

Judicial Delay in India: A Study on Causes and Solutions

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ABSTRACT

Judicial delay in India has emerged as a critical challenge undermining the effectiveness of the justice delivery system. With a massive backlog of pending cases across various levels of courts, the principle of timely justice is increasingly compromised. This study examines the multifaceted causes of judicial delay, including structural issues such as shortage of judges and inadequate infrastructure, procedural complexities like frequent adjournments and prolonged appeals, and administrative inefficiencies. It also highlights the role of external factors such as excessive government litigation and lack of legal awareness among citizens. The paper further analyses the impact of judicial delay on fundamental rights, particularly the right to a speedy trial under Article 21, along with its adverse effects on public confidence, economic development, and rule of law. Judicial opinions and landmark case laws are discussed to demonstrate the judiciary's acknowledgment of the problem. Finally, the study proposes practical solutions, including judicial reforms, increased use of technology through e-courts, strengthening of Alternative Dispute Resolution (ADR) mechanisms, and improved case management systems. The paper concludes that a comprehensive and coordinated approach is essential to ensure timely justice and uphold the credibility of the judicial system in India.

KEYWORDS: Justice Delivery System, Alternative Dispute Resolution, Fundamental Rights, Judicial Opinion and Speedy Trial.

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I. INTRODUCTION

The judiciary forms one of the essential pillars of a democratic system, entrusted with the responsibility of ensuring justice and maintaining the rule of law. In India, it plays a vital role in protecting constitutional values and safeguarding the rights of individuals. Courts at various levels, from the Supreme Court of India to subordinate courts, are expected to deliver justice efficiently and without undue delay. However, in practice, the issue of judicial delay has emerged as a serious concern affecting the overall functioning of the justice delivery system.

The well-known principle that “justice delayed is justice denied” reflects the core of this problem. When courts take an excessive amount of time to resolve disputes, it not only causes hardship to litigants but also weakens public trust in the legal system. A large number of cases remain pending across different courts, leading to prolonged litigation and increased costs for those seeking justice. In many situations, such delays result in justice becoming ineffective or meaningless.

The reasons behind judicial delay in India are varied and interconnected. Structural issues such as the shortage of judges and inadequate infrastructure continue to put pressure on the system. At the same time, procedural aspects, including the complexity of legal processes under laws like the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, often contribute to the slow pace of proceedings. Frequent adjournments, increasing litigation, and the significant role of the government as a litigant further add to the burden. In addition, limited legal awareness among the public sometimes leads to unnecessary or avoidable cases being brought before the courts.

The impact of these delays extends beyond individual cases. It affects the credibility of the judiciary, restricts access to timely justice, and creates uncertainty in legal and economic matters. Importantly, it also raises concerns regarding the protection of fundamental rights, especially the right to a speedy trial under Article 21, as recognized in cases such as *Hussainara Khatoon v. State of Bihar*.

Over time, efforts have been made to address this issue through various reforms, including the establishment of fast-track courts, the promotion of Alternative Dispute Resolution (ADR) mechanisms, and the introduction of technology through e-courts. While these measures have contributed to some improvement, they have not completely resolved the problem, which continues to persist.

In this context, the present study seeks to examine the underlying causes of judicial delay in India and to understand its broader implications. It also attempts to explore practical solutions that can help improve the efficiency of the judicial system and ensure that justice is delivered within a reasonable time frame.

OBJECTIVES

- To examine the concept and extent of judicial delay in India.
- To identify the major causes contributing to delays in the judicial system.
- To analyse the impact of judicial delay on individuals and the justice delivery system, particularly in relation to the right to a speedy trial.
- To suggest effective measures and reforms to reduce judicial delay and improve efficiency.

