
DELAY IN JUSTICE AND ITS IMPACT ON VICTIMS: A CRITICAL SOCIO-LEGAL ANALYSIS

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ABSTRACT

The delay in the process of justice has become one of the most serious socio-legal issues that has its effect on the credibility of the legal system of India. The criminal justice system has a role to play in rendering quick help, to protect and to make sure that victims are fully held accountable for when they bring them to the justice system in search of respect of dignity and security. But the fact that victims are being subjected to long waits—due to lack of procedural efficiency, judiciary-wide backlog, frequent adjournments, hostile witnesses and slow in investigation, and prolonged appellate delays remains the reality on the ground. Delay of this sort is not an innocent administrative outcome but in fact inflicts direct and indirect harm by exacerbating trauma, undermining trust in the legal system, and inducing a sense of impotence among victims. For a lot of justice victims, it seems the justice system itself is an extension of suffering, resulting in secondary victimization — a situation where the process of having to go through the legal process becomes emotionally heavy to the victims and becomes socially humiliating.

Constitutionally, the Supreme Court of India acknowledged the right to speedy trial as a provision of Article 21, which suggests an unreasonable delay is a violation of fundamental rights and a procedural error in the judiciary. The distance between constitutional ideals and real-world enforcement is still far. Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been introduced which suggests the need to modernize the criminal procedure, introduce a structured timeline to conduct the trial and strengthen the mechanism of investigation and trial. However, systemic issues including weak judicial capacity, inadequate infrastructure, ineffective case management, and lack of victim-support systems contribute to delay.

This paper carries out a critical socio-legal analysis of delay in justice, analyzing the structural causes, legal implications, and consequences for victims in a comprehensive manner. Furthermore, the article proposes reforms in order to guarantee timely, victim-centered, and effective justice delivery systems for individuals.

Keywords: Delay in justice, speedy trial, victims' rights, secondary victimization, judicial backlog, constitutional protection, Article 21, BNSS 2023, justice delivery system, criminal justice reform.

INTRODUCTION

Justice is not just about legal results; it is a social promise that wrongdoing will be met, through accountability and remedy. In the criminal law, the very hope of justice is particularly critical as offending directly impacts physical security, dignity, and emotional peace during a life ruined. When a victim turns to the criminal justice system for punishment, they come not just demanding retribution for the victim's wrong done, they ask the criminal justice system to validate their suffering, provide protection against future violence, make them recover damages and provide them with a sense of closure. But when legal processes drag on for years, justice is warped. What is intended as a means to protect becomes an extended ordeal, and victims usually perceive the system to value process higher than human suffering. The saying "Justice delayed is justice denied" underlines the fact that delay kills the law. In India, all delays happen at many levels—from a delay in FIR registration and investigation, to a delay in the filing of the charge sheets, the framing of the charges, trial, and final judgment. Even after they have been tried, justice is often delayed due to slow appellate channels and delays to execution. This delay does not just lead to delay not only for the efficiency of courts, but for the public perception of rule of law as a whole. When justice systems become unable to achieve successful results, victims lose belief in them, offenders feel emboldened and society starts to distrust legal institutions. Constitutional perspective: Supreme Court (in a consistent view) held that, speedy trial is a part of Article 21 (Right to Life and Personal Liberty).¹

This recognition recognizes that delay is not only a practical inconvenience, but a grave constitutional violation that interferes with fairness and dignity. Nevertheless, this judicial recognition does not eliminate delay as one of the most persistent obstacles on the landscape which includes case backlog, judges' shortage, adjournments time, inefficient investigation, hostile witnesses, and less protective structure to the victims. These events, combined with multiple appearances in the court, the cross-examination process — along with lengthy wait periods — result in secondary victimization for many victims, where trauma and societal stigma are reprised.² The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 – introduced as

¹ INDIA CONST. art. 21.

