



Original Article

# Speedy Justice in India: Conceptual Foundations and Contextual Challenges

Kailash K. Chafale<sup>1</sup>, Dr. Pankaj Kakde<sup>2</sup>

<sup>1</sup>Research Scholar, S.P. College of Law, Chandrapur

<sup>2</sup>Prof. Research Guide & HOD, P.G.D., S.P. College of Law, Chandrapur

Manuscript ID:  
RIGJAAR-2026-030312

ISSN: 2998-4459  
Volume 3  
Issue 3  
Pp. 66-69  
March 2026

Submitted: 06 Feb. 2026  
Revised: 15 Feb. 2026  
Accepted: 13 Mar. 2026  
Published: 31 Mar. 2026

Correspondence Address:  
Kailash K. Chafale  
Research Scholar, S.P. College of  
Law, Chandrapur  
Email:  
[kailashchafale2105@gmail.com](mailto:kailashchafale2105@gmail.com)

Quick Response Code:



Web: <https://rlgjaar.com>



DOI:  
10.5281/zenodo.20407402

DOI Link:  
<https://doi.org/10.5281/zenodo.20407402>



Creative Commons



## Abstract

*This paper examines the speedy justice in India being an essential component of constitutional governance. The speedy justice is recognized as a fundamental right. The paper analyses justice as a normative and functional legal ideal and traces the evolution of the justice system since ancient traditions to the modern constitutional framework. It highlights the significance of timely adjudication in civil and criminal cases and its impact on individual rights, public confidence and democratic legitimacy. The study adopts a doctrinal method and relies on constitutional provisions, judicial pronouncements and published judicial data. It identifies key contextual challenges such as pendency, infrastructural deficits, procedural delays and socio-economic barriers. The study concludes that speedy justice requires a balanced approach that ensures efficiency without compromising fairness, due process and substantive justice.*

**Keywords:** speedy justice, rule of law, judicial delay, access to justice, etc.

## Introduction

The justice system is the foundation of a constitutional democracy in any society and the guiding force. The idea of justice demands fairness and equal treatment before law. The justice loses its meaning when it is delayed from expected period. Therefore, the speedy and timely justice is now a constitutional necessity. The idea of timely justice flows from the broader concept of justice itself. The justice expected resolution of disputes within a reasonable time so that rights are not rendered illusory. The jurist John Rawls viewed justice as the first virtue of social institutions while Amartya Sen emphasized the need to recognize and remedy injustice through reasoned institutional action. They support the principle that delay in justice amounts to injustice.

The history of the justice dispensation system in India that reflects a gradual shift from colonial period of procedural rigidity to a constitutional framework that prioritizes access, fairness and timeliness. The Constitution places the individual at the center of the justice process and mandates to ensure effective legal remedies. The timely justice plays a crucial role in upholding the rule of law being it depends upon prompt and impartial adjudication. An undue delay in redressal weakens legal authority and erodes faith in democratic institutions.

This paper undertaken to analyze the conceptual foundations of speedy justice and the contextual challenges affecting its realization. It adopts a doctrinal research approach and relies on constitutional principles, judicial reasoning and published legal data. The study seeks to highlight the relevance of speedy justice as an indispensable element of constitutional governance and democratic accountability.

## Statement of Problem

The speedy justice is a fundamental right under Article 21, yet its effective realization remains a persistent challenge. Although the Supreme Court recognized the "right to speedy trial as an integral part of the right to life and personal liberty", delays continue to dominate both civil and criminal adjudication. The prolonged litigation renders legal remedies ineffective, affects personal liberty and erodes public confidence in the judiciary. Therefore, the core problem lies in the gap between the constitutional promise of speedy justice and its practical delivery.

## Creative Commons (CC BY-NC-SA 4.0)

*This is an open access journal, and articles are distributed under the terms of the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-nc-sa/4.0/) Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.*

## How to cite this article:

Chafale, K. K., & Kakde, P. (2026). Speedy Justice in India: Conceptual Foundations and Contextual Challenges. *Royal International Global Journal of Advance and Applied Research*, 3(3), 66–69. <https://doi.org/10.5281/zenodo.20407402>

This study seeks to examine this disconnect by analyzing the conceptual foundations of speedy justice and the contextual challenges that hinder its realization within the justice dispensation system of India.