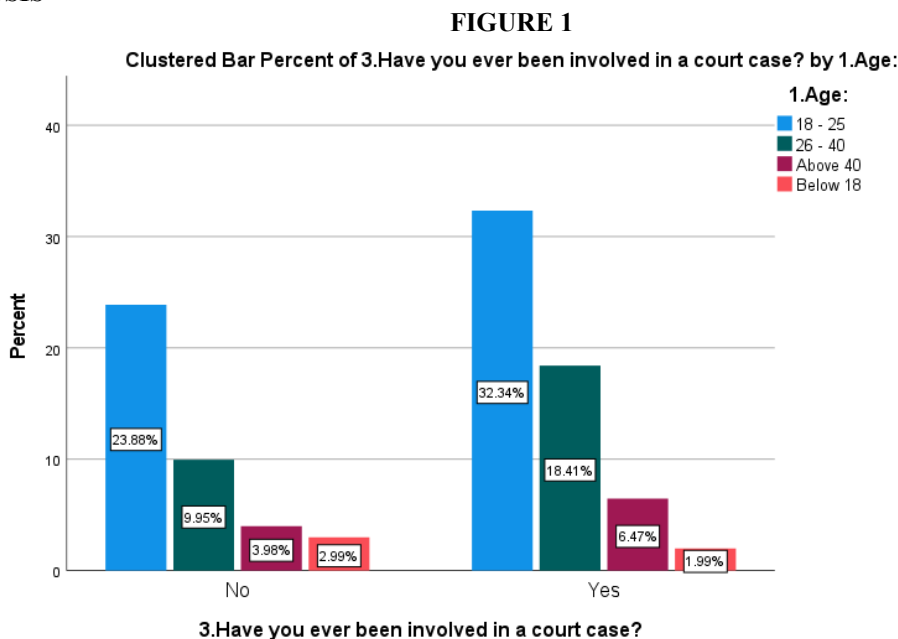
II. METHODOLOGY

The present study is empirical in nature and adopts a descriptive as well as analytical approach to examine the issue of judicial delay in India. The research is primarily based on primary data collected through a structured questionnaire distributed via Google Forms, using the convenience sampling method, ensuring easy accessibility and participation from individuals belonging to different backgrounds. The questionnaire was designed to assess the awareness, experiences, and opinions of respondents regarding judicial delay. In addition to primary data, secondary sources such as books, legal journals, research articles, and case laws, including *Hussainara Khatoon v. State of Bihar*, were also referred to for a comprehensive understanding of the subject. The collected data has been analysed using simple statistical techniques such as percentage analysis and is presented through charts and graphs for clarity. The study is subject to certain limitations, including reliance on respondent perceptions and constraints of time and resources.

III. RESEARCH GAP

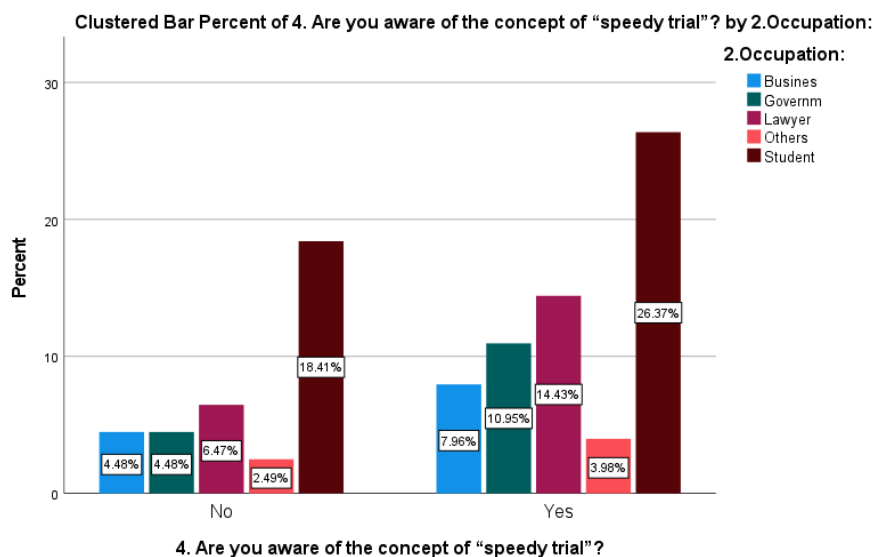
Although judicial delay in India has been widely discussed in legal literature and policy reports, most existing studies primarily focus on doctrinal analysis, case laws, and institutional perspectives. There is comparatively limited empirical research that captures the perceptions, awareness, and real-life experiences of the general public regarding judicial delay. Further, many studies concentrate on macro-level issues such as pendency statistics and judicial reforms but do not adequately explore the practical impact of delay on individuals. There is also a lack of recent, localized studies that reflect contemporary challenges, especially in the context of technological reforms like e-courts. Therefore, this study attempts to bridge this gap by incorporating primary data collected through a questionnaire, focusing on public awareness, personal experiences, and opinions on judicial delay, along with analysing its causes and suggesting practical solutions.

ANALYSIS



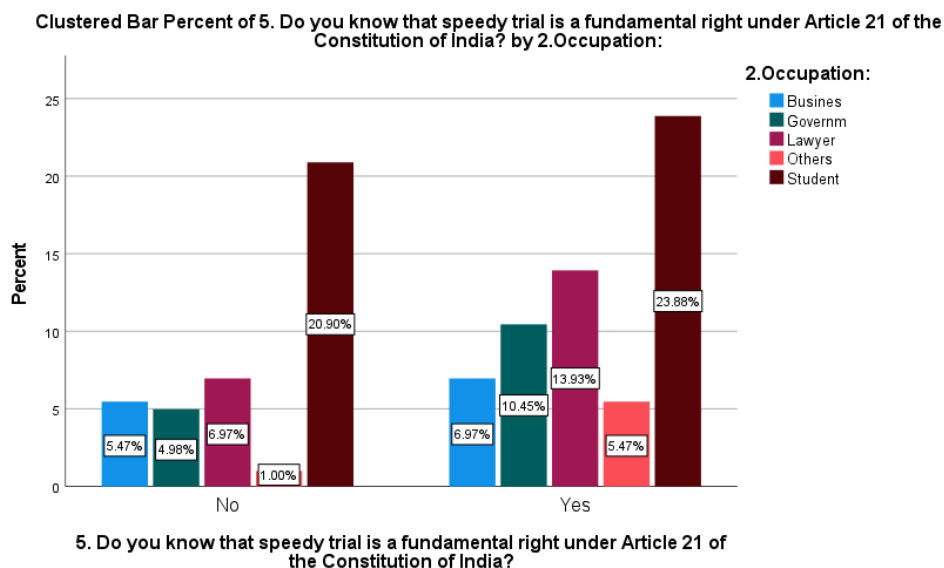
LEGEND: Figure 1 shows the respondents opinion on the question asked “have you ever been involved in a court case?” by age of the respondents.