² INDIA CONST. art. 14.

among the provisions on reforms in India's newly enacted criminal law – aims at improving procedural efficiency by modernizing investigation, promoting technology in trials, and designing structured mechanisms to reduce unnecessary delay.³

Yet, procedural reforms cannot address the deeper socio-legal effects of delay unless complemented by infrastructural reform and victim-centered policies. Hence, it becomes necessary to explore delay not just as a judicial issue but also as a social injustice that endangers victims in a number of dimensions. Thus, this paper presents an urgent socio-legal assessment of delay in justice and its effect on victims. It examines the meaning and character of delay, the constitutional and statutory apparatus enabling speedy justice, the fundamental cause of delay in India and its psychological, social and economic effects on affected victims. Third, it recommends changes to accelerate, promote equity and respond more effectively to victims' needs in justice delivery.

CONCEPTUAL UNDERSTANDING: MEANING AND NATURE OF DELAY IN JUSTICE

Delay of justice is the unreasonable or excessive time that the criminal justice system takes to provide relief, punishment, or remedy in a case. It is not that the case takes time, but rather that the time taken is so prolonged that it defeats the very purpose of justice. Particularly in criminal cases, justice must be both fair and timely. When justice occurs after years, the social value of justice decreases, and it undermines deterrence and becomes emotionally meaningless to the victim. Therefore, delay is not simply an error of procedure but also a failure of social, and therefore legal basis. At the very least, delay is described as a state in which the justice machinery—police, prosecution, judiciary, and penal system—does not work effectively.

This delay might occur from backlogs, adjournments, unavailability of witnesses, deficient investigation, or bureaucratic inefficiency. From the perspective of the socio-legal argument, delay should be considered as a kind of structural unfairness because the victims are subjected to the pain and suffering due to a dysfunctional legal framework. And it goes beyond the victim's ordeal due to the crime itself: They also end up locked into a long-standing process that is often emotionally draining, stigmatizing, and expensive. Justice delay isn't a one-stage problem but in fact, occurs at more than one level of the justice system.

³ Universal Declaration of Human Rights art. 8, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

For instance, delay starts at pre-trial when FIRs are hesitant or refused to be registered or an investigation could take months due to lack of enough manpower and forensic support. The pattern persists with delay such as when charge sheets are not filed in a timely manner, or during committal matters and the framing of charges are completed many years later. The trial itself is often the longest period of court time due to such things as repeated adjournments, slow examination of witnesses, transfer of judges as well as inefficient evidence recording.

Victims can be held back even after judgment for appeals, revision petitions, and processes of execution. One of the most challenging questions to answer when it comes to delay is how it impacts on the distribution of justice equally. While the accused may have all the legal protections – bail, legal counsel, procedural safeguards – the victims often confront the system again and again with no supportive hand. The victim has to travel, go on leave of absence from work, undergo prolonged cross-examination, and relive the traumatic incident each time the case comes to the attention of the court. This speaks to the fact that delay means that the victim suffers two times—in terms of the crime, and in terms of the justice system. The idea of delay also has a constitutional and human rights dimension.⁴

The courts have acknowledged that delay is unfair and contrary to the right to speedy trial under Article 21. Hence, delay is a deprivation of human rights as well as a violation of the legal system's legitimacy. While some measures such as implementation of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 have led to the enactment of law changes to be better for procedural reforms and timeline, the reality of justice is otherwise and according to practical experience the gaps in case management and infrastructure deficits extend the time it takes to resolve cases. Accordingly, justice delay, after all, must not just be perceived as time lag in court proceedings, but as the absence of an efficient, available and rapid justice response. This is a problem which touches upon not only legal but also victim's welfare, social confidence in the courts and the overall rule of law of the society.

