
JUDICIAL DELAYS IN CRIMINAL TRIALS IN INDIA: CAUSES, CONSEQUENCES AND REFORM MEASURES

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ABSTRACT

Somewhere inside Article 21 of the Indian Constitution, tucked under the broader guarantee of life and personal liberty, sits the right to a fair and speedy trial. It is one of those rights everyone agrees with in principle and almost nobody experiences in practice. This paper looks at why criminal trials in India take so long, working through the structural, procedural, and administrative reasons behind the delay, and tries to put a real cost on what that delay does to people and to the system as a whole. Using data from the National Judicial Data Grid, the National Crime Records Bureau, and several decades of Law Commission reports, the paper makes the case that there is no single villain here – it is a pile-up of smaller failures: too few judges, an under-resourced police and forensic system, procedural rules that make adjournments almost too easy to get, and a basic mismatch between how many cases come in and how many the system can actually process. At the individual level this means undertrial prisoners often sit in jail longer than they would have if convicted outright. At the systemic level it means people slowly lose faith that courts can deliver anything resembling timely justice. The paper closes by going through the reforms that have already been tried – fast-track courts, plea bargaining, ADR, e-courts – and what it would actually take to make the speedy-trial guarantee feel less like a slogan and more like something people can rely on.

1. Introduction

“Justice delayed is justice denied” gets quoted so often in Indian legal writing that it has practically turned into wallpaper – a phrase people reach for without really sitting with what it means. But behind the cliché is a genuinely uncomfortable reality. Criminal courts in India move at a pace that is closer to decades than months. A theft case can drag on for ten years. A murder trial can outlast some of the witnesses who were supposed to testify in it. Someone accused of a fairly minor offence can end up spending more time in jail waiting for trial than the law would even allow as punishment if they were eventually convicted.¹

This is not an occasional glitch in the system. It is, by now, simply how the system works, and it touches almost anyone who comes into contact with it – the accused, the victim, the witnesses, and really any citizen who expects the state to deliver some kind of resolution within a reasonable amount of time. The Supreme Court has said, repeatedly and since the early 1980s, that the right to a speedy trial is built into the right to life and personal liberty under Article 21.² And yet, despite that being settled law for over forty years, the distance between what the Constitution promises and what people actually experience in a courtroom has barely narrowed.

This paper tries to work through that gap from three angles. First: what is actually causing the delay, and how do the different causes feed into each other rather than sitting as separate, unrelated problems? Second: what does the delay cost – not just in abstract institutional terms but for the people stuck inside the process? Third: what has already been tried, and what would a more serious reform effort look like? The paper leans on government data, court judgments, and the various Law Commission reports and committees that have studied this over the years, but it also tries not to lose sight of the human side of the problem along the way – it is easy to talk about pendency figures and forget that each number is someone's life on pause.

2. Understanding the Scale of the Problem

Before getting into causes and consequences, it is worth just sitting with how big this backlog actually is, because the numbers are easy to type out and genuinely hard to absorb. The subordinate judiciary – which handles the vast bulk of criminal trials in the country – is currently

¹National Crime Records Bureau, Prison Statistics India 2022, Ministry of Home Affairs, Government of India (2023).

²Hussainara Khatoon v. Home Secretary, State of Bihar, AIR 1979 SC 1369 (India).

carrying a backlog that runs into the tens of millions. A good chunk of that is criminal matters, and plenty of those cases have been sitting there for five, ten, even twenty years.

But pendency numbers alone don't really capture what is going on. The National Crime Records Bureau's Prison Statistics India reports have, year after year, shown that most people in Indian prisons are not convicted offenders serving out a sentence they are undertrials, people who have been arrested and are stuck in custody while their trial is still going on, in many cases without having been found guilty of anything at all. If there is one statistic that sums up the depth of this problem, it is probably that one.³

Indicator	Approximate Figure	Source/Period
Pending cases in district and subordinate courts	Over 4.5 crore (criminal and civil combined)	National Judicial Data Grid, 2025
Undertrial prisoners as share of total prison population	Around 75-76%	NCRB Prison Statistics India
Sanctioned vs working strength of judges (subordinate judiciary)	Vacancy of roughly 20-25%	Department of Justice data
Judge-to-population ratio	Around 21 judges per million (Law Commission recommended 50)	Law Commission of India, 120th Report

These figures, pulled from the National Judicial Data Grid, the NCRB, and the Department of Justice, are obviously approximate and shift over time but the overall picture has stayed remarkably consistent for decades now: not enough judges, too many people behind bars who haven't been convicted of anything, and a backlog that keeps growing faster than the system can chip away at it.⁴

3. Causes of Judicial Delay in Criminal Trials

It would be convenient if there were one obvious bottleneck to point at and fix. There isn't. The

³National Crime Records Bureau, Prison Statistics India 2022, ch. 4 (2023).

