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## Decoding Justice Delays: Accountability Beyond the Judiciary

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*This study offers an in-depth analysis of factors beyond the judiciary that contribute to the delay in the delivery of justice within the Indian legal system. An introduction to the origins of justice, dating back to the British Raj era, is provided, along with an overview of the current stance. Judicial delays often result from factors beyond the judiciary's control. An analysis of such factors, right from structural inefficiencies, economic constraints, legislative bottlenecks, and interference from politics to other relevant factors like prison overcrowding, is provided. There is a serious lack of representation in judicial posts, along with lesser awareness about rights and means to seek justice, especially for those who come from remote and marginalised sections. These factors hamper the delivery of justice, especially for the poor, vulnerable strata of society. The loopholes present in the current statutes and Acts are showcased, and data supporting such claims are provided. The suggested recommendations that would further assist in tackling such issues are provided at the end of the paper.*

**Keywords:** *non-judicial factors, legislative bottlenecks, judicial procedures, scheduling bottlenecks.*

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### INTRODUCTION

The Justice delayed is justice denied. The idea of providing justice to the aggrieved by punishing the culprit gets hampered when the procedure is delayed. This most explicitly applies to vulnerable strata of society who neither have financial resources nor power connections to seek justice. It has been an immemorial practice of the Indian legal system to provide delayed justice, right from the British Raj to the current system. The whole idea of

punishing culprits within a time frame gets hampered, and they eventually, in the gestation period, gather courage to commit new crimes, thereby invalidating the whole principle of the criminal justice system.

A delayed justice process is not only less productive for the economy and the country; rather, it also makes the whole process less cost-effective. In the paper *Economic Consequences of a Weak Judiciary: Insights from India* by W Koehling,<sup>1</sup> the author argues that a highly effective judicial system is necessary for contributing to the growth of the economy. The victim suffers from social stigma as retarded process creates a daunting atmosphere for them, and eventually, they lose hope for availing justice, making them a silent sufferer in the darkness. A great backlog of cases – 5 crore in numbers, reflects this delayed process across different courts across India. These issues could be resolved by adapting different approaches, from augmenting the strength of judges even from lower levels to promoting alternative dispute mechanisms, to improving infrastructure, and increasing public awareness.

Often, we hold the judiciary liable for delays in administering justice. However, on broadening the very canvas, there lie other non-judicial factors, right from societal attitudes to bureaucratic approaches are vital in contributing to this retarded process. These factors are not only complementary to justice delays but also play a key role in the functioning of the Indian judicial system. Below, we shall analyse the factors that contribute to this delayed process.

## **LEGISLATIVE BOTTLENECKS**

The term legislative bottlenecks basically refers to delay or inefficiency in the creation, amendment, or enforcement of laws. Poorly drafted amendments could lead to the creation of confusion and loopholes, which are misused by lawyers and litigants, increasing the number of cases to be resolved by the courts. This hampers the productivity of the court as augmented time is being spent on interpreting evolving statutes. Besides, certain laws like the Code of Civil Procedure (1908)<sup>2</sup> and the Indian Evidence Act (1872),<sup>3</sup> before the

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<sup>1</sup> Wolfgang Koehling, 'The Economic Consequences of a Weak Judiciary: Insights from India' (2002) *Law and Economics* <<https://ideas.repec.org/p/wpa/wuwple/0212001.html>> accessed 25 June 2025

<sup>2</sup> Code of Civil Procedure 1908

<sup>3</sup> Indian Evidence Act 1872

amendment to them in 2023, it was not capable of catering to the current realities of India. Such laws were rooted in a colonial era that prescribed a lengthy procedure.

For instance, the Code of Civil Procedure (1908) and the Code of Criminal Procedure (1973)<sup>4</sup> did not provide a time limit for the disposal of cases, and neither does their supplementary act to the latter, i.e., the Bharatiya Nagarik Suraksha Sanhita (2023).<sup>5</sup> Provide a fixed limit for administering justice. It is only a directory and rests upon the discretion of the judge. Further, the slow process of implementing necessary amendments leads to lawyers and judges seeking modern case management practices, only contributing to judicial backlogs. Certain laws mandate lengthy procedures of review, appeal, or other procedural steps, which go in contravention of India's limited judicial resources. The legislative framework in India does not provide for the handling of cases based on urgency or complexity, bringing ordinary and urgent cases in a similar parlance. In the paper *Love Jurisdiction* by Perveez Mody,<sup>6</sup> the author presents how legislative procedures are not only used by the common public to create pressure on the other party but also to entangle it for years within the clutches of judicial procedures, further aggravating this issue.

