

Swift justice is indispensable for maintaining the rule of law and protecting democratic values. An overburdened judicial system not only delays justice but also weakens public confidence in legal institutions. Expedited trials represent a necessary reform aimed at ensuring timely and effective justice delivery. However, speed should not compromise fairness and procedural integrity. The judiciary, legislature, and executive must work collectively to implement structural reforms, technological innovations, and policy measures that promote judicial efficiency. A balanced and responsive judicial system is essential for ensuring access to justice and safeguarding constitutional rights in a modern democratic society.

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