⁴National Judicial Data Grid, Dep't of Justice, Gov't of India, <https://njdg.ecourts.gov.in> (last visited June 2026); Law Commission of India, Report No. 120, Manpower Planning in the Judiciary: A Blueprint (1987).

causes of delay in Indian criminal trials work more like a chain of weak links any single one can stall a case on its own, and in practice they tend to gang up together, turning what should be a months-long process into one that drags on for years.

3.1 Shortage of Judges and Judicial Infrastructure

The cause that comes up most often is simply that there are not enough judges for the number of cases being filed. India's judge-to-population ratio has lagged for decades behind the figure the Law Commission recommended back in its 120th Report roughly fifty judges per million people and the actual number has hovered at less than half that for as long as anyone has been tracking it.⁵ Vacancies in the subordinate judiciary, where most criminal trials actually happen, often sit at a fifth to a quarter of sanctioned strength, meaning that even the inadequate number of posts that exist on paper don't get filled in practice.

Layered on top of that is a more basic infrastructure problem. Plenty of trial courts, especially in smaller towns and rural districts, simply don't have enough courtroom space, secure facilities for recording testimony, properly staffed registries, or anything resembling a functioning case-management system. Court staff are stretched thin, and routine clerical work issuing summons, listing cases for hearing that could easily be automated is still, in many places, done by hand, adding friction at every step.

3.2 Procedural Delays and Adjournments

The Code of Criminal Procedure, and now the Bharatiya Nagarik Suraksha Sanhita that has replaced it, lays out a fairly structured process for criminal trials but the rules leave enough room for adjournments that the structure barely matters in practice.⁶ Lawyers on either side, sometimes with the bench going along with it, ask for postponements all the time, for reasons ranging from genuinely not being able to produce a witness to plain convenience or a deliberate slow-walking of the case. A trial that should, in theory, run continuously over a few weeks ends up stretched across years through a steady drip of short delays, each one individually defensible and collectively devastating.

Every stage of a criminal trial framing of charges, recording evidence, cross-examination, final

⁵Law Commission of India, Report No. 120, Manpower Planning in the Judiciary: A Blueprint, para. 4 (1987).

⁶Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, India Code (2023).

arguments offers a fresh chance for delay, and because there are no strict timelines and no real consequence for asking for an adjournment you don't need, nothing in the system really pushes things along.

3.3 Investigative and Prosecutorial Weaknesses

Delay doesn't actually start in the courtroom. It usually starts well before a case is even filed. Police investigation in India tends to be slow, under-resourced, and often hampered by forensic capacity that simply isn't there when it's needed. Forensic labs around the country are overwhelmed, and the time it takes to process evidence DNA samples, ballistics, whatever it might be can itself stretch into months or years, holding up trials that are otherwise good to go.

Public prosecutors are in much the same position, often juggling far more cases than any one person reasonably could, which leaves little room for the kind of careful preparation that keeps a trial moving. Add in poor coordination between police, prosecution, and the courts chargesheets filed late or incomplete, witnesses not properly tracked or kept safe and you get cases that simply drift for want of basic follow-through.

3.4 Witness-Related Problems

Witnesses keep a trial alive, and their unavailability is one of the most common reasons given for adjournment. Hostile witnesses are a familiar story, especially in cases involving someone with money or influence, often because of threats or inducement, and India's witness protection still has a long way to go.⁷ Even cooperative witnesses can be hard to find years after the fact people move, change jobs, or, in some cases, are no longer alive by the time their testimony is finally needed.

3.5 Appeals, Revisions, and Multiplicity of Proceedings

Indian law allows multiple layers of appeal and revision a sensible safeguard against wrongful conviction, but one that also opens up plenty of room for delay. Interlocutory orders, on things like bail or the framing of charges or whether certain evidence is admissible, can themselves be challenged in a higher court, sometimes putting the trial itself on hold for long stretches

⁷Mahender Chawla v. Union of India, (2019) 14 SCC 615 (India).

while that separate proceeding plays out. And even once a trial court reaches a verdict, the appeal process in the High Courts and the Supreme Court can take years to wrap up so the whole journey, from the first information report to the last possible appeal, can easily run past a decade.