### **Justice As A Legal Idea and Its Function**

The justice is both a normative legal ideal and a functional instrument of governance. As a normative concept, justice embodies moral correctness, fairness and ethical legitimacy. As a functional principle, it guides the formulation, interpretation and enforcement of law. Black's Law Dictionary defines 'justice' as "protecting rights and punishing wrongs using fairness" while cautioning that even laws properly administered may still be unjust. It reflects that justice transcends mere legality and requires moral evaluation of law.

In philosophical, the justice has been treated as a moral and social ideal. The Greek thinkers' terms justice as inseparable from morality. Plato considered justice to be a "quality of the human soul" and emphasized that "justice is a property of the person, the human mind or the soul." So, Aristotle developed the idea of justice by viewing it as the sum of all virtues. Dr. Dibankar Sahoo explained that justice brings together every moral value within itself and observed that "in justice is all virtue together." As such, justice is not limited to legal rules but guides ethical behaviour. It regulates personal conduct with social relationships. Therefore, the justice acts as a balancing principle that maintains harmony in life and the wider social order.

The modern legal thought also refined justice as a normative standard for institutions. John Rawls claimed that "justice is the first virtue of social institutions" and maintained that no law or institution can be justified if it is unjust, regardless of efficiency. Amartya Sen asserted that justice must address actual human suffering and stated that justice requires sensitivity to real and visible injustices rather than abstract perfection. Utilitarian thinkers such as Jeremy Bentham viewed justice as a means to secure the greatest happiness with linking to legality with social welfare.

In the Indian context, justice is rooted in the moral idea of Dharma where justice, righteousness and social harmony were treated as inseparable. In constitution, justice occupies a major position in the Preamble which promises "social, economic and political" justice. Therefore, the justice in India functions both as an outcome-oriented goal and as a process-oriented guarantee. The speedy justice becomes a functional necessity within this framework as delay undermines both the moral legitimacy and practical effectiveness of justice.

### **Development Of the Justice System in India**

The justice system is the backbone of a democratic legal order and the primary means through which the rule is sustained. By which the organized system established to resolve disputes, protect rights and remedy wrongs through fair and impartial adjudication. The justice must be lawful and timely as delay defeats its very purpose. As Roscoe Pound observed, justice is administered through legal standards applied to facts and its effectiveness depends on confidence of the public in the justice system.

The justice system has undergone a significant transformation in India. In the ancient period, justice was rooted in Dharma where moral duty and legal obligation were inseparable. The King was regarded as the guardian of justice who bound to "protect the people and punish the guilty" as reflected in the Manusmriti. During the medieval period, Islamic jurisprudence under the Mughals influenced the justice system where Qazis dispenses justice while respecting personal laws of different communities. In British period, the justice became formal, codified and court-centric with the enactment of laws such as the penal and procedural laws. This laid the foundation of a uniform legal system, though it was largely colonial in character. The post-independence, the Constitution transformed the justice system into a rights-based and constitutional framework. The justice as "social, economic and political" was placed at the heart of constitutional governance.

The judiciary emerged as guardian. Dr. B. R. Ambedkar described the right of constitutional remedies as "the very soul of the Constitution." The Judiciary observed that "the right to speedy trial is implicit in Article 21" making timely justice a constitutional mandate. Thus, the justice system in India has evolved from moral authority to constitutional obligation, reinforcing the need of timely justice to preserve dignity, liberty and public trust.

### **Importance Of Timely Justice in Civil & Criminal Cases**

The speedy justice is a constitutional imperative and a vital component of fair adjudication in both civil and criminal cases. The Apex Court held that "the right to a speedy trial is implicit in the right to life and personal liberty." This elevated timely justice from a procedural expectation to a fundamental one.

In civil adjudication, delay directly affects legal certainty and enforcement of rights. Prolonged civil litigation weakens contracts, disrupts property rights, and causes economic hardship. The Apex Court in Anita Kushwaha case observed that access to justice becomes illusory if adjudication is not reasonably expeditious, and that delay in civil cases can be as oppressive as delay in criminal trials. Thus, timely civil justice is essential to uphold the equality before law and confidence in the legal remedies.