FIGURE 2



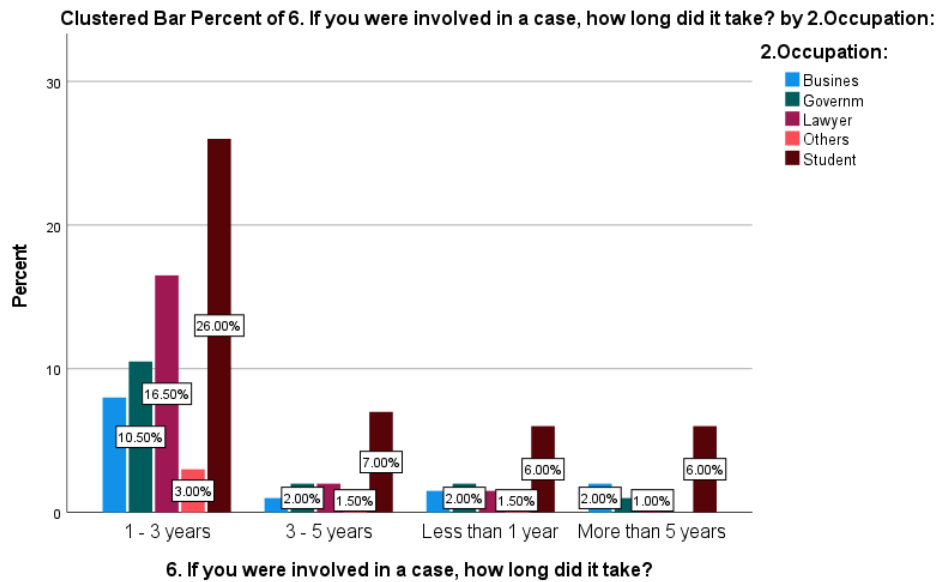
LEGEND: Figure 2 shows the respondents opinion on the question "are you aware of the concept of 'speedy trial'?" by occupation of the respondents.

FIGURE 3



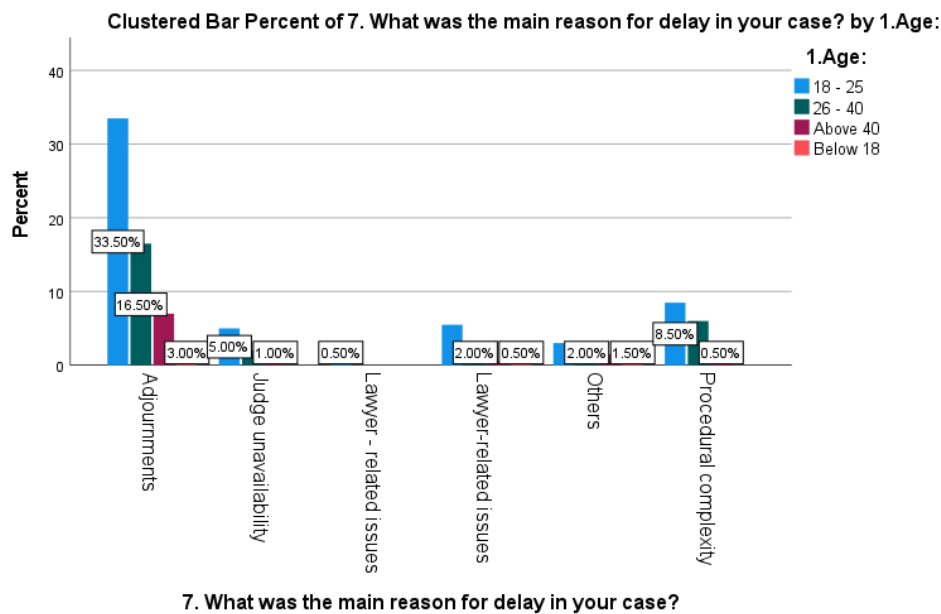
LEGEND: Figure 3 shows the respondent's opinion on the question asked "do you know that speedy trial is a fundamental right under Article 21 of the Constitution of India?" by occupation of the respondents.

FIGURE 4



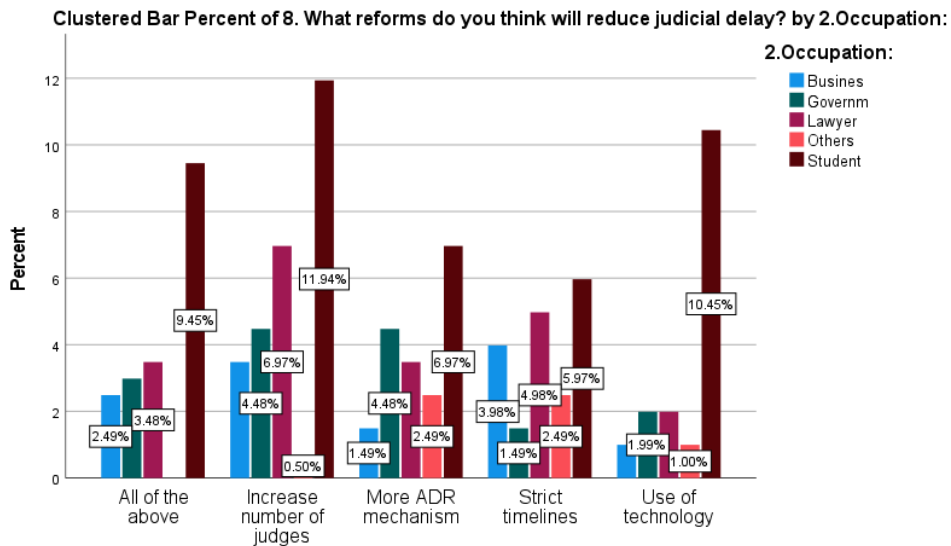
LEGEND: Figure 4 shows the respondents opinion on the question asked “if you were involved in a case, how long did it take?” by occupation of the respondents.

