



## SWIFT JUSTICE IN MODERN COURTS AND THE AUTHORITATIVENESS OF ACCELERATED TRIALS AMONG JUDICIAL BACKLOG: LEGAL STUDY

**Harita Jashubhai Panchal**

Research Scholar, Department of Human Rights and International Humanitarian Law, Saurashtra University, Rajkot, India

**ABSTRACT** The study comprehensively examines the constitutional mandate of speedy justice as enshrined under Article 21 of the Constitution of India and interpreted through judicial pronouncements of the Supreme Court of India. The paper also highlights the adverse socio-legal consequences of prolonged litigation, such as denial of substantive justice, erosion of public confidence in the judicial system, financial hardship to litigants, and infringement of fundamental and human rights. In addition, the research critically assesses various judicial reforms and institutional mechanisms introduced to ensure expeditious disposal of cases, including fast-track courts, e-courts, digitalisation of judicial processes, case management techniques, alternative dispute resolution mechanisms, and legislative as well as policy initiatives aimed at reducing judicial pendency. The study is based upon both primary and secondary sources of data, including statutes, judicial decisions, government reports, scholarly writings, and empirical observations collected and analysed by the researcher. The paper concludes that expedited trials are indispensable for ensuring effective administration of justice, protecting the constitutional rights of litigants, preserving public faith in the rule of law, and strengthening democratic governance. It emphasises that timely justice delivery is not merely a procedural necessity but a constitutional and moral obligation of the State in a modern welfare democracy.

**KEYWORDS** : Swift Justice, Fast-Track Courts, 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

Several scholars have examined the constitutional and human rights dimensions of speedy trials. The right to a speedy trial is recognized as a fundamental component of fair trial rights under constitutional and international legal frameworks. Delays in criminal proceedings often violate principles of natural justice and adversely affect both victims and accused persons. Research on judicial delays in India indicates that prolonged pendency contributes to overcrowded prisons, witness hostility, evidence deterioration, and declining public faith in judicial institutions. Accelerated trial mechanisms are therefore viewed as an institutional response aimed at safeguarding constitutional guarantees and improving access to justice.

Contemporary literature also highlights the growing role of technology and digitalization in achieving swift justice. Studies emphasize the significance of e-filing systems, virtual hearings, AI-assisted case management, and predictive analytics in reducing delays and improving court efficiency. Research using machine learning models to predict delays in Indian lower courts demonstrates that technological tools can help identify factors contributing to pendency and assist in better judicial planning. Recent discussions on AI-assisted judicial systems further suggest that automation and intelligent case processing may support faster adjudication; however, concerns remain regarding fairness, transparency, and judicial accountability.

Comparative international developments provide additional perspectives on accelerated justice systems. Recent reforms proposed in the United Kingdom to establish "swift courts" aimed at reducing criminal case backlogs demonstrate global concern regarding delayed

justice. These reforms emphasize quicker resolution of less serious offenses through judge-led trials and expanded magistrate powers. However, critics contend that limiting jury trials and expediting procedures may undermine fairness and public confidence in the judicial process. Such debates reflect the central tension in contemporary judicial reforms: balancing efficiency with substantive justice.

### 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 analyze the causes of delays in the judicial system.
- To study the constitutional and legal framework relating to speedy trials.
- To evaluate the effectiveness of expedited trial mechanisms.

### 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 digital reforms would recommend improving the speed of justice in subordinate courts;

- 69 (62.2%) respondents think that online case filing and document submission could be digital reforms, and it can improve the speed of justice in subordinate courts.
- 18 (16.2%) respondents think that virtual hearings for preliminary matters could be digital reforms, and it can improve the speed of justice in subordinate courts.
- 11 (9.9%) respondents think that automated case scheduling and tracking could be digital reforms, and it can improve the speed of

- justice in subordinate courts.
- 8 (7.2%) respondents think that digital training for judges and lawyers could be digital reforms, and it can improve the speed of justice in subordinate courts.
- 2 (1.8%) respondents think that better court websites and public dashboards and AI-based case management could be digital reforms, and it can improve the speed of justice in subordinate courts.
- 1 (0.9%) respondent thinks that there are other reforms that can improve the speed of justice in subordinate courts.

**HYPOTHESIS TESTING**

**H<sub>0</sub>:** There is no association between gender and their recommendation that digital reforms improve the speed of justice in subordinate courts.

**H<sub>1</sub>:** There is an association between gender and their recommendation that digital reforms improve the speed of justice in subordinate courts.