## DEFICIENCY IN INFRASTRUCTURE

Many courts in India, especially at the lower levels, lack the required courtroom space that should be in cognisance of the growing quantity of cases, leading to scheduling bottlenecks, i.e., a case remains pending due to the unavailability of courtrooms. The contemporary Indian judicial system depends on obsolete technologies such as manual or paper-based systems, leading to difficulty in case-tracking and increasing the risk of loss or hampering of potential documents. There is a lack of support staff, i.e., clerks, typists, etc., in Courts, leading to more wastage of time of lawyers and judges on administrative work, which could have otherwise been used for hearings or judgments. The physical infrastructure of the courts is also dreadful. Most of the time, they lack proper sitting spaces for lawyers and washroom facilities, even for female advocates. In the co-author's experience at the district court as an intern, she was required to sit in the last broken bench of the courtroom full of litigants and lawyers, where her mentor himself had a chamber in a vulnerable hut-like structure outside

<sup>4</sup> Code of Criminal Procedure 1973

<sup>5</sup> Bharatiya Nagarik Suraksha Sanhita 2023

<sup>6</sup> Perveez Mody, 'Love and the Law: Love-Marriage in Delhi' (2002) 36(1) *Modern Asian Studies*  
<<http://dx.doi.org/10.1017/S0026749X02001075>> accessed 25 June 2025

the Court with no clean toilet facilities. There is an unavailability of residential spaces for judges in certain areas, making it difficult to attract qualified judges, particularly in remote areas.

## ECONOMIC CONSTRAINTS

India spends just 0.1% of its budget on the judiciary, which is far below the international benchmark as compared to 2% on defence.<sup>7</sup> This serves as a major setback for the appointment of judges and the provision of legal aid. The recommendations of the 1<sup>st</sup> Law Commission<sup>8</sup> were implemented a decade later, only delaying the impact of the report as India lacked the financial resources to implement it at the right moment. This also stands apt to the current funding for the judicial system in India.

Legal aid is an important tool to bring justice to people in vulnerable conditions, but unfortunately, in the country, especially in remote areas, it is both underfunded and understaffed. The litigant faces significant hardships due to the court fees, as well as the escalating fees of lawyers, resulting from the numerous court dates assigned. A portion of India's population is relatively poor, making them isolated from seeking justice due to the heavy financial burden they carry. This also creates a divide, as the rich have better means to engage an experienced lawyer, while the poor hardly find one, and the judgment often results in favour of good advocacy skills.

## POLITICAL INTERFERENCE

Political interference in judicial processes refers to any attempt by influential individuals or politicians to affect the outcome of cases. Political interference remains one of the most pervasive and structurally embedded reasons for delays in justice. While the judiciary is constitutionally independent, and Articles 50<sup>9</sup> and 124<sup>10</sup> of the Indian Constitution highlight the necessity of separating the judiciary from the executive and outline the formation of the Supreme Court and High Courts, in reality, its operation tends to become interwoven with

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<sup>7</sup> Yash Agarwal, 'India spends 0.1% on the judiciary as against 2% of the GDP on defence' *National Herald* (10 October 2020) <<https://www.nationalheraldindia.com/india/india-spends-01-on-the-judiciary-as-against-2-of-the-gdp-on-defence>> accessed 13 June 2025

<sup>8</sup> Law Commission, *Report on the Indian Penal Code* (Law Com No 1, 1955)

<sup>9</sup> Constitution of India 1950, art 50

<sup>10</sup> Constitution of India 1950, art 124

the political interests of the ruling elite. Often ruling government's approach to the judiciary smacks of a '3I' approach - Intimidation, Interference, and Influence.<sup>11</sup>

The attempts to sway decisions through bribery, intimidation, and other reasons (such as appointments, transfers, the roles judges take on after retirement, etc.). Judge appointments, transfers, and promotions, especially at the Supreme Court and the High Courts, have occasionally been mired in controversy, undermining judicial independence. The All India Judges' Association v Union of India.<sup>12</sup> The case emphasised the need for insulating judicial appointments from political interference, but there is slow implementation. Judicial vacancies not being filled up and inordinate consultation between the executive and the judiciary directly contribute to the pendency of over 5 crore cases across all courts in India. One judge for 18.7 lakh people, with over 33% posts unfilled and pendency soaring, the judiciary's capacity to deliver timely justice is under severe strain.<sup>13</sup>