In criminal adjudication, the speedy trial assumes greater constitutional significance as it directly impacts personal liberty. The delay in trials results in prolonged incarceration of undertrial prisoners and causes serious prejudice to both the accused and victims. The Apex Court cautioned that denial of speedy trial amounts to denial of justice and erodes public faith in the justice system.

As per the National Judicial Data Grid, a majority of cases across District Courts, High Courts and even the Supreme Court are pending with a substantial number extending beyond five or ten years. Such pendency reflects a systemic challenge and raises serious constitutional concerns.

The delayed redressal of disputes undermines the rule of law, weakens judicial credibility and frustrates constitutional guarantees. Therefore, the timely justice is not merely an administrative goal but a constitutional

obligation. An effective reforms, strict case management and promotion of ADR are must to realize the promise of timely justice and preserve the legitimacy of the legal system.

### Conceptual Dimensions of The Idea of Speedy Justice

The idea of speedy justice is a fundamental principle of every justice system and reflects the understanding that justice delayed is justice denied. It signifies the obligation of the legal system to resolve disputes within a reasonable time while maintaining fairness and due process.

In ancient time, the root of prompt and timely justice can be traced to early legal reforms such as the Assize of Clarendon (1166) which introduced structured criminal procedures and jury trials to ensure orderly and timely justice. The normative foundation of speedy justice was firmly articulated in the Magna Carta (1215), particularly through Clause 39 established due process and Clause 40 declared that “to no one will we sell, to no one will we refuse or delay, right or justice.” These clauses laid the moral and legal basis for the principle that justice must be both fair and prompt. Subsequent instruments such as the English Bill of Rights (1689) and the Virginia Declaration of Rights (1776) further affirmed the right to a speedy trial as an essential safeguard against arbitrary power.

At the international level, the idea of speedy justice forms part of the universal human rights framework. The UDHR emphasizes fair trial guarantees while the ICCPR expressly mandates that an accused person must be tried “without undue delay” under Article 14(3)(c). These instruments emphasize the principle of timeliness is inseparable from fairness.

Conceptually, timely justice does not imply haste or mechanical disposal of cases. Dr.Sahoo explained that “justice requires the correct application of law and must avoid arbitrariness.” Therefore, the speed operates as an element of fairness and not to its substitute. The efficient case management, equal access to justice and a balance between promptness and procedural safeguards are essential dimensions of timely and prompt justice.

Ultimately, the speedy justice enhances public confidence in judicial institutions. When courts act efficiently and fairly, the justice system is strengthened to reinforce the rule to protect individual rights in adjudication.

### Contextual Challenges in Realisation of Speedy Justice

The realization of prompt justice is confronted by several contextual and structural challenges, despite its recognition under Article 21. The “justice delayed is justice denied” captures the lived reality of litigants who face prolonged uncertainty, financial hardship and emotional distress due to systemic delays. The Apex Court acknowledged that “delay erodes the legitimacy of justice and undermines public confidence in the rule of law.”

The foremost challenge is excessive backlog and case volume. The pending cases across courts places immense strain on judicial capacity which result in delay of adjudication. This challenge compounded by inadequate judicial infrastructure and shortage of judges. The idea of justice system within time “cannot be treated with a status

quoist approach” emphasizing for modernization and institutional reform.<sup>24</sup>

The efficiency in justice delivery is also hindered by procedural complexities, frequent adjournments and administrative inefficiencies. While reforms such as digitization, e-filing and fast-track courts have been introduced, their uneven implementation limits their impact. The Apex Court reiterated that justice in time is “the need of the hour” in the twenty-first century.<sup>25</sup>

Socio-economic barriers also obstruct access to speedy justice. High litigation costs, limited legal awareness and inadequate reach of legal aid disproportionately affect marginalized groups. The Supreme Court linked justice with equity and distributive fairness, holding that justice must empower weaker sections and cannot be denied through unreasonable conditions.<sup>26</sup>

A further challenge lies in balancing speed with fairness. An expediency must not compromise due process or a fair trial. The Judiciary cautioned that timely justice cannot come at the cost of procedural safeguards under Articles 14 and 21. Thus, the pursuit of speedy justice demands calibrated reforms that address structural constraints while preserving fairness, equity and constitutional values.