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.963 <sup>a</sup>	6	.030
Likelihood Ratio	18.195	6	.006
Linear-by-Linear Association	1.125	1	.289
N of Valid Cases	111		

a. 9 cells (64.3%) have expected count less than 5. The minimum expected count is .38.

**Interpretation:** The above Chi-square test table shows that the P-value (0.030) is less than the significance value. Therefore, H<sub>0</sub> is rejected. So, there is an association between gender and their recommendation that digital reforms improve the speed of justice in subordinate courts.

**CAUSES OF JUDICIAL DELAY**

- Shortage of Judges:** India has a comparatively low judge-to-population ratio. Vacancies in courts contribute to delayed hearings and case disposal.
- Procedural Complexities:** Lengthy procedural requirements, repeated adjournments, and technical formalities delay the judicial process.

**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.

- Kadra Pahadiya v. State of Bihar:** The Court highlighted the responsibility of the state to ensure prompt justice delivery.

**IMPORTANCE OF EXPEDITED TRIALS**

- Reduction of Undertrial Prisoners:** Expedited trials help reduce overcrowding in prisons by ensuring timely disposal of criminal cases.
- Public Confidence in Judiciary:** Timely judgments enhance trust and credibility in judicial institutions.

**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.
- Digitalization of Courts:** E-courts, virtual hearings, online filing systems, and digital case management improve judicial efficiency.
- Judicial Appointments:** Timely appointment of judges and filling judicial vacancies are essential for reducing backlog.

**CHALLENGES IN IMPLEMENTING EXPEDITED TRIALS**

- Insufficient technological literacy:** Limited technical knowledge among judicial officers, lawyers, and court staff creates challenges in effectively utilizing digital court systems and e-governance tools.
- Concerns regarding compromise in quality of justice:** Excessive emphasis on speedy disposal of cases may reduce detailed examination of evidence and affect fairness and accuracy in judicial decisions.
- Administrative inefficiency and coordination issues:** Poor case management, lack of coordination among judicial institutions, and bureaucratic delays contribute significantly to judicial backlog and slow justice delivery.

**POSSIBLE RECOMMENDATIONS**

- Encourage alternative dispute resolution (ADR) mechanisms such

as mediation and arbitration at pre-litigation stages to reduce court burden.

- Implement strict guidelines against unnecessary adjournments to prevent delays in judicial proceedings.
- Establish more fast-track courts for handling specialized and sensitive cases efficiently.
- Promote judicial training and technological awareness among judges and court staff for effective administration of justice.

**CONCLUSION**

The effective and timely administration of justice is indispensable for the preservation of the rule of law and the protection of democratic values in a constitutional polity. An overburdened judicial system not only results in prolonged delays in adjudication but also erodes public confidence in the credibility, efficiency, and integrity of legal institutions. In this context, expedited trials emerge as an essential judicial reform mechanism intended to secure prompt, accessible, and effective justice delivery. Nevertheless, the objective of achieving speedy justice must not be pursued at the cost of fairness, due process, or procedural safeguards, which constitute the foundational principles of natural justice and constitutional governance. The administration of justice requires a careful balance between expedition and equity to ensure that the rights of all parties are adequately protected. The establishment of a balanced, transparent, and responsive judicial system is essential for ensuring meaningful access to justice, safeguarding fundamental and constitutional rights, and reinforcing the democratic framework of the nation.

**REFERENCES**

- Constitution of India
- Basu, D. D. *Introduction to the Constitution of India*. New Delhi: LexisNexis Butterworths.
- Jain, M. P. *Indian Constitutional Law*. New Delhi: LexisNexis Publications.
- Law Commission of India. *245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower*. New Delhi: Government of India.
- Kadra Pahadiya v. State of Bihar, AIR 1981 SC 939.
- Chattaraj, Abir. "Justice Delayed—Justice Denied: The Right to Speedy Trial in India." *SSRN Electronic Journal*.
- Singh, Tanushree, and Akash Singh Thakur. "Administration of Justice: Judicial Delays in India." *Indian Journal of Public Administration*.
- Adnan, Mohd, and Lakee Ali. "Indian Judicial System and Reforms: The Story of Delays and Pendency." *SSRN Electronic Journal*.
- Bhatnagar, Mohit, and Shivraj Huchhanavar. "Predicting Delays in Indian Lower Courts Using Machine Learning."
- Supreme Court of India. *Annual Report on Judicial Pendency and Reforms*.
- National Judicial Data Grid (NJDG). *Case Pendency Statistics in India*.