Apart from this the direct interference involves overt attempts by politicians or other officials, such as by bribing witnesses or jurors, court staffs to hold necessary document, threatening litigants or their lawyers, or pressurizing police officials to make deliberate delays in the investigation processes, frequent transfers of investigating officers to serve political moto, resulting in listing the matter again and again for the next date. This not only ends up here, political interference not only make such delays in providing justice but also hampers the quality of the judgements, sometimes by coercing judges into making favorable rulings or offering the judges high-profile political roles post-retirement as can be clearly seen in the case of some judges who were involved in the landmark judgements and later got high-chair following their retirement, such as Justice P. Sathasivam (Governor of Kerala), Justice Ranjan Gagoi (Member of Rajya Sabha), Justice S. Abdul Nazeer (Governor of Andhra Pradesh). Overall, political interference in judicial processes undermines the independence of the judiciary, the rule of law, and erodes the public trust in governance.

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<sup>11</sup> Dr. Abhishek Singhvi, 'Intimidation, Interference and Influence' (*Congress Sandesh*, 01 August 2022) <<https://inc.in/congress-sandesh/aicc-diary/intimidation-interference-and-influence>> accessed 20 July 2025

<sup>12</sup> *All India Judges' Association v Union of India* (1992) 1 SCC 119

<sup>13</sup> Soibam Rocky Singh, 'One Judge for 18.7 Lakh People: Vacancy, Pendency Crises Plague High Courts' *The Hindu* (03 May 2025) <<https://www.thehindu.com/news/national/one-judge-for-187-lakh-people-vacancy-pendency-crises-plague-high-courts/article69534670.ece>> accessed 16 June 2025

## CULTURAL AND SOCIAL BARRIERS

The deep-rooted cultural and social barriers present in Indian society severely impede access to justice for vulnerable sections such as the poor, women, and other marginalised sections. The High Court's mandatory function is only in the English language, bridging a gap for sections not proficient in the language. The Supreme Court recently launched the Supreme Court Vidhik Anuvaad Software (SUVAS)<sup>14</sup>, an AI-powered translation tool to convert judicial documents to regional languages; however, it has several shortcomings that need to be dealt with. The vulnerable communities, like the SC and ST, might lack legal awareness and could be crushed by the authorities. Social stratification makes them aloof from this judicial process. Women face a lot of prejudices from society and would hesitate to approach the judicial system due to social stigma or fear of retaliation. Further, certain communities in India see women approaching the judicial system as taboo and call for the resolution of the matter within their own communities.

## LEGAL REPRESENTATION ISSUES

The preamble of the Indian Constitution<sup>15</sup> aims to ensure fairness and justice for its people, both socioeconomic and political. The two noteworthy articles given under DPSPs are Articles 38<sup>16</sup> and 39A<sup>17</sup>. While Article 38(1)<sup>18</sup> states that the state shall promote the welfare of the people by providing them justice and securing the social order, and Article 39A<sup>19</sup> states that the state shall provide legal aid through the various legislations and schemes to ensure that no one is denied secure justice, but in reality, there lies a serious imbalance in access and quality of representation due to various factors, which further cause systematic delays.

A large number of litigants, especially from economically weaker and marginalized sections of society lack access to competent legal counsel, due to various reasons such as it lack of awareness of the presence of such legal help, perception of the people that free services are of poor quality, the service authority lacks enough attorneys, even those who are appointed sometimes lacks in providing effective assistance. Many lawyers are not involved in pro bono

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<sup>14</sup> *Ibid*

<sup>15</sup> Constitution of India 1950

<sup>16</sup> Constitution of India 1950, art 38

<sup>17</sup> Constitution of India 1950, art 39A

<sup>18</sup> Constitution of India 1950, 38(1)

<sup>19</sup> Constitution of India 1950, 39A

work for various reasons, like as financial scarcity, overburdened, and inadequately trained. While 80% of the people are eligible for free legal aid, only about 15 million out of 1 billion have been provided legal aid services since 1995 [India Justice Report].<sup>20</sup> In the case of *Sheela Barse v State of Maharashtra*<sup>21</sup>, the court ruled that providing legal assistance to a poor accused is not only stipulated under Article 39-A but also is guaranteed under Article 21 and 14 of the Constitution. In the 266<sup>th</sup> report of the Law Commission of India, it acknowledged that inefficient or unprepared legal representatives, including the bar body and legal aid system, are resulting in repeated procedural delays and sometimes failure in recording of evidence and argument stages.<sup>22</sup> Many times problem also lies there when the accused does not have any representatives, which results in starting the procedure later.