FIGURE 5



LEGEND: Figure 5 shows the respondents opinion on the question asked “what was the main reason for delay in your case?” by age of the respondents.

FIGURE 6

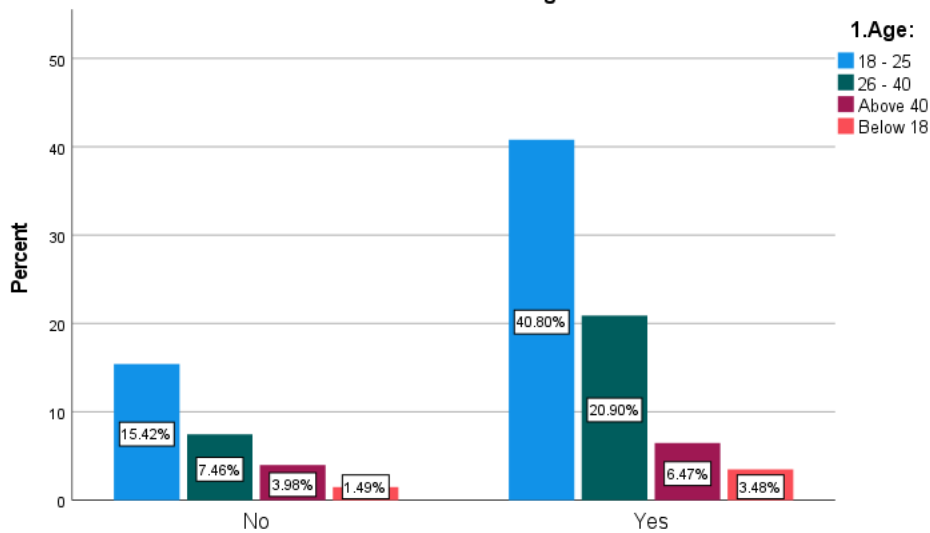


8. What reforms do you think will reduce judicial delay?

LEGEND: Figure 6 shows the respondents opinion on the question asked “what reforms do you think will reduce judicial delay?” by occupation of the respondents.

FIGURE 7

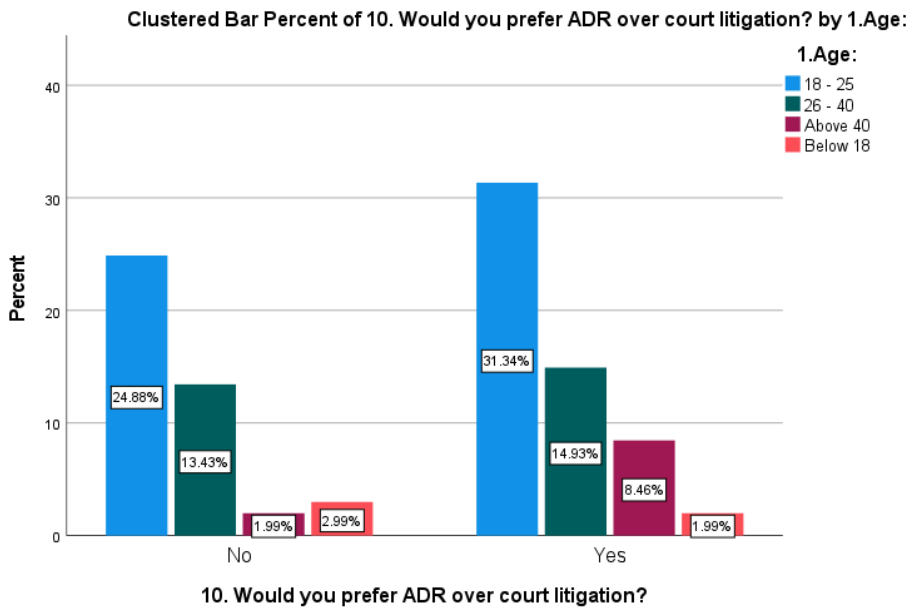
Clustered Bar Percent of 9. Do you think stricter laws are needed to prevent unnecessary adjournments? by 1. Age:



