

# BAR AND BENCH: HOW WORKING CONDITIONS IMPACT COURT DELAYS AND JUSTICE

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## I. INTRODUCTION

The relationship between the bar and the bench is essential for the effective administration of justice within the judiciary system in India. However, an inadequate working condition between them is damaging this relationship, leading to delays in court proceedings, which leads to delay in justice, making litigants lose confidence in the judiciary system, and this leads to the rise of kangaroo courts. This research study aims to examine the impact of working conditions on the bar-bench relationship, focusing on factors to develop the judiciary system. Using a doctrinal methodological approach, this research involves a thorough review of existing literature, case studies, and an analysis of statutory provisions and the national judicial grid. The study identifies critical areas for improvement of the bar and bench relationship within the judicial system, revealing that poor working conditions contribute to increased stress, diminished morale, and reduced productivity among legal professionals. These issues conclude the delay in court proceedings and compromised justice.

To address these challenges, this study proposes recommendations for enhancing infrastructure, managing workloads, and improving communication channels. By optimizing working conditions and fostering a more collaborative relationship between the bar and the bench, this research aims to contribute to the efficient delivery of justice and uphold the integrity of the legal system.

### *A. Meaning of Delay in Justice*

The legal principle of delay in justice believes in that whenever there is a huge delay in delivering judgments, it compromises the justice. This legal principle is given under the phrase “justice delayed is justice denied”. Delay of justice is not that simple problem of an act over some time, but in its judicial meaning, it’s an action in a procedure, which has irreversible long-term consequences. This procedure, with the passage of time, silently and stealthily kills justice<sup>1</sup>.

### *B. The Bar and Bench*

The bar and bench are the heart of the legal system; the term bar refers to the Advocates who are working in the court and the bench refers to the Judges who works together with the advocates to administer the justice and strengthening the judicial system. The relationship between the bar and bench is crucial because lawyers and judges collaborate to serve justice. The public’s trust in the legal system and the speed at which justice is served will be impacted by this relationship.

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<sup>1</sup> Judicial delay in India, *available at*: <https://timesofindia.indiatimes.com/readersblog/lawpedia/judicial-delay-in-india-50731/> (last visited on June 14, 2025).

As per my definition bar and bench are the two wheel of chariot, both should work properly if one side is not properly running another side will cannot work properly.

## II. REASONS FOR DELAY IN JUSTICE BY THE BAR

The bar is the major components in the administration of justice after bench, but the high amount of delay is done by the bar in the administration of judicial system. The advocate has a duty to play major role with a bench for speedy and fair trial but the same is not happening in the judicial system for various reasons, the main reasons is many advocates are get the fee and file the case but they will not prepare for the case and get continuous adjournment and also the advocates are filing frivolous case only for running the days by filing the cases without proper evidence and to extract money from the client.

The Advocates Act, 1961, lays down the rights, privileges, and obligations of advocates, and the law contains a number of clauses governing their status. The Act was passed, particularly examining advocates' professional conduct and the penalties and repercussions for misbehaviour. This particular reference made in Chapter V of the afore-mentioned Act, namely to sections 35–44 <sup>2</sup>.

In Part VI of the Bar Council of India Rules, framed by the Bar Council of India, especially Chapter II thereof, providing for Standards of Professional Conduct and Etiquette of advocates. This chapter comprises the following sections<sup>3</sup> and parts in it as Duty to the Court in Part I, Duty to the Client in Part II, Responsibility to the Opponent in Part III, Duty to Colleagues in Part IV, BCI Advocates Welfare Fund in Part IVA, Responsibility for Providing Legal Education in Part V, Legal aid obligations in Part VI, and Employment Restrictions in Part VII. Even though Advocates on Record (AOR) of the Supreme Court have a special responsibility to ensure the speedy trial and avoid delays in proceedings, if this is not followed by the AOR, they will fall under Order-IV of the Supreme Court Rules, 2013.

Justice Abbott Parry, in his book *Seven Lamps of Advocacy*, one of the most well-known books that describes the idea, rights, duties, qualities, etc., of advocates in advocacy. The author described the Seven Lamps as follows: honesty, bravery, industry, wit, eloquence, judgment, and fellowship. The said seven lamps are to be followed by the advocates, if they are following as it is, there will be no delay in justice, and at present, more than 66,35,152 cases are pending before various courts for the only reason that counsel is not available<sup>4</sup> and also, this is the main reason for the delay in justice.<sup>5</sup>

### *i) Rangadurai v. D. Gopalan*<sup>6</sup>

The client in this case has paid the court fee and fees to the AOR for filing of two lawsuits before the Hon'ble Apex Court. But the AOR merely filed one case, misleading the

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<sup>2</sup> The Advocates Act, 1961 (Act 25 of 1961).