## PRISON OVERCROWDING AND REHABILITATION DELAYS

Unfortunately enough, India has one of the worst prison systems with a lump sum crowd and bleak prospects of rehabilitation facilities. Both these factors hamper the delivery of justice. India has a national average prison occupancy rate of 131%, meaning it contains 31 more prisoners than its capacity of 100<sup>23</sup>. Most of them are under-trial prisoners, i.e., those awaiting judgment. Delays in investigation and judgment make them linger in prison sometimes without guilt, causing grave human rights violations. In states such as Bihar, the number of such inmates stands at an alarming rate of 87%.<sup>24</sup> Indian criminal jurisprudence believes in 'Bail is the rule and jail is the exception', emphasising that an under-trial should not be unnecessarily incarcerated unless proven guilty. However, delays in providing bail are the reality of the jail. Overcrowding in jail drains the resources, less medical staff and other medical facilities for inmates. For example, the proportion of psychologists to inmates stands at an alarming low rate of 1:22,928.<sup>25</sup> The Indian Probation Act 1958<sup>26</sup> mandates that first-time offenders of petty offences should not be penalised, but overcrowding makes the possibility of providing rehabilitation to such offenders a mere possibility.

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<sup>20</sup> Rintu Mariam Biju, 'India Justice Report 2019: Only 15 million out of 1 billion eligible Indians provided legal aid services in last 14 years' *Bar and Bench* (11 November 2019) <<https://www.barandbench.com/columns/india-justice-report-2019-15-million-out-of-1-billion-eligible-indians-provided-legal-aid-services>> accessed 16 June 2025

<sup>21</sup> *Sheela Barse v State of Maharashtra* AIR 1983 SC 378

<sup>22</sup> Law Commission, *The Advocates Act, 1961: Regulation of Legal Profession* (Law Com No 23, 2017)

<sup>23</sup> *Ibid*

<sup>24</sup> National Legal Services Authority, *Functioning of the Under Trial Review Committees* (2025)

<sup>25</sup> Tata Trusts, *India Justice Report* (2025)

<sup>26</sup> Probation of Offenders Act 1958



## INTER-AGENCY COORDINATION

Justice delivery is not the exclusive domain of the judiciary; it is a multi-stakeholder process that requires easy coordination between various institutions, including the police, prosecution, forensic branches, prison authorities, and the court administration. But due to the weak coordination between the various agency is an ongoing challenge to judicial delays. As per the report by the India Justice Report 2025, 23% vacancies in police ranks, 50% shortfall in forensic staff, 30% vacancies soared in prison staff, 15 judges per 10 lakh people, which is far from the recommendation of the Law Commission, which is 50, considerably hamper timely investigation and evidence processing, which are prerequisites for judicial proceedings.<sup>27</sup>

The communication gaps between Police-prosecutor, delays in charge sheets, and incomplete or delayed forensic reports all lead to procedural bottlenecks. The Malimath Committee Report (2003)<sup>28</sup> also noted that the criminal justice system suffers from the absence of coordination between the key stakeholders, resulting in duplication of efforts, investigation gaps, and lengthy trials.<sup>29</sup> Law enforcement agencies, such as police officials, are many times are confronted with political intervention and resource shortage, which undermines the independence and comprehensive investigation.

Delays in the FIRs registration, lack of a speedy trial mechanism, lack of accountability in the investigation process, many cases of police misconduct often go unchecked, and many more procedural mechanisms are followed from the various departments and offices, which go unnoticed by the people that causing delays in the justice system. Thus, institutional accountability demands not only judicial reform but also a revamp in collaborative machinery among justice sector agencies. To provide justice timely and effective it is to be needed that coordination must assume a legal and administrative priority.