9. Do you think stricter laws are needed to prevent unnecessary adjournments?

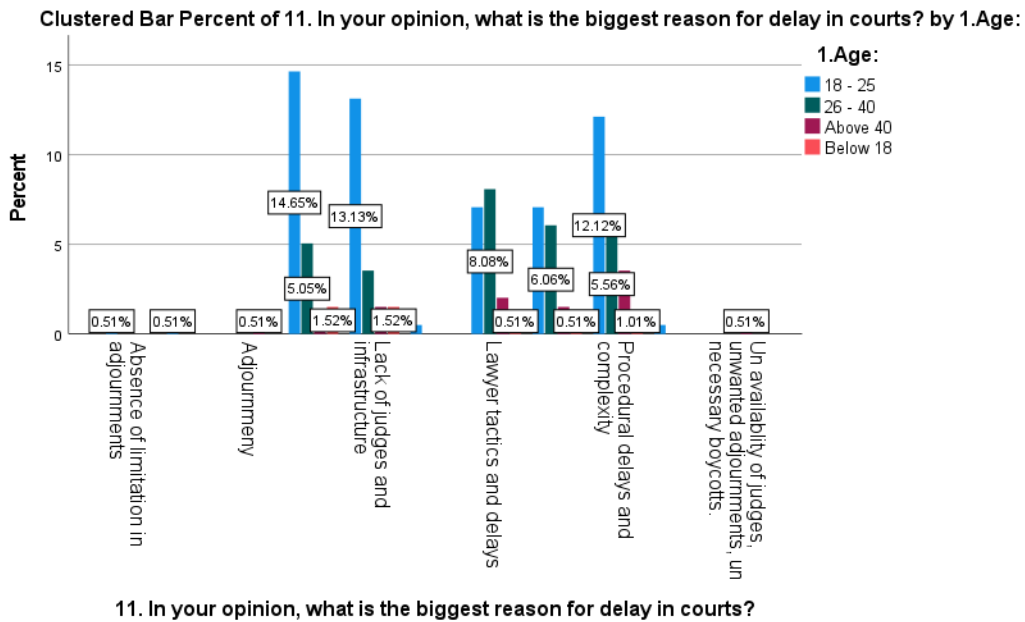
LEGEND: Figure 7 shows respondents' opinion on the question asked “do you think stricter laws are needed to prevent unnecessary adjournments?” by age of the respondents.

FIGURE 8



LEGEND: Figure 8 shows the respondents opinion on the question asked “would you prefer ADR over court litigation?” by age of the respondents.

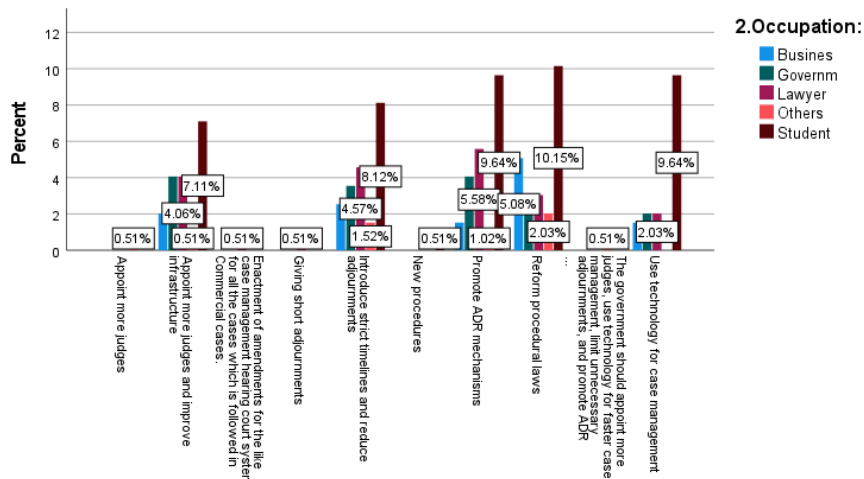
FIGURE 9



LEGEND: Figure 9 shows the respondents opinion on the question asked “in your opinion, what is the biggest reason for delay in courts?” by age of the respondent.

FIGURE 10

Clustered Bar Percent of 12. What steps should the government take to ensure speedy justice? by 2. Occupation:

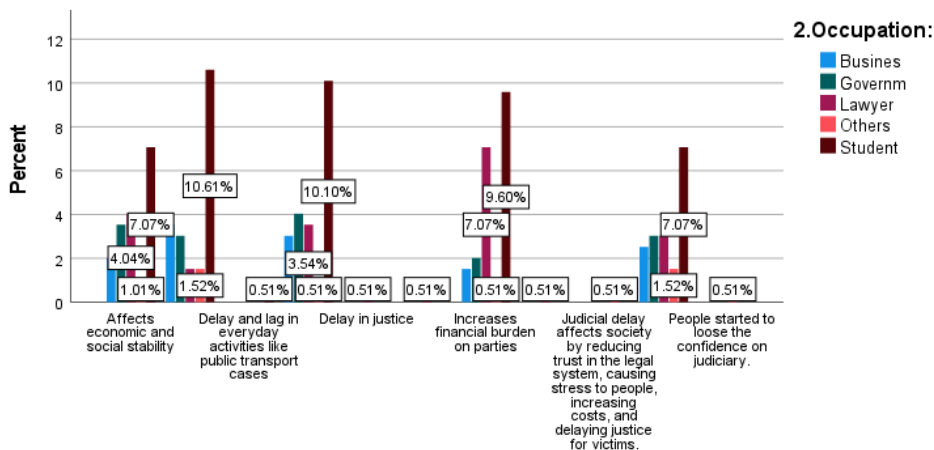


12. What steps should the government take to ensure speedy ...

LEGEND: Figure 10 shows respondents' opinion on the question asked “what steps should the government take to ensure speedy justice?” by occupation of the respondents.