<sup>3</sup> BCI Rules, Bar Council of India," available at: <https://www.barcouncilofindia.org/info/bci-rules> (last visited on June 14, 2025).

<sup>4</sup> Over 66 Lakh Cases Delayed Due to Unavailability of Lawyers in District Courts, 38 Lakh Due to Absconding Accused, available at: <https://www.moneylife.in/article/over-66-lakh-cases-delayed-due-to-unavailability-of-lawyers-in-district-courts-38-lakh-due-to-absconding-accused/75153.html> (last visited on Jun. 14, 2025)

<sup>5</sup> NJDG-National Judicial Data Grid, available at: [https://njdg.ecourts.gov.in/njdg\\_v3/](https://njdg.ecourts.gov.in/njdg_v3/) (last visited on June 14, 2025).

<sup>6</sup> (1979) 1 SCC 308.

client by claiming that a second case had also been filed and giving the incorrect case number. He also used dates to mislead the client. According to the Hon'ble Supreme Court, there was professional misconduct in this case.

***ii) N. G. Dastane v. S. Shivde***

In this case, 2 advocates continued to file applications for adjournments under various pretexts. They stated on their application that they were unable to talk due to a throat ailment. They were observed fighting in front of a different Hon'ble judge the same day. The complaint against these attorneys for the alleged misconduct was rejected by the State Bar Council and the Bar Council of India. The Hon'ble Supreme Court ruled that this kind of behaviour amounts to misconduct because it is a misuse of the legal system. Second, it was noted that the Advocates ought to conduct the witness examination whenever witnesses are called or made available in court. They ought to set up a backup plan if they are unable to complete the task. Further, it was held that if the complaint is genuine and does not show any mala fide or attempt to harass, it is the duty of the Bar Council to refer the complaint to the disciplinary committee.

***iii) Shiv Cotex v. Tirgun Auto Plast (P) Ltd.*<sup>7</sup>**

In this case the Hon'ble Supreme Court gave a guide lines to the subordinate courts about the adjournment procedure. No litigant has a right to abuse the procedure provided in CPC. Adjournments have grown like cancer corroding the entire body of justice delivery system.<sup>8</sup> It is no doubt that cap on adjournments to a party during the hearing of the suit provided in the proviso to Order 17 Rule 1 CPC is not mandatory and in a suitable case on justifiable cause, the court may grant more than three adjournments to a party for its evidence but ordinarily the cap provided in the proviso to Order 17 Rule 1 CPC should be maintained. "Justifiable cause" would mean a cause which is not only "sufficient cause" as contemplated in Rule 1 of Order 17 CPC but a cause which makes the request for adjournment by a party during the hearing of the suit beyond three adjournments unavoidable and sort of a compelling necessity like sudden illness of the litigant or the witness or the lawyer, death in the family of any one of them; natural calamity like floods, earthquake, etc. in the area where any of those persons reside; an accident involving the litigant or the witness or the lawyer on way to the court and such like cause.

### **III. REASONS FOR DELAY IN JUSTICE BY THE BENCH**

The bench translates to judges; they play an extremely active role, and they are the superior to give judgments in the judicial system. The bar includes advocates who file a case before the bench for justice, based on which the bench determines the facts of a case based on evidence presented by the parties involved. Then, they decide which law applies and apply it and after following the principle of natural justice followed by the due process of law, a judge passed an order also the bench plays a vital role in advising the executives and legislatures bodies for their needs, and the judges acquire very higher and prestigious post for the protection of the judicial system, and their duty to give justice without any delay, but the same is not happening in this society and leads citizens to loss hopes in the judicial system. It is very dangerous to it. The major determinative factor here is the paucity of judges. We require no less than 80,000 judges to clear just the pending cases alone as on status 2024 as on January

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<sup>7</sup> (2011) 9 SCC 678.

<sup>8</sup> *Ibid.*

01, 2024, according to Court News, a publication of the Supreme Court of India, there were 19,386 judges in the subordinate judiciary, 688 in high courts and 33 in the Supreme Court<sup>9</sup>. Laws monitors activity of judges in judicial system.