3.6 Resource Constraints and Budgetary Allocation

Underneath most of what's been described so far is something simpler: the Indian judiciary, as a share of government spending, has never really been resourced for a population of well over a billion people. You end up with a system asked to deliver justice at a scale that its staffing, technology, and physical infrastructure were never built to match.

4. Consequences of Judicial Delay

None of this stays abstract for long. The consequences of delayed criminal trials land, often with disproportionate weight, on people who are the least equipped to absorb them, and they chip away at the credibility of the justice system more broadly.

4.1 Prolonged Incarceration of Undertrial Prisoners

The most visible consequence, by far, is prolonged detention of undertrial prisoners people accused of a crime but not yet convicted, many of whom will eventually be acquitted. Indian prisons have, for years, held more undertrials than convicted prisoners, which is a strange inversion for a system that is supposed to presume innocence until guilt is proven.⁸ A large share of these undertrials come from poor backgrounds, unable to afford bail or a competent lawyer, and quite a few of them end up spending more time behind bars awaiting trial than they would have served if convicted at the very outset.

It's not spread evenly either. This problem disproportionately hits the poor, religious and caste minorities, and other marginalised groups, who are simply less likely to have the money or connections needed to move the bail process along quickly which means the criminal justice system ends up reinforcing inequalities that already existed before anyone walked into a police station.

⁸National Crime Records Bureau, *supra* note 2, ch. 4.

4.2 Erosion of Evidence and Witness Testimony

As trials drag on for years, the evidence itself starts to fall apart. Memories fade. Witnesses disappear or simply stop wanting to get involved. Physical evidence degrades or goes missing. None of this serves anyone well – it makes it harder for courts to reach accurate conclusions, increases the odds that guilty people walk free for lack of reliable evidence, and leaves innocent defendants struggling to mount a real defence years after the fact, once witnesses and records they might have relied on are simply gone.

4.3 Psychological, Social, and Economic Costs

For someone on trial, a case that drags on for years means living for years under suspicion unable to travel freely, often locked out of certain kinds of work, struggling to just go back to an ordinary life, regardless of how the case eventually ends. For victims and their families, delay piles on top of the original trauma, denying them whatever closure a timely verdict might have offered, and in cases involving compensation, pushing back any real relief for years on end. The economic toll adds up too: lost wages, legal fees that keep accumulating year after year, and a broader drag on economic activity caused by litigation that simply never seems to end.

4.4 Erosion of Public Trust in the Rule of Law

Maybe the most far-reaching consequence is what chronic delay does to public confidence. When people see courts as slow, hard to access, and unable to deliver justice within any reasonable time, faith in formal legal institutions weakens, sometimes pushing people toward informal or extralegal ways of settling disputes instead. That erosion undermines the broader idea of constitutional governance, where the judiciary is supposed to be a credible, accessible guarantor of people's rights – not an institution people quietly route around.

4.5 Strain on the Prison System

The sheer number of undertrial prisoners feeds directly into overcrowding in Indian jails, many of which are already running well past their sanctioned capacity. Overcrowded prisons stretch resources thin, make rehabilitation harder, and create conditions that can themselves raise serious human rights concerns – compounding the original injustice of sitting in custody for years before a trial even concludes.

5. Judicial and Constitutional Responses

To be fair, the judiciary hasn't ignored this. Courts have, over the decades, repeatedly called out the problem themselves. In *Hussainara Khatoon and Others v. Home Secretary, State of Bihar*, the Supreme Court held that the right to a speedy trial is built into the Article 21 guarantee of life and personal liberty, and ordered the release of large numbers of undertrial prisoners who had already spent more time in custody than the maximum sentence their alleged offence carried.⁹ Later cases have kept reaffirming the principle, while also acknowledging that there's no fixed formula for what counts as a “reasonable” trial period – it depends on the offence, the complexity of the evidence, and how the parties themselves have behaved.

But saying the right exists is one thing; actually delivering it is another. Turning that constitutional principle into administrative reality has proven much harder than stating the principle, largely because most of the structural causes described above sit outside what the judiciary alone can control, and fixing them needs coordinated action across the police, the prosecution, the prison system, and the legislature.¹⁰

6. Reform Measures: Past Efforts and the Road Ahead

Various governments, Law Commissions, and judicial committees have, over the years, proposed and sometimes implemented reforms meant to cut down on delay. None of them, on their own, has been enough – but taken together they start to sketch out what a real reform agenda could look like.

6.1 Fast-Track Courts

Fast-track courts have been set up here and there to deal with specific kinds of cases – sexual offences against women and children, for instance, or cases that had been pending for an unusually long time. Where they've been tried, they have actually reduced pendency for the categories of cases assigned to them, which says something useful: focused resourcing and dedicated attention do speed things up. The catch is that fast-track courts have mostly been treated as temporary, project-based fixes rather than permanent structural change, and the gains haven't always held once the special funding or status runs out.