FIGURE 11

Clustered Bar Percent of 13. How has judicial delay affected you or society? by 2.Occupation:



13. How has judicial delay affected you or society?

LEGEND: Figure 11 shows the respondents opinion on the question asked “how has judicial delay affected you or society?” by occupation of the respondents.

IV. RESULTS

Figure 1 shows 32.34% of 18-25 year old respondents stated yes on the question asked “have you ever been involved in a court case?” Figure 2 shows 26.37% of student respondents stated yes on the question “are you aware of the concept of ‘speedy trial?’” Figure 3 shows 23.88% of student respondents stated yes on the question asked “do you know that speedy trial is a fundamental right under Article 21 of the Constitution of India?” Figure 4 shows 26% of student respondents stated 1-3 years on the question asked “if you were involved in a case, how long did it take?” Figure 5 shows 33.5% of 18-25 year respondents stated adjournments on the question asked “what was the main reason for delay in your case?” Figure 6 shows 11.94% of students respondents stated an increased number of judges on the question asked “what reforms do you think will reduce judicial delay?” Figure

7 shows 40.8% 18-25 years respondents stated yes on the question asked “do you think stricter laws are needed to prevent unnecessary adjournments?” **Figure 8** shows 31.34% of 18-25 year respondents stated yes on the question asked “would you prefer ADR over court litigation?” **Figure 9** shows 14.65% of 18-25 year respondents stated lack of judges and infrastructure on the question asked “in your opinion, what is the biggest reason for delay in courts?” **Figure 10** shows 10.15% of students respondents stated reform procedure laws on the question asked “what steps should the government take to ensure speedy justice?” **Figure 11** shows 10.615 of student respondents stated delay and lag in everyday activities like public transport cases on the question asked “how has judicial delay affected you or society?”

V. DISCUSSION

Figure 1, Young respondents within the 18–25 age group reported some level of involvement in court cases. This indicates that legal disputes are not uncommon among youth, either directly or indirectly. It reflects early exposure to the judicial system, which may influence their perceptions about efficiency, accessibility, and delays within legal processes., **Figure 2**, Student respondents showed limited awareness of the concept of a speedy trial. This suggests that despite being part of an educated group, knowledge of key legal principles remains insufficient. It highlights the need for improved legal literacy and awareness programs to familiarise individuals with important procedural rights within the justice system. **Figure 3**, Awareness among students that speedy trial is a fundamental right under Article 21 of the Constitution of India appeared relatively low. This indicates a gap in constitutional knowledge, even among educated individuals, and emphasises the importance of integrating practical legal awareness into academic curricula. **Figure 4**, Among students who had experience with court cases, many reported that proceedings took several years to conclude. This reflects the persistent issue of prolonged litigation within the judicial system and reinforces concerns regarding inefficiency and delayed justice delivery affecting individuals directly. **Figure 5**, Young respondents commonly identified adjournments as the main reason for delays in their cases. This highlights procedural inefficiencies within the judicial system and suggests that repeated postponements significantly contribute to prolonged litigation and dissatisfaction among those seeking timely justice. **Figure 6**, Students suggested that increasing the number of judges could help reduce judicial delays. This reflects an understanding that insufficient judicial manpower is a key factor contributing to backlog and slow case disposal, indicating support for structural reforms aimed at improving efficiency. **Figure 7**, Respondents in the 18–25 age group largely supported the introduction of stricter laws to prevent unnecessary adjournments. This demonstrates awareness of procedural delays and suggests that younger individuals favour stronger regulatory mechanisms to ensure timely case progression and reduce misuse of legal processes. **Figure 8**, Young respondents showed a preference for alternative dispute resolution methods over traditional court litigation. This indicates growing awareness of faster and more efficient mechanisms such as mediation and arbitration, reflecting a shift towards seeking practical solutions to avoid prolonged judicial proceedings. **Figure 9**, Respondents identified lack of judges and inadequate infrastructure as major reasons for delays in courts. This highlights a broader understanding of systemic issues within the judiciary and reinforces the need for both administrative and structural improvements to ensure efficient functioning. **Figure 10**, Students suggested reforming procedural laws as a step towards ensuring speedy justice. This reflects awareness that delays are not only structural but also procedural, indicating the need for simplifying legal processes and reducing complexities that hinder timely resolution of cases. **Figure 11**, Respondents observed that judicial delays affect everyday life and society, including disruptions in routine activities and public systems. This indicates that the impact of delayed justice extends beyond individual cases, influencing broader social and administrative functioning, thereby emphasising the need for timely judicial intervention.

CAUSES AND INSTITUTIONAL CHALLENGES

Judicial delay continues to be a major concern in India, significantly affecting the efficiency of the justice delivery system. Data from the National Judicial Data Grid indicates a substantial backlog of cases across courts, including the Supreme Court of India, High Courts, and subordinate courts. This growing pendency has raised serious concerns regarding access to timely justice and protection of fundamental rights.