#### ***A. The Judges Inquiry Act, 1968***

Under this act, the judges will be scrutinized for their duty if there is any default, he shall be liable to be punished under this law, and the constitution further provides that a judge can be removed only by an order of the president, based on a motion passed by both houses of parliament. A charge or complaint preferred against a judge in his judicial and professional capacity shall be dealt with expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential unless otherwise requested by the judge. The procedure for the removal of judges is elaborated in this act.<sup>10</sup>

#### ***B. The Judges (Protection) Act, 1985***

Under this act the Judges are protected for their judicial duty. It means as per the above the act no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function. In *C.S. Karnan v. The Hon'ble Supreme Court of India and Ors.*, Justice C. S. Karnan was sentenced to six months of imprisonment by the Supreme Court of India, holding him guilty of contempt of court. He was the first Indian High Court judge to be sent to prison for contempt while in office.<sup>11</sup>

### **IV. REASONS FOR DELAY**

#### ***A. Lack of Infrastructure***

District courts or lower courts typically have inadequate infrastructure. Although sanctioned strength of lower court judges is 24,631, only 20,143 court halls and 17,800 residential units for judicial officers were available for use in 2022. Though only 40% of the buildings of lower courts have fully functional toilets, some do not have clean rooms. Video conferencing facilities, digital infrastructure and video connectivity to police stations and jails are unavailable. These affect the infrastructure of the lower courts. The state governments are expected to construct the infrastructure of the judiciary. Instead, Chief Justice N V Ramana, in 2021 proposed the idea of the creation of NJIAI, the National Judicial Infrastructure Authority of India<sup>12</sup>, for handling judicial administration jobs, mainly for the construction of infrastructure. It is observed that somewhat similar bodies exist in other countries also, such as Administrative Office of the United States Courts in the US.<sup>13</sup>

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<sup>9</sup> *Supra* note 5.

<sup>10</sup> “Explainer: How a Sitting Judge Can Be Removed From Office” *The Wire*, available at: <https://thewire.in/law/explainer-impeachment-cji-judge-removal-constitution> (last visited on June 14, 2025).

<sup>11</sup> “Judicial misconduct”, available at: [https://en.wikipedia.org/wiki/Judicial\\_misconduct](https://en.wikipedia.org/wiki/Judicial_misconduct) (last visited on June 14, 2025).

<sup>12</sup> Indian judiciary is crying for basic infrastructure. Here’s what Centre & states need to do, available at: <https://theprint.in/opinion/indian-judiciary-is-crying-for-basic-infrastructure-heres-what-centre-states-need-to-do/1046393/> (last visited on June 14, 2025).

<sup>13</sup> CPR, “Understanding Land Conflict in India and Suggestions for Reform”, available at: <https://cprindia.org/understanding-land-conflict-in-india-and-suggestions/> (last visited on June 14, 2025).

### ***B. Low Judge-to-population ratio***

In India, the total population is 145 crores. We have only one Supreme Court and no benches in any states, and at present we have 25 High Courts and 600 district courts throughout India, and more than five crores pending cases are pending before various courts in India; for that we need a minimum of 80,000 judges to complete the pending cases within the next few years.<sup>14</sup>

### ***C. Long Judicial Process***

Judicial process starts from the date of filing of the case before the registry along with court fee, firstly the registry will check the filing and there is no particular time prescribed for passing of case after passing the case the same will come for an admission before the court which is called as a preliminary hearing and then there will be a trial process in the trial process there will be a chief examination, cross examination, re-examination and then arguments by both the side after that judgement. After judgment, the aggrieved will file an appeal before a higher court, then review, revision, and at last appeal before the Hon'ble Supreme Court<sup>15</sup>.

### ***D. Frivolous Litigation***

Frivolous litigation refers to legal claims or lawsuits that lack any merit or substantial basis. These cases are often filed with the intent to harass, annoy, or burden the other party rather than to seek a genuine legal remedy. Here are some key points about frivolous litigation they are lack of legal basis, abuse of process, intent to harass and vexatious claims.

### ***E. Case Management***

Case management means intended to streamline processes, enhance efficiency and reduce delays in court proceedings. However, the same is not contributing due to various processes in judicial systems. The checking, numbering, allotment, admission of cases and other process are under the Registry control but the employees work under the registry are not well equipped with the understanding of technology and updates, lack of training for the court staffs. Based on the above said circumstance there is a lack of case management systems in judiciary.

