
JUSTICE DELIVERY IN INDIA

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Introduction

The Indian Judicial System is a unified structure, where the hierarchy of the Courts is followed by the Supreme Court of India established in the Capital, Delhi, High Courts in every State of India along with the district and other subordinate Courts. The rights of the individuals are protected by the Courts in order to provide them with fair and accessible justice. The Constitution of India, acts as written Constitution for safeguarding the rights of the Individuals. It consists of the fundamental rights, framework of the political system and provision of governance powers. The document ensures that India is Sovereign, Socialist, Secular Democratic and Republic.¹ It ensures that the powers between the Legislative, Executive and Judiciary are not overlapping or interfering with the other bodies. Judiciary has the sovereign power to question the works of the governments for promoting the principles of justice, equality and fraternity. This critical review will be conducted on the topic Justice Delivery in India, discussing about the Indian Justice System, legal challenges faced in the Justice Delivery System with the help of the relevant statistics and statutes. Lastly, it will also provide the recommendations for enhancing the Judicial System in India.

Overview of the Indian Justice System

The central role of the Judiciary is to interpret the laws which have been passed by the legislature, and to ensure that the government has taken the right measures for implementing those laws. The fundamental rights are guaranteed to every individual under the Constitution of India.

Articles 32 and 226 of the Constitution of India establish powers for the Supreme Court and High Court of India to issue writs upon the violation of fundamental rights by the actions of

¹ Serdyukov, A.A., Constitutional Foundations and Principles of the Formation of a Sovereign, Secular, and Democratic State in India: *History and Modernity*, *Cuestiones Políticas* 39(71) (2021).

the Government or government-controlled bodies.² Under Article 13 of the Constitution of India, Courts have the power to declare laws as inconsistent if they are in derogation of the fundamental rights. The Judiciary acts as the guardian of the Constitution of India in order to establish the rule of law and the right balance between the powers of the Government.

Individuals, organisations, and the government have the right to approach the legal Courts for both civil and criminal disputes.

The Supreme Court of India is the highest and final appellate body to ensure that the fundamental and constitutional rights are guaranteed to its people.³ The High Courts are established in every State and have authority over the subordinate Courts in their respective states. In the landmark case of *Kesavananda Bharati v. State of Kerala (1973)*,⁴ the Court upheld the Doctrine of Basic Structure and ruled that Parliament does not have the right to alter the fundamental features of the Constitution.⁵ As stated in the Directive Principles under Article 39A, individuals have the right to access legal aid, especially those who do not have the economic means for legal representation.

Legal challenges

Due to a high shortage of judges and inadequate legal infrastructure, individuals face severe problems with regard to a fair justice system. There is a huge gap in the judge-to-population ratio, which leads to a slow pace of trials and delays in the delivery of justice.⁶ The key challenges are discussed below:

- **Backlog and pendency:** The current pendency of cases in the Supreme Court is recorded at about 82,445 cases.⁷ A significant transition has been achieved in the disposal of cases in comparison to last year's statistics. This is also impacted by the

² Deb, S., Subhalakshmi, G., and Chakraborti, K., *Upholding Justice: Social, Psychological and Legal Perspectives* 35 (Routledge, Abingdon, 2021).

³ JusCorpus, *Justice Delayed is Justice Denied: The Crisis of Judicial Vacancies in India*, available at: <https://www.juscorpus.com/justice-delayed-is-justice-denied-the-crisis-of-judicial-vacancies-in-india/> accessed on June 14, 2025.

⁴ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225

⁵ Nariman, F.S., *India's Legal System* 100 (Penguin Enterprise, New Delhi, 2017).

⁶ Katju, M., *Whither Indian Judiciary* 50 (Bloomsbury, New Delhi, 2018).

⁷ Supreme Court Observer, *January 2025: Pendency Increases by Over 2600 Compared to Last January*, available at: <https://www.scobserver.in/journal/january-2025-pendency-increases-by-over-2600-compared-to-last-january/> accessed on June 14, 2025.

vacation period provided to the Supreme Court and High Court judges; however, there are still vacation benches allotted to dispose of crucial civil or criminal matters.

- **Corruption and judicial vacancies:** Due to a complex legal structure and persistent vacancies, various factors contribute to corruption. For instance, quid pro quo, where judges make judicial favours for the government in return for favourable retirement appointments.⁸ The Justice Varma case gave rise to urgent questions of judicial transparency and accountability.⁹
- **Access to legal aid and legal literacy:** Every citizen needs to be aware of his or her fundamental rights, especially those from marginalised and vulnerable sections.¹⁰ Under the Legal Services Authorities Act, a framework has been established to ensure legal aid services even at the grassroots level; however, this has not been effectively achieved, which leaves individuals disadvantaged in accessing the justice system.
- **Delay in judicial reforms:** With backlog of cases and delays in delivering justice, public trust in the judiciary has diminished.¹¹ Litigants are suffering due to outdated legal infrastructure and delays. Complex legal procedures, frequent adjournments, and time-consuming evidence collection have contributed significantly to the delay in judicial reforms.