### Conclusion

The speedy justice is the constitutional necessity being part of Article 21. It is not limited to procedural efficiency but reflects the substantive guarantee of fairness, dignity and access to justice. The Judiciary held that the right to “speedy trial is implicit in Article 21” placing timely justice at the core of constitutional governance. The paper has shown that philosophical theories of justice and constitutional principles converge on one idea that justice loses its meaning when it is delayed. Despite the evolution of justice system into a constitutional and rights-based framework, delay continues a systemic challenge. An excessive pendency, procedural complexity, infrastructural limitations and socio-economic inequalities obstruct the effective realization of speedy justice in both civil and criminal adjudication. The prolonged delay affects litigants and also public confidence. While reforms initiated, the pace remains inadequate. Therefore, the speedy justice must be understood as a balance between promptness and fairness. The Judiciary cautioned the expedition cannot override procedural safeguards. So, ensuring timely justice is vital for protecting rights, strengthening the rule and sustaining democratic legitimacy.

### Suggestions

- Increasing judicial strength by promptly filling vacancies.
- Expanding court infrastructure by allocating adequate budgets.
- Enforcing strict case management and limit unnecessary adjournments.
- Using technology uniformly through e-filing and virtual hearings.
- Promoting ADR includes mediation, arbitration and Lok Adalats in suitable cases.

- Strengthening free legal assistance to marginalized sections.
- Ensuring reforms maintain fairness with due process.

## Acknowledgment

I express my sincere gratitude to my research guide, Dr. Pankaj Kakde, Professor and Head of the Department, P.G.D., S.P. College of Law, Chandrapur, for his constant guidance, valuable suggestions, and intellectual support throughout the course of this research work.

His insightful comments and encouragement greatly contributed to the successful completion of this paper.

## Financial support and sponsorship

Nil.

## Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

## References

1. John Rawls, A Theory of Justice (rev edn, Belknap Press of Harvard University Press).
2. Amartya Sen, The Idea of Justice (Belknap Press of Harvard University Press 2009).
3. Hussainara Khatoon v State of Bihar AIR 1979 SC 1369.
4. Black's Law Dictionary (2nd edn) <https://thelawdictionary.org/justice/> accessed on March 17, 2026.
5. G. PENDRICK, ANTIPHON THE SOPHIST: THE FRAGMENTS (Cambridge Univ. Press 2002).
6. G Pendrick, 'Platonic Justice and What We Mean by "Justice"' (2025) <https://philpapers.org/archive/PENPIA> accessed on March 23, 2026.
7. Sooraj Kumar Maurya, 'The Concept of Justice in Reference with Philosophies of Plato and Aristotle: A Critical Study' (2021) 7 Journal of Liberty and International Affairs 251.
8. D Sahoo, The Concept of Justice: A Critical Study (Atlantic Publishers & Distributors 1998).
9. Rawls (n 1).
10. Sen (n 2).
11. Jeremy Bentham, Principles of Penal Law (John Bowring ed, William Tait 1838-1843; reprint 1962).
12. Roscoe Pound, An Introduction to the Philosophy of Law (1930) <https://karnatakajudiciary.kar.nic.in/hcklibrary/pdf/5%20An%20Introduction%20to%20the%20P> accessed on March 12, 2026.
13. Ganganath Jha, Manusmriti with the Commentary of Medhatithi (1920).
14. Constitution of India, Preamble.
15. L Chandra Kumar v Union of India (1997) 3 SCC 261.
16. Hussainara Khatoon (n 3).
17. ibid.
18. Anita Kushwaha v Pushap Sudan MANU/SC/0797/2016.
19. National Judicial Data Grid, [https://njdg.ecourts.gov.in/njdg\\_v3/](https://njdg.ecourts.gov.in/njdg_v3/) accessed on March 03, 2026.
20. Universal Declaration of Human Rights (1948) [https://avalon.law.yale.edu/20th\\_century/unrights.asp](https://avalon.law.yale.edu/20th_century/unrights.asp) accessed on March 03, 2026.
21. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
22. Sahoo (n 8).
23. Yerikala Sunkalamma v State of Andhra Pradesh MANU/SC/0381/2025.
24. All India Judges Association v Union of India, MANU/SC/0827/2018.
25. All India Judges Association (II) v Union of India, MANU/SC/0730/2025.
26. Yerikala Sunkalamma (n 23).
27. Mohd Muslim @ Hussain v State (NCT of Delhi) 2023 INSC 311.