



**ORIGINAL RESEARCH PAPER**

**Law**

**ADVANCED TRIALS AND JUDICIAL COMPETENCE: A STUDY OF SWIFT JUSTICE IN AN OVERWORKED LEGAL SYSTEM**

**KEY WORDS:** Swift Justice, Expedited Trials, Judicial Delay

**Harita Jashubhai Panchal**

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

**Dr. R. M. Dave\***

Assistant Professor, Human Rights & I. H. Law and I/c. Head, Department of Social Work, Saurashtra University, Rajkot, India\*Corresponding Author

**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.

**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**

**Abir Chattaraj**, in his study *Justice Delayed–Justice Denied: The Right to Speedy Trial in India*, emphasized that speedy trial is an essential component of criminal justice administration and forms an integral part of Article 21 of the Constitution. The author argued that prolonged delays in criminal proceedings result in denial of justice, especially for undertrial prisoners. The study further compared the Indian judicial system with the American legal system and highlighted the importance of procedural efficiency in ensuring timely justice.

**Tanushree Singh and Akash Singh Thakur**, in their article *Administration of Justice: Judicial Delays in India* critically examined the structural causes of judicial delays. Their study identified judicial vacancies, inadequate infrastructure, insufficient budgetary allocation, and repeated adjournments as major contributors to pendency. The authors suggested reforms such as e-governance, ethical accountability within the Bar and Bench, and strengthening alternative dispute resolution mechanisms to improve judicial 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 analyze the causes of delays in the judicial system.
- To study the constitutional and legal framework relating to speedy trials.

**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 main reasons for delay in subordinate courts are;

- 62 (55.9%) respondents think that due to lack of judges/staff, there are delays in subordinate courts.
- 24 (21.6%) respondents think that due to procedural complexity, there are delays in subordinate courts.
- 9 (8.1%) respondents think that due to delays in police investigations, there are delays in subordinate courts.
- 5 (4.5%) respondents think that due to poor infrastructure and lack of cooperative support from the parties, there are delays in subordinate courts.
- 4 (3.6%) respondents think that due to frequent adjournments, there are delays in subordinate courts.

- 2 (1.8%) respondents think that due to Deliberate delay by the lawyers, there are delays in subordinate courts.

**HYPOTHESIS TESTING**

H<sub>0</sub>: There is no association between age and their opinion for delay in subordinate courts.

H<sub>1</sub>: There is an association between age and their opinion for delay in subordinate courts.

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	59.947a	18	.000
Likelihood Ratio	70.395	18	.000
Linear-by-Linear Association	1.681	1	.195
N of Valid Cases	111		

a. 22 cells (78.6%) have expected count less than 5. The minimum expected count is .11.

**Interpretation:** The above Chi-Square test table shows that the P-value (0.000) is less than the significance value. Therefore, H<sub>0</sub> is rejected. So, there is an association between age and their opinion on delay in subordinate courts.

**CAUSES OF JUDICIAL DELAY**

- **Inadequate Infrastructure:** Many courts lack modern infrastructure, digital facilities, and sufficient staff to manage increasing caseloads effectively.
- **Frequent Adjournments:** Lawyers and parties often seek unnecessary adjournments, causing prolonged litigation and judicial inefficiency.

**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.

- **A.R. Antulay v. R.S. Nayak:** The Court emphasized that unreasonable delay in criminal trials violates the right to fair procedure.

**IMPORTANCE OF EXPEDITED TRIALS**

- **Economic Development:** Efficient judicial systems promote business confidence, contractual enforcement, and economic stability.
- **Prevention of Evidence Loss:** Long delays may result in disappearance of evidence, fading witness memory, and compromised justice.

**MECHANISMS FOR EXPEDITED TRIALS**

- **Judicial Appointments:** Timely appointment of judges and filling judicial vacancies are essential for reducing backlog.
- **Procedural Reforms:** Limiting unnecessary adjournments and simplifying procedures can significantly accelerate trials.

**CHALLENGES IN IMPLEMENTING EXPEDITED TRIALS**

- **Insufficient technological literacy** among judicial officers and staff affects the effective use of digital court systems.
- **Concerns regarding compromise in the quality of justice** arise when emphasis on speedy trials may reduce thorough examination of cases.
- **Administrative inefficiency and coordination issues** create delays in case management, communication, and implementation of judicial reforms.

**POSSIBLE RECOMMENDATIONS**

- Promote judicial training and technological awareness among judges and court staff for effective administration of justice.
- Improve case management and monitoring systems to

ensure transparency and timely progress of cases.

- Enhance budgetary allocation for judicial reforms to improve infrastructure, staffing, and technological advancement in courts.

**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.

**REFERENCES**

1. Constitution of India
2. Basu, D. D. *Introduction to the Constitution of India*. New Delhi: LexisNexis Butterworths.
3. Law Commission of India. *245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower*. New Delhi: Government of India.
4. A.R. Antulay v. R.S. Nayak, AIR 1992 SC 1701.
5. Chattaraj, Abir. "Justice Delayed—Justice Denied: The Right to Speedy Trial in India." *SSRN Electronic Journal*.
6. Singh, Tanushree, and Akash Singh Thakur. "Administration of Justice: Judicial Delays in India." *Indian Journal of Public Administration*.
7. Adnan, Mohd, and Lakee Ali. "Indian Judicial System and Reforms: The Story of Delays and Pendency." *SSRN Electronic Journal*.
8. United Nations. *International Covenant on Civil and Political Rights (ICCPR)*.
9. Supreme Court of India. *Annual Report on Judicial Pendency and Reforms*.