Proposed Recommendations

The system of justice delivery in India, though constitutionally and legally sound, is politically and practically very challenging. The case backlog, inefficiency, poor access to justice, and corruption are all disabilities to the judiciary in its efforts to act as an effective guardian of rights.¹² To remedy such systemic problems, the delivery of justice should be reformed

⁸ International Commission of Jurists, *Judicial Independence in India: Tipping the Scale*, available at: <https://www.icj.org/wp-content/uploads/2025/02/Judicial-Independence-in-India.pdf> accessed on June 14, 2025.

⁹ T.K. Rajalakshmi, *Justice Varma and the Burnt Cash Scandal Puts Judicial Integrity in Question*, available at: <https://frontline.thehindu.com/the-nation/justice-yashwant-varma-burnt-cash-controversy-delhi-high-courtjudicial-corruption/article69381861.ece> accessed on June 14, 2025.

¹⁰ More, D., *An Appraisal of the Judicial System in India: A Critical Study on Judicial Independence Vis-À-Vis Judicial Accountability* 27 (Lulu.com, 2015).

¹¹ Ppj, *NJDG-National Judicial Data Grid*, available at: https://njdg.ecourts.gov.in/njdg_v3/ accessed on June 14, 2025.

¹² Yadav, A., Mishra, A., and Yadav, P., *Backlog of Justice in India* 3910 (Int'l JL Mgmt. & Human., 2021).

thoroughly to become more affordable, fair, and prompt. This includes:

- **Increase the Number of Judges:** Among the many reforms that need to be implemented immediately to enhance justice delivery in India, the first is to raise the number of judges relative to the population. The present strength of the judge-topopulation ratio in India is much lower than the international norm. The Law Commission of India recommends a ratio of 50 judges per 10 million individuals, while the proportion in India is approximately 18 judges per 10 million people at present.¹³

This deficiency of judges is one of the prime reasons for the overwhelmed backlog of cases. Additional judges would help distribute the workload more effectively, enabling cases to be listed and concluded within a shorter period.

- **Case Management and Technological Integration:** Another critical reform is the incorporation of advanced case management systems and the full digitization of the court process. Indian courts are yet to overcome outdated case tracking, record-keeping, and hearing systems.¹⁴ Most courts use paper-based systems, which, besides being time-consuming, are also prone to inaccuracy and information loss. E-filing and a digital case management system would streamline the judicial process and result in vast improvements in efficiency.
- **Strengthening Legal Aid and Awareness Programs:** Legal aid and legal literacy play a very important role in ensuring access to justice for all, especially the marginalized and economically disadvantaged.¹⁵ This is one of the fundamental principles contained in Article 39A of the Indian Constitution, which states that the State must ensure no citizen is denied the opportunity to access justice due to economic or other disabilities. Despite this constitutional provision, legal aid services in India are underfinanced, underutilized, and of low quality. To counter this problem, the government should place greater emphasis on increasing and improving legal aid services.
- **Encouraging Alternative Dispute Resolution (ADR):** India has a backlog of cases in

¹³ Law Commission of India, *Law Commission Reports*, available at: <https://lawcommissionofindia.nic.in/> accessed on June 14, 2025

¹⁴ Singh, S., *A Critical Study of the Judicial Justice System in India* 1 (Indian JL & Legal Rsch., 2022).

¹⁵ Shah, A., *Path to Justice: Navigating Judicial Reforms and Technological Innovation in India's Legal System* 923 (LawFoyer Int'l J. Doctrinal Legal Rsch., 2024).

the judiciary which could be better and more quickly settled out of court by using Alternative Dispute Resolution (ADR) techniques like mediation, arbitration, and conciliation. ADR mechanisms provide an expedited and more economical method of settling disputes, particularly where the matter does not require a full court hearing¹⁶. As established under the Legal Services Authorities Act 1987, Lok Adalats developed to adjudicate small claims and some civil cases outside the ordinary court system have been successful in clearing backlogs. Nevertheless, ADR usage has not yet been extended to all types of disputes, and further efforts could be made to encourage these procedures in every field of law.

Conclusion

To conclude, India needs comprehensive reforms in its justice delivery system to curb the numerous challenges that it experiences. Some of the important steps that can be taken to improve the system would be to increase the number of judges, to incorporate technology in the process of managing cases, to enhance legal aid and legal literacy programs, to make the judicial system accountable, and to encourage Alternative Dispute Resolution. One of the pillars of democracy is the availability of a justice system that is sound and operationally efficient, and through these reforms, the judiciary would operate in a manner that is timely, just, and favourable to all. With the adoption of these reforms, India will be in a better position to make great leaps toward the establishment of a justice system that accurately supports the rights of all citizens.

¹⁶ Garg, U., *Justice System in India* 61 (Jus Corpus, St. Paul, MN, 2021).

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