The issue has been acknowledged at the highest levels of the judiciary. Former Chief Justice of India, Dipak Misra, emphasized the need for effective monitoring mechanisms, such as regular meetings of Arrears Committees and periodic review of case disposal rates, to address the backlog. Despite such initiatives, delays persist due to multiple factors, including shortage of judges, unfilled vacancies, inadequate infrastructure, procedural complexities, frequent adjournments, and the increasing volume of litigation. Administrative inefficiencies and lack of effective case management further aggravate the problem.

The consequences of judicial delay are far-reaching. Undertrial prisoners often remain in custody for extended periods, sometimes exceeding the maximum punishment prescribed for their alleged offences. Delays also increase litigation costs, prolong uncertainty, and erode public confidence in the judiciary.

To address these challenges, several measures have been introduced. Alternative dispute resolution mechanisms, particularly Lok Adalats established under the Legal Services Authorities Act, 1987 and supported by the National Legal Services Authority, have contributed to reducing pendency by encouraging out-of-court settlements. Technological initiatives such as e-courts, e-filing, and digital case tracking have also improved efficiency and transparency.

The Indian judiciary operates through a three-tier hierarchical system comprising the Supreme Court, High Courts, and subordinate courts. While this structure ensures a comprehensive system of justice, the increasing burden of cases across all levels has made it difficult to ensure timely disposal.

Despite various reforms and institutional mechanisms, judicial delay remains a persistent issue. A coordinated approach involving judicial reforms, improved infrastructure, technological integration, and efficient case management is essential to strengthen the justice delivery system and ensure timely justice.

OPINIONS OF JUDGES ON JUDICIAL DELAY IN INDIA

The issue of judicial delay in India has been consistently acknowledged and critically examined by the judiciary itself. Various courts and eminent jurists have expressed serious concern over the increasing pendency of cases and its adverse impact on the justice delivery system.

The Supreme Court of India has repeatedly emphasized that delay in the administration of justice undermines its very purpose. The well-known maxim “justice delayed is justice denied” has been reiterated in several judgments to highlight the importance of timely adjudication. In recent observations (2025-26), the Court described it as “extremely shocking” when judgments remain pending for long periods even after being reserved, noting that such delays erode public confidence in the judiciary and weaken the credibility of the institution.

Judicial pronouncements by eminent judges have also underscored the societal impact of delay. Justices K.T. Thomas and R.P. Sethi observed that prolonged delays in justice delivery may shake the confidence of the public and raise serious concerns regarding the effectiveness of the legal system. This reflects the broader implication that justice must not only be done but must also be seen to be done within a reasonable time.

Early judicial observations also reveal a strict approach towards delay. The Patna High Court, in a 1961 observation, held that a judicial officer who is unable to deliver judgments within a reasonable time ought not to continue judicial work. This highlights the responsibility of judges to ensure both accuracy and timeliness in decision-making.

Contemporary judicial leadership has also addressed this issue. The Chief Justice of India, D. Y. Chandrachud, has criticized the practice of reserving judgments for prolonged periods, describing it as a waste of judicial time and detrimental to the principle of speedy justice. Such observations indicate that delays are not solely systemic but may also arise from inefficiencies within the judiciary itself.

Similarly, recent observations by Justices Sanjay Karol and Prashant Kumar Mishra have pointed out that courts are frequently confronted with situations where judgments are delivered months or even years after the conclusion of hearings. This reflects a serious institutional concern requiring immediate attention.

From a constitutional perspective, the importance of speedy justice has been emphasized by distinguished jurists. Justice V. R. Krishna Iyer highlighted that the right to a speedy trial is an essential component of the right to life and personal liberty under Article 21 of the Constitution. Similarly, Justice P. N. Bhagwati expanded the scope of Article 21 to include a fair, just, and reasonable procedure, which inherently requires timely disposal of cases.

Legal scholars have also criticized the slow pace of the judicial system. Nani Palkhivala famously remarked that the law in India “moves like a snail,” highlighting the inefficiency and delay prevalent in the system.

Recent High Court observations further indicate that judicial delay is not solely attributable to the courts but is also influenced by administrative inefficiencies, inadequate infrastructure, and governance-related issues. These external factors contribute significantly to the growing backlog of cases.

From the above judicial opinions, certain key principles emerge. Firstly, delay in justice amounts to a denial of justice and may violate fundamental rights under Article 21. Secondly, prolonged delays diminish public trust and confidence in the judiciary. Thirdly, responsibility for delay lies not only with systemic shortcomings but also with judicial practices such as frequent adjournments and delayed pronouncement of judgments. Finally, there is a pressing need for greater accountability and effective case management within the judicial system.

Judicial opinions clearly establish that delay in the administration of justice is not merely a procedural issue but a serious constitutional concern. Ensuring timely adjudication is essential for upholding the rule of law, protecting fundamental rights, and maintaining public confidence in the judiciary.

PENDING CASES IN STATES

There are 60 lakh cases pending in Uttar Pradesh, making the state have the highest number of pending cases. Around 18,56,000 cases are pending in West Bengal. Bihar comes next with 16,81,000 cases. Gujarat has 15,88,000 pending cases. Karnataka has 14,63,000 pending cases. Rajasthan has 14,61,000 pending cases. There

are 12,45,000 pending cases in Kerala. There are 10,63,000 pending cases in Odisha. There are 10,56,000 pending cases in Tamil Nadu.

