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**AN ANALYSIS OF JUDICIAL DELAY IN INDIA, ITS CAUSES AND  
POSSIBLE REMEDIES**

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**Abstract**

In the following article, the author analyses the status quo concerning the pendency of matters in the Indian judicial structure. The author delves into the stand-out causes of such delay and further analyses the judiciary's remarks and observations. The author sheds light on the seriousness and dire state of affairs regarding pendency and its harmful effect on society. The author further puts forward logical solutions and remedies that can help improve and alleviate the current situation, thus realigning our judiciary's trajectory towards progress and advancement.

**Introduction**

"*Tarik pe Tarik*", a phrase popularised in the motion picture *Damini*, a cinematic fiction, has become a realistic trend followed by the Indian Judiciary. In 2023, the pendency of matters in the Indian judicial system surpassed a staggering figure of 5 Crores.<sup>2</sup> This is an alarming number, indicating the existence of a dysfunctional framework for dispensing justice. The current insalubrious condition of the functioning of Indian courts has consequently led to the perception of justice as merely utopian and idealistic. Such a paralysed structure disturbs the equity balance in society and allows for the unhindered manifestation of anti-social and unlawful elements. Acting as a slow but deadly poison, its malignant disease will inevitably lead to the collapse of law and order within the Indian social sphere.

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<sup>2</sup><https://njdg.ecourts.gov.in/njdgnew/?p=main>.

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## Causes

"Justice delayed is Justice denied", a famous quote by William E. Gladstone comes to mind while delving into the present subject. However, what causes such a delay? There are several conceivable reasons. However, there are indeed those that stand out resolutely from the rest. The number of judges appointed in the country compared to its population is frightening and dire. As of 2023, this figure stands at 21 judges per million citizens.<sup>3</sup> Such a low ratio will invariably culminate in ineffective working, leading one to believe that justice can never be achieved in current affairs.

Additionally, advocates use dilatory tactics to prolong litigation, thus delaying the process of justice and inadvertently contributing to the pendency of matters in the judicial structure. Moreover, such negative involvement in the pendency of lawsuits can also be traced down to the general population, who approach the honourable courts for even the most trivial difficulties.

A general conclusion is also drawn, considering the need for more infrastructural facilities and insufficient staff resources, thus removing the ability of the courts to process the large inflow of cases efficiently. It is also pertinent to note that the role of law enforcement and investigation agencies in bringing justice to the masses has been tainted with laxity and corruption. The law enforcement bodies of our country involve themselves in unlawful practices and aid in such a malicious process of delay through poor and unproductive methods of investigation and examination of evidence. Putting these elements together, one may reasonably deduce and unsurprisingly conclude that our country's judicial system is incompetent and needs immediate reform and restructuring.

## Judicial Observations

What could be done to alleviate such a calamitous condition? The answer to this question is complex and calls for extreme attention to detail coupled with a firm grounding in the realities of the current situation. The solution to such a problem will inevitably be highly complex and multifaceted to address the various aspects of this issue. It is an established consensus and understanding that there can be no excellent panacea for such a challenge. Still, gradual steps

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<sup>3</sup><https://www.hindustantimes.com/cities/delhi-news/indias-judge-population-ratio-stands-at-21-law-minister-tells-ls-101702050805063.html>.

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towards improving the practicalities of justice in our country are *sine qua non* in achieving the ideals laid down in our excellent Constitution and, through it, the laws of our land.

Before diving into the sea of possible solutions, the author would like to put forward the observations of our great courts of justice regarding the pendency and backlog of cases. In the case of *Hussainara Khatoon v. Home Secretary, State of Bihar*<sup>4</sup>, the court held that the right to speedy trial is an inalienable right under Article 21 of our great Constitution. In this case, the court called for a more significant reduction in time from arrest to trial and remarked that no procedure leading to an unreasonable delay in the trial could be considered fair, just and reasonable. Further, in *Sheela Barse vs Union Of India*<sup>5</sup>, the apex court settled that if a matter is pending for an unreasonable length of time, it shall directly violate the fundamental right to a speedy trial. In *Abdul Rehman Antuley v. R S Nayak*<sup>6</sup>, the court defined the parameters enclosing the fundamental right to a speedy trial, adjudging that such a right extends to every stage, including the stage of investigation, inquiry, trial, appeal, revision and retrial.

Hence, the courts have recognised the pendency of cases, and our country's Supreme Court has intricately dealt with the issues regarding laying down appropriate jurisprudence on the matter. However, as discussed, such idealistic principles have remained merely ideals, and the implementation of such values and philosophies remain utopian concepts far from achievement. It is an oxymoron that the courts have positively and negatively contributed to the current reality. However, from a general overview of the various circumstances, it is justifiably inferred that the undesirable trends and attitudes of our judiciary have induced a situation wherein the positive impact made by the apex court gives the impression of purely being a drop of much-needed progress and ocean of retrograde deterioration.

### Possible Remedies

The task of diminishing such appalling circumstances requires a high level of creativity and ingenuity while keeping a pragmatic attitude towards the practicalities of such resolutions. A strong-willed determination needs to be exhibited by the various members and functionaries of our judicial setup to achieve optimal results and make appropriate progress. A prominent yet

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<sup>4</sup>1979 AIR 1360.

<sup>5</sup>1986 AIR 1773.

<sup>6</sup>1992 AIR SCW 1872.

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overlooked remedy would be to enhance focus on filling judicial vacancies and boost the number of practising judges in our country. A positive growth in the judge-to-general population ratio would substantially and directly reduce the pendency of matters in the judiciary. It is recommended that litigation be discouraged to decrease and hinder the rapid inflow of matters into the judiciary. The avenues of mediation and other alternative dispute resolution pathways need to be explored and developed to lessen the adverse nature of our justice system and, hence, lay down the foundations of a society that follows the standards and principles of working together in a collaborative, problem-solving-oriented approach.

The great American president, Mr. Abraham Lincoln, once said, "*Discourage litigation. Persuade your neighbours to compromise whenever you can. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will be business enough*". These words stand to be of great significance in our current times, and their application would work wonders for our judicial system. Therefore, the public would benefit from such a shift in perception and perspective.

Further, our judiciary should be allotted the requisite funds to aid in staffing and developing infrastructure, thus creating an environment hospitable towards advancing justice and its rapid dispensation. A bold suggestion would be setting time limits concerning the length of the hearing of a case and subsequent decision-making.

This will create a sense of urgency in both the minds of the litigating advocates and the sitting judges, thus hastening the judgment process. Further, the bar and bench personalities should come together to form a think-tank mechanism to face the challenge of pendency headfirst.

## Conclusion

The pendency of matters in our judiciary is proving to be a slow death for our justice system. Hence, the fundamental ideals laid down in our country's Constitution are under significant threat and danger. The reality of the situation needs to be judiciously and scrupulously analysed to form accurate observations which may be used to arrive at resolutions and solutions to such a difficult task. Such a cure process needs to be initiated as soon as possible to prevent the collapse of the Indian judiciary and, consequently, the law and order of our land. Awareness concerning this subject needs to be elevated to open up the sphere of discussion, bringing in more voices into

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the fray, thus creating an inclusive body of proactive characters, which will be integral if we are to reverse the status quo and bring our country and its judiciary back onto the path of progress and peace.



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