### ***F. Increasing number of laws***

The increasing number of laws in a legal system can lead to several drawbacks that contribute to delays in justice like the new laws can result in confusion to overlapping or contradictory provisions, complicating legal interpretations with old laws. Further, it will increase in number of litigations and leads to ambiguity and misinterpretation by both the bar and bench.

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<sup>14</sup> "CJI on backlog of cases: 'Judge population ratio in India among lowest in the world, need more judges' *Business Today*, available at: <https://www.businesstoday.in/india/story/cji-on-backlog-of-cases-judge-population-ratio-in-india-among-lowest-in-world-need-more-judges-434905-2024-06-27> (last visited on June 14, 2025).

<sup>15</sup> Department of Justice, "Judicial Processes" India, available at: <https://doj.gov.in/judicial-processes/> (last visited on June 14, 2025).

## V. THE ROLE OF BAR AND BENCH FOR REDUCING THE DELAY

The bar, consisting of lawyers and the bench, consisting of judges, both make huge contributions in ensuring that justice is administered in good time. Delayed justice erodes public confidence in the system of administration; thus, concerted efforts between the two entities must be made to limit unnecessary adjournments. This is how the bar and bench contribute to controlling the delay in justice:

### *A. Role of the Bench (Judiciary)*

The judicial members, or the bench, efficiently handle court proceedings without causing undue delay so that justice is delivered. They play a very significant role in the administration of justice in India.

#### *i) Case Management*

Judges must actively manage cases from the beginning to prevent delays. It includes:

- a. **Setting Timelines:** Judges can set strict timelines for different stages of a case as mentioned in the limitation act and the judges should be very stringent when either party has crossed their rights as per the limitations act and enforce them to avoid delay (e.g., In civil suit as per the Order VIII, Rule 1 of CPC the defendant should file a written statement within 90 days)<sup>16</sup>.
- b. **Controlling Adjournments:** One of the key causes of delays in judicial proceeding is frequent adjournments. Judges should not at all adjourn the case after giving various opportunities. When there is a valid reason to give adjournment the Hon'ble Judge should follow the due process of law by getting the adjournment petition filed under Order XVII Rule 1 of CPC and in case of criminal case Sec.309 CrPC<sup>17</sup> and 346 of BNSS petition. After receiving the same the court should peruse the petition, if the reason is really valid the court can exercise discretion and grant adjournments only when absolutely necessary, while discouraging unnecessary requests for delays by either party.
- c. **Scheduling Early Hearings:** Judges can prioritize certain types of cases which is sensitive in nature like cases involving vulnerable groups like the elderly, children, urgent civil or criminal matters and to complete the same in expedite trial and now there are many special courts in every district to try special cases like POCSO, NDPS, M.P.M.L.A Court, NIA. etc., these courts have special acts and they will follow their own trial proceedings as per mentioned in the act.
- d. **Procedural Efficiency:** Judges can expedite court procedures to deliver justice speedily by amplification of procedures wherever possible, eliminating procedural complexities and rendering summary judgments in well-defined situations could minimize delay by pointing the parties to Alternative Dispute Resolution ADR Encouragement of resort to Mediation, Arbitration, Conciliation, Judicial settlement including *Lok adalats* or Negotiation, can prevent protracted and expensive trials. There are some proceeding to ADR in civil as well as criminal cases, in case of civil disputes section 89 of CPC 1908 deals with ADR methods and also section 155 of CPC, can also deal with amicable settlement between the parties in Civil Disputes and in case of

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<sup>16</sup> The Code of Civil Procedure, 1908 (Act 5 of 1908).

<sup>17</sup> The Code of Criminal Procedure, 1973 (Act 2 of 1974).

Criminal cases the accused can file a plea-bargaining petition under section 265B of Cr.P.C, now section 290 of BNSS. The Arbitration and Conciliation Act, 1996, deals with ADR, and the legislature enacted a new act, namely the Mediation Act, 2023, to settle the dispute amicably outside the court.