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<sup>27</sup> Shekhar Singh and Prabhat Shukla, 'Quantifying the state of India's justice system' *The New Indian Express* (20 April 2025) <<https://www.newindianexpress.com/explainers/2025/Apr/20/quantifying-the-state-of-indias-justice-system>> accessed 16 June 2025

<sup>28</sup> Malimath Committee, *Report of the Committee on Reforms of Criminal Justice System* (2003)

<sup>29</sup> *Ibid*



## CONCLUSION AND RECOMMENDATIONS

The continuous delays in serving justice in India are not only a sign of judicial inefficiency but also the result of a complex interplay of various institutional, administrative, economic, and political factors that lie beyond the immediate control of the courts. The judiciary, typically carrying more than 4.7 crores as of late 2024, is in all the courts.<sup>30</sup>, operates in an ecosystem where it is continuously hampered by systemic lapses, including other organs of the government. It is more than just judicial backlog- it is an indicator of failures in time-bound investigation, legal representation, prison administration, and legislative responsiveness when more than 75% of prisoners in Indian jails are under-trials [as per the Prison Statistics India 2022 report by National Crime Records Bureau (NCRB)].<sup>31</sup> To meaningfully and effectively tackle these delays in justice serving, a multi-pronged approach is needed-one that emphasises accountability within all justice delivery agencies.

First, India has to substantially increase its public expenditure on the judiciary, which is currently a mere 0.08% of GDP<sup>32</sup>, much below international standards, crippling the development of proper infrastructure, recruitment, and digitalisation. Second, as there is also a lack the coordination between the various institutions, there has to be a 'National Justice Coordination Authority (NJCA)' to facilitate interaction between police, prosecution, forensic agencies, prisons, and courts. This Inter-Agency body shall have to be granted statutory support to impose timelines and integrate the data across the departments. Thirdly, focused investment in building infrastructure, investment in forensic labs, computerised evidence, and witness protection programs can reduce delays during the trial stage. Legal aid infrastructure needs to be revamped with better pay, training, and accountability for lawyers to ensure make justice is accessible equally. Legislative reforms need to be implemented by mandatory time-bound procedures for charge-sheet filings and evidence collection.

<sup>30</sup> 'National Judicial Data Grid' (*ecourts.gov.in*) <<https://njdg.ecourts.gov.in/>> accessed 16 June 2025

<sup>31</sup> 'State of Undertrial Prisoners in India' (*Drishti IAS*, 29 November 2024) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/state-of-undertrial-prisoners-in-india>> accessed 16 June 2025

<sup>32</sup> Niyati Singh, 'India Spends Only 0.08% of GDP on Judiciary, Crippling Reforms' (*India Spend*, 30 November 2019) <<https://www.indiaspend.com/india-spends-only-0-08-of-gdp-on-judiciary-crippling-reforms>> accessed 16 June 2025

Furthermore, judicial appointments and transfers must be depoliticised and merit-based and workload-based. The appointment of more judges is needed to reduce the workload. As per the 229<sup>th</sup> Law Commission report, there is a need to set up regional benches in major cities, which will help in dealing with non-constitutional cases, significantly reducing the burden.<sup>33</sup> Reducing the habit of taking frequent adjournments by the advocates by making a strict rule to only allow for sufficient cause. Another way can be cultural transformation- by sensitising citizens, curbing frivolous litigation, and promoting alternative forums of dispute resolution, such as frequent Lok Adalats and mediation centres.

In the end, the overall justice system is only effective and fair when all the institutions function properly, including police, court staff, prison authority, lawyers, and forensic departments; and even if one institution is failing, it will undermine the whole justice system. Justice delayed is not merely justice denied- it is justice distorted. The victim does not get justice, the criminals take it for granted, the innocent suffer without any cause, as we have seen in the recent news that a 104-year-old life convict was released from jail after 43 years.<sup>34</sup> A holistic, data-driven, and collaborative approach is not desirable; it is much needed to regain public confidence in the justice system and uphold the constitutional promise of effective and prompt justice.

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<sup>33</sup> Malimath Committee, *Report of the Committee on Reforms of Criminal Justice System* (2003)

<sup>34</sup> '104-year-old life convict released from Uttar Pradesh's district jail after 43 years' *The Hindu* (23 May 2025) <<https://www.thehindu.com/news/national/uttar-pradesh/104-year-old-life-convict-released-from-uttar-pradeshs-district-jail-after-43-years/article69611619.ece>> accessed 17 June 2025