- Of the total pending cases, 8.3 % cases are over a decade old
- 16.07 % cases are pending for five years
- 28.7 % cases are pending in the courts for over 2 years
- 46.77 % cases are pending for less than 2 years

According to the **National Judicial Data Grid**,

- Over 2 crore, 72 lakh cases are pending in Indian courts
- Out of these, 83 lakh cases are civil lawsuits
- And over 1 crore, 90 lakh are criminal cases.
- Over 56,000 cases are pending in the Supreme Court; out of these, over 20,000 cases are over a year old.
- 40 lakh cases are pending in High Courts, and at least 6 lakh cases are pending for decades.

In a recent response to a question, the Government informed the Lok Sabha that 2 crore, 60 lakh cases were pending in district and subordinate courts till December 2017.

VI. SUGGESTIONS AND RECOMMENDATIONS

Addressing the issue of judicial delay in India requires a comprehensive and multi-dimensional approach involving judicial, administrative, and technological reforms. Given the complexity of the problem, isolated measures are insufficient; instead, coordinated efforts across various levels of the justice delivery system are essential. Firstly, there is an urgent need to increase the strength of the judiciary. The appointment of judges must be expedited, and existing vacancies should be filled without delay. Implementing the recommendations of the Law Commission of India regarding the judge-to-population ratio would significantly enhance the capacity of courts to handle the growing caseload. Secondly, strengthening judicial infrastructure is crucial. This includes the establishment of additional courts and the modernization of existing ones. Adequate staffing, improved courtroom facilities, and access to digital resources are necessary to ensure the efficient functioning of the judiciary. Effective case management practices must also be adopted to streamline judicial processes. Courts should implement strict timelines for the disposal of cases and discourage unnecessary adjournments. Imposing reasonable costs or penalties for delay tactics can help in reducing procedural inefficiencies and expediting proceedings. The promotion of Alternative Dispute Resolution (ADR) mechanisms is another important measure. Methods such as arbitration, mediation, and Lok Adalats can significantly reduce the burden on courts by facilitating quicker resolution of disputes. In appropriate cases, pre-litigation mediation may be made mandatory to prevent unnecessary litigation.

The use of technology plays a vital role in improving judicial efficiency. Expanding initiatives such as e-filing, virtual hearings, and online case tracking can help in reducing delays and increasing transparency. Platforms like the National Judicial Data Grid can be effectively utilized for monitoring case pendency and planning judicial resources. Another key area that requires attention is the reduction of government litigation. As one of the largest litigants, the government must adopt a more responsible and selective approach to filing appeals and avoid unnecessary litigation that adds to the burden of courts. Judicial accountability is equally important in addressing delays. While maintaining judicial independence, there should be mechanisms to ensure timely pronouncement of judgments and efficient case handling. Performance evaluation systems, if designed carefully, can contribute to improving overall efficiency. Finally, legal and procedural reforms are necessary to simplify the justice delivery process. Laws such as the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 should be revisited to eliminate unnecessary complexities. Additionally, enhancing legal awareness among citizens can help reduce frivolous litigation and promote responsible use of legal remedies.

LIMITATIONS

The present study is subject to certain limitations. Firstly, the study relies on self-reported data collected through questionnaires, and therefore, responses may be influenced by personal bias, perception, or limited knowledge of the respondents. Secondly, the scope of the study is limited to general awareness and opinions on judicial delay and does not include an in-depth analysis of all legal or institutional aspects. Additionally, constraints of time and resources have restricted the extent of data collection and analysis. Lastly, the dynamic nature of judicial reforms means that certain developments may not be fully captured within the scope of this study.

VII. CONCLUSION

Judicial delay in India continues to be a serious challenge that undermines the effectiveness of the justice delivery system. The study reveals that delay is not caused by a single factor but is the result of multiple interconnected issues, including shortage of judges, procedural complexities, frequent adjournments, inadequate infrastructure, and the increasing burden of litigation. The empirical findings from the questionnaire also indicate that a significant number of respondents are aware of the concept of speedy trial, yet many perceive the judicial system as slow and inefficient. The persistence of large-scale pendency, as reflected in data from the National Judicial Data Grid, highlights the urgent need for systemic reforms. Judicial delay not only affects individual litigants but also has wider implications for society by weakening public confidence in the judiciary, increasing economic uncertainty, and undermining the rule of law. Importantly, it raises serious concerns regarding the protection of fundamental rights, particularly the right to a speedy trial under Article 21 of the Constitution. Although several measures have been introduced, such as the promotion of Alternative Dispute Resolution mechanisms, establishment of fast-track courts, and the use of technology through e-courts, the problem continues to persist. This indicates that existing reforms, while beneficial, are not sufficient in isolation. Therefore, it is essential to adopt a holistic and coordinated approach involving judicial, administrative, and legislative efforts. Increasing judicial strength, improving infrastructure, ensuring accountability, and promoting legal awareness are crucial steps toward reducing delays. At the same time, effective implementation of technological solutions and case management practices can significantly enhance efficiency. Timely justice is fundamental to the credibility of any legal system. Unless concrete and sustained efforts are made to address judicial delay, the ideal of justice will remain unfulfilled. Ensuring speedy and effective justice is not merely a procedural necessity but a constitutional obligation essential for upholding the rule of law in India.

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