- e. **Technology Use:** By e-filing, hybrid mode video conferencing for hearings, and online case tracking, the judiciary can speed up the disposal of cases and cut down on administrative delay. The extent of utilization of technology by the bar and bench is no longer an option but a compulsion. Judges, lawyers, and litigants must collaborate to create a technologically advanced, friendly environment. The above instructions are to be followed letter and spirit by all concerned stakeholders in this respect as well as in the recent days after the decision of the Hon'ble Supreme Court. Presently, all courts follow hybrid mode.
- f. **Monitoring and Accountability:** Judges can also play a role in developing case flow monitoring systems and raising awareness of the antiquity of cases. They can use Case Flow Management Tools and also Judges can use automated case management systems tracking deadlines and case backlogs to identify older or stalled cases and bring them to priority for resolution. A web-based portal is developed in Indian judiciary system called as the National Judicial Data Grid (NJDG). This portal provides a data source of information regarding cases, orders, and judgments for courts in India. The NJDG is the flagship mission of the Supreme Court of India's e-Committee. It was developed as part of the centrally sponsored e-Courts project<sup>18</sup>.

## ***ii) Performance Review***

Courts may create an internal benchmark where judges should maintain a certain disposal rate of cases without compromising on the quality of justice. The national judicial data grid portal has so far followed the status of all cases. Until 2024, there are 1,08,12,948 cases pending in different civil courts of India, wherein one has been filed before one year, and 3,36,19,732. There are criminal cases pending, which are filed before one year like this we have for all the courts. This will help the judges to follow up on the cases; advocates can use this for follow-up on their cases; and, mainly, this shows the transparency in judicial systems to the public<sup>19</sup>.

## ***iii) Reducing Backlog***

The judiciary can undertake measures like appointing additional judges to tackle heavy caseloads; the higher courts may recommend the appointment of additional judges or create special courts for particular types of cases, such as family, motor vehicle claims or commercial matters and also setting up fast-track courts and special fast-track courts may be established to handle cases that require quick resolutions such as criminal cases involving serious offenses or civil cases of economic importance.

## ***iv) Reduction of the court Holidays***

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<sup>18</sup> Case Management through CIS 3.0, Official Website of e-Committee, Supreme Court of India, *available at*: <https://ecommitteesci.gov.in/publication/case-management-through-cis-3-0/> (last visited on June 14, 2025).

<sup>19</sup> *Supra* note 5.

The judiciary is one of the organs of the constitution; out of 365 days, it works only 212 days per year, and the court has a minimum of 153 days of holidays, including Saturday and Sunday, and the seating of the court will start from 10.30 A.M. to 4.30 P.M.

### ***B. The Role of Bar (Advocates)***

The Bar (advocates and legal professionals) plays an important role to the cause of protecting justice in India and is especially involved in eliminating delays in the administration of justice. In general, the Indian legal system has historically struggled with delayed justice as most would say “Justice delayed is justice denied.” As important participants in the legal system, advocates bear the responsibility for the fair and effective administration of justice. The Bar uses a variety of strategies to address delays in justice.

#### ***i) Efficient in Representation and Case Management***

Advocates play a vital role in ensuring that cases are properly managed, avoiding unnecessary delays. They are responsible for:

- a. Time management on filing:** As per the Limitations act and procedural law in every law there is a time period prescribed for filing the petitions, documents and other files, the same law is providing the extension of time for fair proceedings in judiciary system where the same is taken advantage by the advocates and filing the petition after getting numerous adjournment by filing the adjournment petition. This kind of practice should be avoided by the advocates.
- b. Avoiding frivolous adjournments:** Advocates can contribute to minimizing the trial proceedings by completing the procedure without waiting for last chance given by the bench and to avoiding unnecessary requests for adjournments.
- c. Engaging in early settlement:** Encouraging parties to consider out-of-court settlements through Alternative Dispute Resolution (ADR) methods like arbitration, mediation, or conciliation in cases where the cases can be settled outside the court without trial. These processes are generally confidential, less formal and less stressful than traditional court proceedings.
- d. Preventing Frivolous Litigation:** One of the leading causes of delay in the justice system is the filing of frivolous and vexatious and the advocates will not appear for the case and the cases will be pending for the long period. The Bar should be active in advising clients appropriately and refusing to file cases without merit. Advocates should assess the merit of a case and avoid taking up matters designed to delay proceedings or harass the other party. The Bar often advocates for judicial reforms to improve the efficiency of the system. This includes: Promoting for more judges and court infrastructure: - The bar should take judicial reforms in to his hand and share their ideas with bench and demand for their needs in bringing reforms in Judiciary system to handle the heavy caseload. Supporting technological advancements such as e-courts, video conferencing, and digitization of case records, which can reduce the time taken in manual processes. The Bar works closely with the judiciary in ensuring smooth functioning of the judiciary system and to overcome from delay in justice like advocates can assist in court scheduling to streamline cases. Support speedy trial processes by cooperating with judges, submitting documents and evidence on time, and facilitating quicker cross-examinations.