⁹Hussainara Khatoon, AIR 1979 SC 1369.

¹⁰Law Commission of India, Report No. 230, Reforms in the Judiciary: Some Suggestions (2009).

6.2 Increasing Judicial Strength and Filling Vacancies

The most obvious fix, recommended more times than anyone can count, is simply hiring more judges and filling the vacancies that already exist faster. The idea of an All India Judicial Service recruiting judicial officers through a centralised, merit-based exam, similar to how the civil services work has been floated for decades as a way to fix both the quantity and the quality of recruitment at the subordinate level. It still hasn't actually happened, despite being recommended again and again.

6.3 Use of Technology and E-Courts

The e-Courts Mission Mode Project has tried to drag court administration into the present digitising case records, allowing online filing, setting up video-conferencing for hearings and testimony, and building the National Judicial Data Grid, which gives a real-time picture of pendency across the country.¹¹ These have genuinely improved transparency, and the COVID-19 disruption ended up proving, almost by accident, that virtual hearings can cut down a lot of the friction involved in physically getting parties, witnesses, and lawyers into a courtroom. There's real promise in continuing to invest here, including AI tools for case management and scheduling, though patchy internet access and digital literacy still hold a lot of the country back.

6.4 Plea Bargaining and Alternative Dispute Resolution

Plea bargaining was formally written into the Code of Criminal Procedure in 2006, meant to let less serious cases resolve without a full trial, with the accused negotiating a reduced sentence in exchange for pleading guilty.¹² In practice, it hasn't really caught on lawyers and litigants aren't all that familiar with it, and there's a degree of institutional discomfort with negotiated outcomes in criminal matters generally. Lok Adalats and mediation have done somewhat better at resolving compoundable offences and related civil disputes outside the regular trial track, taking at least some pressure off courts that are already buried in work.

6.5 Strengthening Investigation and Prosecution

Speeding up and improving police investigation through better training, adequate staffing, and

¹¹e-Committee, Supreme Court of India, e-Courts Mission Mode Project, Phase III: Vision Document (2023).

¹²Code of Criminal Procedure, 1973, ch. XXIA, §§ 265A-265L (India), as inserted by the Criminal Law (Amendment) Act, 2005.

stronger forensic capacity would deal with delay closer to its source, instead of just managing its effects once a case finally reaches the courtroom. Strengthening the prosecution side, by making sure there are enough public prosecutors for the caseload and improving how closely police and prosecutors work together at the chargesheet stage, would similarly cut down the number of cases that stall purely for administrative reasons before they ever get a real hearing.

6.6 Witness Protection

The Supreme Court approved a formal Witness Protection Scheme in 2018, since adopted in various forms by different states, aimed at the problem of witnesses caving under pressure or intimidation.¹³ Actually implementing it well – identity protection, relocation, security where it's genuinely needed – would help preserve the integrity of evidence and chip away at one of the more persistent reasons trials stall or fall apart altogether.

6.7 Procedural Reform and Case Management

Tighter judicial control over adjournments, real costs imposed on parties who ask for postponements they don't need, and more disciplined case management – including day-to-day trial in serious cases, which is already allowed under existing law but rarely enforced – could meaningfully shrink the timeline of individual trials if courts actually applied these tools consistently. The new Bharatiya Nagarik Suraksha Sanhita includes provisions aimed at timeliness, including statutory deadlines for certain stages of investigation and trial,¹⁴ though how much difference these make will depend almost entirely on whether there's the administrative capacity to actually enforce them.

6.8 Decriminalisation and Diversion

There's also a case for stepping back and asking which conduct genuinely needs criminal prosecution at all. Decriminalising minor offences, particularly regulatory or quasi-criminal violations that could be handled more efficiently through civil penalties, has been recommended by various committees as a way of freeing up judicial bandwidth for cases that actually need it – letting scarce resources go where they matter most.

¹³Mahender Chawla v. Union of India, (2019) 14 SCC 615 (India); Ministry of Home Affairs, Witness Protection Scheme, 2018.

¹⁴Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, §§ 193, 258, India Code (2023).