#### ***ii) Ethical Conduct and Accountability***



The Indian Bar Council establishes an ethical code for lawyers to follow their behaviour in the legal profession. The advocates can be verified if they engage in unethical behaviour (such as using delay tactics, not contesting the cases properly, demanding a high amount of money from the client, colluding with opposite counsel, not appearing for proceedings, etc.) The Bar has huge responsibilities to hold accountable the conduct of every advocate, like upholding the professional standards and encouraging advocates to focus on all their cases and complete the same in an expeditious manner.

### *iii) Legal Aid and Assistance*

Advocates, particularly those involved in legal aid services, help ensure that justice is accessible to all, including marginalized and underprivileged groups, who might otherwise face prolonged delays due to lack of representation. By providing free legal services, they help expedite cases that might otherwise languish due to resource constraints.

The Bar Council of India (BCI) and state bar councils have an important oversight role in:

- a. **Regulating the legal profession:** Ensuring that advocates adhere to the norms and ethics of the profession and penalizing those who misuse legal processes to delay justice without mercy to uplift the status of the legal profession. Advocates role in judiciary system is the main reasons for delay in justice as we see the report of National Judicial Date Grid more than 66 lakhs case are pending for non-availability of counsel<sup>20</sup> for various reasons to stringent the activities of advocates there is Advocate act, 1961 but in this the petition should be filed by the complaint before the authority where again there will be a delay in justice and other mental pressures to the client. To control this kind of activities there should be a consists of Supervisory committee to follow up the duties of advocates and the commit can automatically file a complaint for profession misconduct and punish the advocates by imposing the fine, dismiss from the practice and when the same is committed for the second time the license for practice will also be cancelled.
- b. **Capacity-building initiatives:** Promoting continuous legal education and awareness about case management techniques among advocates to enhance the efficiency of legal practice.

### *iv) Support For Alternative Dispute Resolution (ADR) Mechanisms*

Advocates can directly play a role in lightening the burden on courts and accelerating the settlement of disputes by promoting the use of ADR mechanisms. The Bar actively promotes such methods as arbitration, mediation, *Lok adalat*, and conciliation so that parties in dispute settle the same faster than by traditional litigation. The ADR system accelerates to complete the dispute amicably. Due to the support of ADR till 2015, with nearly 60,000 cases in the Supreme Court, 4.47 million in various High Courts, and 31.4 million in district and subordinate courts<sup>21</sup>, and more than 8.25 crore cases have been settled by the *Lok adalat* so far<sup>22</sup>. Which were pending for the long year before various courts.

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<sup>20</sup> *Ibid.*

<sup>21</sup> In-Depth: Reduction in Pendency of Cases & Arbitration, *available at*: <https://www.drishtiias.com/loksabha-rajasabha-discussions/in-depth-reduction-in-pendency-of-cases-arbitration> (last visited on June 14, 2025).

<sup>22</sup> National Legal Services Authority (NALSA), “Lok Adalat: Expanding Justice”, *available at*: <https://nalsa.gov.in/video/lok-adalat-expanding-justice/> (last visited on June 14, 2025).

#### ***v) Public Interest Litigation (PIL)***

Advocates play a crucial role in filing Public Interest Litigation (PILs) before the Hon'ble Supreme Court and the Hon'ble High Courts to address systemic issues in the judiciary, including delays in specific sectors like civil disputes, criminal cases, and environmental matters. PILs can be used to push for judicial accountability and reforms aimed at reducing delays in judicial system.

### **VI. OUTCOME OF THE DELAYED JUSTICE IN PUBLIC**

The effects of delayed justice can be thoughtful for the individual as well as for society at large. The well-known legal maxim “justice delayed is justice denied” emphasizes how delays in the legal system can among other things erode public confidence in the court, which can then have negative consequences. Here are some of the key consequences of delayed justice in the public sphere.

#### ***i) Erosion of Public Confidence in the Legal System***

When justice is delayed, the public can lose trust in the ability of the courts and law enforcement agencies to effectively maintain law and order. This eroded confidence may lead to perceptions of systemic inefficiency, incompetence, or even corruption and lead to kangaroo courts.

#### ***ii) Psychological and Emotional Stress for Victims and Accused***

Victims of crime may be subjected to prolonged periods of psychological trauma, despair and helplessness as they wait for resolution. Thus, prolonged uncertainty may cause victims' psychological damage that lasts a lifetime and prolong their transitory misery. On the other hand, because unresolved cases cast a shadow of uncertainty over suspects' life that may affect their social standing, psychological health, and financial stability, the accused may also experience unwarranted psychological stress as a result of unsolved cases.

#### ***iii) Perpetuation of Injustice***

Sometimes, evidences go bad or the witnesses forget, due to wasting of time. That defeats the very purpose of trials, as we know even there is a benefit of doubts, will leads to acquittal of accused<sup>23</sup>. There by allowing wrong acquittal or conviction, thereby denying justice to either the victims or the accused. Furthermore, the longer such justice takes, the allowed the criminals remain free to continue threatening the society. Delays in the justice system often result in long pre-trial detentions. In countries with overcrowded prisons, this exacerbates the problem, placing further strain on an already burdened system. Some individuals may remain in custody for years without being convicted, infringing upon their basic human rights.

#### ***iv) Social Instability and Public Unrest***

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<sup>23</sup> Manupatra, available at: <https://updates.manupatra.com/roundup/contentsummary.aspx?iid=8773> (last visited on June 14, 2025).

When people feel that justice is not being served or is being unnecessarily delayed, it can lead to frustration and unrest within society. Prolonged justice delays in cases involving serious crimes or public scandals can fuel protests, social tension, and even violence, as communities demand quicker and more effective legal action. An inefficient justice system can deter investment and slow down economic progress. Businesses depend on swift legal processes for resolving disputes, enforcing contracts and upholding property rights. Delayed justice can harm the ease of doing business, weaken the rule of law and increase uncertainty, all of which are barriers to economic growth. When justice is not delivered in a timely manner, it undermines the rule of law. Public officials, corporations or influential individuals may feel less accountable for their actions if they believe they can escape the consequences through legal delays. This lack of accountability can further contribute to corruption and systemic inefficiency.

#### ***v) Loss of Faith in Legal System***

In democratic societies, the judiciary plays a key role in safeguarding rights and freedoms. Delayed justice erodes people's faith in these democratic processes and institutions, leading to cynicism and disenchantment with governance. This can weaken civic engagement, as people may feel powerless to bring about meaningful change. In summary, delayed justice negatively impacts victims, accused individuals, and society at large. It leads to a host of social, psychological, economic, and political challenges, and in some cases, perpetuates injustice rather than resolving it. For society to function harmoniously, timely justice is essential for upholding the rule of law and maintaining public trust. Every Aggrieved comes before the court to seek justice when their rights are violated, and the court's job is to provide those litigants with justice as quickly as feasible. In addition, the litigant must appear in court for each hearing and pay a court charge for the proceedings as well as an advocate fee if they choose to contest the case. The only thing that can be expected after all of this litigation is to receive justice promptly. The litigant may suffer implications for their financial and mental health if the matter is prolonged, which will cause them to lose faith in the legal system.

#### ***vi) Quality of Legal Education***

In order to provide high-quality legal services, graduates of enhanced legal education are guaranteed to possess a solid foundation of information, critical thinking abilities and practical skills. There are openings for legal experts in both the public and commercial sectors. In addition to their important roles in all spheres of endeavour, legal practitioners are accountable for upholding justice and the law. As of right now, the demands of advocates are growing, and at the same time, more fake law schools are emerging, which lowers the standard of the legal profession<sup>24</sup>.

### **VII. CONCLUSION**

In conclusion, delayed justice in the Indian judiciary system poses a critical problem that ultimately impacts public trust in the judicial system and the rule of law in general. This calls for cooperation of both the bar and the bench to work together and strive for improvement in the realm of efficiency, and put an end to frivolous litigation. Furthermore, there needs to be

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<sup>24</sup> "College principal held in law degree scam" *The Hindu*, available at: <https://www.thehindu.com/news/cities/chennai/college-principal-held-in-law-degree-scam/article30655084.ece> (last visited June 14, 2025).

observation committee on the working of the bar and bench, strict and stringent laws on their observance and to limit holidays in courts, raise more judges, technology exploitation and advocacy ethical conduct is indispensable to timely justice delivery. By highlighting these measures, India can make its judicial system stronger, the rule of law and delivery of justice to citizens timely and effective.