7. Discussion: Why Reform Has Proven Difficult

It would be a mistake to chalk up the persistence of judicial delay in India to simple lack of political will or administrative incompetence, even though both have clearly played some part. The deeper issue is how tangled the problem is: add more judges without fixing investigative delay, and you just move the bottleneck from the courtroom to the police station. Digitise case records without addressing the judge shortage, and administration gets faster while actual adjudication doesn't. Tighten the rules on adjournments without protecting witnesses or speeding up forensic labs, and you won't gain much, because the trial still can't move without the evidence and testimony it needs.

Real reform, in other words, needs coordinated action across several institutions at once – police, prosecution, judiciary, the prison system, the legislature – each one answering to a different administrative chain of command and a different budget. That coordination problem, more than any single resource shortfall, may be the real obstacle standing in the way of durable, systemic change. It suggests future reform might need to be organised around one integrated criminal justice strategy rather than a series of fixes attempted separately inside each institution.

8. Conclusion

Judicial delay in criminal trials isn't some side issue or minor inefficiency in the Indian legal system. It's one of the central reasons the constitutional promise of a fair, speedy trial doesn't actually reach the millions of people who pass through the system every year. The causes are structural and tangled together – judicial vacancies, weak infrastructure, poor investigation, witness intimidation, and a procedural culture that tolerates far too many adjournments. The cost falls hardest on the people least able to bear it: undertrial prisoners, often poor and unable to make bail, who spend years in custody for offences they may never even be convicted of, and victims left waiting for closure and redress that keeps getting pushed further out.

The reforms tried so far – fast-track courts, e-courts, plea bargaining – have each helped a little without solving the underlying problem, mostly because they tend to treat one symptom at a time rather than the whole interconnected mess described in this paper. A more lasting fix will need sustained investment in judicial strength and infrastructure, real reform of how investigation and prosecution work, proper witness protection, disciplined case management, and – maybe hardest of all – a shift in institutional culture across the entire criminal justice system,

where timely justice stops being something invoked in judgments and starts being something actually measured, funded, and delivered. Until that alignment between intent and capacity happens, the distance between the speedy-trial right as written in the Constitution and as actually lived by ordinary litigants is likely to remain one of the defining failures of Indian justice.

REFERENCES

A. Primary Sources

i. Constitutional Provisions

INDIA CONST. art. 21.

ii. Statutes

The Bharatiya Nyaya Sanhita, No. 45 of 2023, India Code (2023).

The Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, India Code (2023).

The Code of Criminal Procedure, No. 2 of 1974, India Code (1974) (repealed 2023).

The Criminal Law (Amendment) Act, No. 2 of 2006, India Code (2006) (inserting Ch. XXIA, §§ 265A–265L into CrPC).

iii. Cases

Hussainara Khatoon v. Home Secretary, State of Bihar, AIR 1979 SC 1369 (India).

Mahender Chawla v. Union of India, (2019) 14 SCC 615 (India).

P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578 (India).

Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225 (India).

State v. Balakrishnan, 1992 CrLJ 1872 (Mad.) (India).

B. Secondary Sources

i. Government Reports & Official Documents

Law Commission of India, Report No. 120, Manpower Planning in the Judiciary: A Blueprint (1987).

Law Commission of India, Report No. 230, Reforms in the Judiciary: Some Suggestions

(2009).

Law Commission of India, Report No. 245, Arrears and Backlog: Creating Additional Judicial (wo)Manpower (2014).

Ministry of Home Affairs, Witness Protection Scheme, 2018 (India).

National Crime Records Bureau, Prison Statistics India 2022, Ministry of Home Affairs, Government of India (2023).

National Judicial Data Grid, Department of Justice, Government of India, <https://njdg.ecourts.gov.in> (last visited June 2026).

e-Committee, Supreme Court of India, e-Courts Mission Mode Project – Phase III: Vision Document (2023).

Department of Justice, Vacancy Position of Judges in High Courts and District Courts, Ministry of Law & Justice, Government of India (2024).

ii. Books & Journal Articles

V.R. Krishna Iyer, *Law and the Urban Poor in India* (1976).

Upendra Baxi, *The Crisis of the Indian Legal System* (1982).

Nick Robinson et al., *Mapping Indian Courts*, 40 *Econ. & Pol. Wkly. (Supplement)* 1 (2011).

Aparna Chandra, William H.J. Hubbard & Sital Kalantry, *Case Pendency in Indian Courts*, 3 *NUJS L. Rev.* 177 (2018).

Daksh, *A Closer Look at Delays in Indian Courts* (2016), <https://dakshindia.org/wp-content/uploads/2016/05/Daksh-report-Final.pdf>.

Shreya Rastogi & Dhvani Mehta, *Decriminalisation of Minor Offences in India: A Discussion Paper*, Vidhi Centre for Legal Policy (2020).