CONSTITUTIONAL AND LEGAL FRAMEWORK FOR SPEEDY JUSTICE (ARTICLE 21 AND CRIMINAL PROCEDURE REFORMS UNDER BNSS, 2023)

Accelerated justice is not merely an administrative aim, but an important constitutional requirement in a democratic legal order. A system of justice that takes years to bring criminal

⁴ International Covenant on Civil and Political Rights art. 14(3)(c), Dec. 16, 1966, 999 U.N.T.S. 171.

cases to court damages the public's faith, discredits the victims and the rule of law. In a sense, India's constitutional provisions are based on the principle of speedy justice which derives predominantly from Article 21. The Supreme Court has reiterated that Article 21 provides for the right to remedy the crime of unlawful deprivation of liberty as well as the right for a fair, reasonable and timely legal remedy. Therefore, the delay in the trial is not merely procedural inconvenience but is a violation of our constitutional rights that damages our very conception of justice. Justice has said time-consuming justice is incompatible with fair process and a fair trial ought to be "fair process". This constitutional vision is particularly meaningful with regard to victims because justice to a victim will always be associated with closure and a restoration of dignity, compensation, and a protection from repeated harm. If the criminal process continues for years, the victim's pain goes on and on. Speedy justice thereby becomes the basic prerequisite to protection of the victims and effective prosecution. Speedy Trial is acknowledged in the Courts under Article 21. The Supreme Court articulated the right to speedy trial in landmark decisions. **Hussainara Khatoon v. State of Bihar (1979)**,⁵ the Court ruled that the right to speedy trial is implicit in Article 21 and emphasized the injustice that delay in the trial violates a core right. In **A.R. Antulay v. R.S. Nayak**⁶ the court held speedy trial is a constitutional requirement, whereas delay is judged on elements like the nature of the offence, reasons for delay, and prejudice introduced. These judgments reveal that a constitutional approach to speedy justice is not voluntary; it is legal duty.

Moreover, the constitutional notion of speedy justice intersects more indirectly with victim rights. When the delay is too much, the trust of the victims will fail, the witnesses turn hostile, the evidence can falter, and the conviction is hard to come by. Therefore, delay not only hurts victims psychologically, but also undermines the case pursued by the prosecution; this results in acquittals and impunity. This constitutional interpretation does, therefore, lend itself to the contention that delay is not only of victims' personal nature but also of an individualized nature vis-a-vis the criminal justice system as a whole.

- **Legislation: Move from CrPC to BNSS.**

India introduced Bharatiya Nagarik Suraksha Sanhita (BNSS, 2023) as a means of enhancing criminal procedure, changing the former CrPC. BNSS should modernize criminal procedure,

⁵ Hussainara Khatoon (I) v. State of Bihar, (1980) 1 SCC 81 (India).

⁶ A.R. Antulay v. R.S. Nayak, (1992) 1 SCC 225 (India).

introduce technology, raise the standards of enquiry, and introduce more structured timelines in our investigations into offenses. BNSS aspires not only to make criminal justice work more effectively, but also for efficiency in a contemporary world, such as one with a rising number of crime and cyber offences, yet also with an increasing need for swift resolution. BNSS aims to combat delay by improving the procedural control and reducing unnecessary adjournments through better case handling, digital procedure and fast investigation.⁷

The legislation highlights faster evidence gathering and promotes the implementation of scientific techniques (e.g. forensic support). This is important because the most common cause of injustice is slow investigative and evidence gathering, which only works to slow cases down and increase the rate of pendency.

Legal and Procedural Aspects of Speedy Justice.

- Some of the essential elements of the legal framework that helps achieve speedy justice:
- Time limited probes and reporting of the case: Most time lag begins with the investigation. A slow investigation delays the entire case.
- Technology and modernization: Digital records, electronic communications, and internet ways of working reduce procedural delay.
- Strengthening evidence handling: Because courts rely heavily on documents, witness testimony, and expert evidence, structured evidence procedures could reduce multiple hearings.
- Victim-centered processes: Victims need quick relief, compensation, protection, and closure.

A system unresponsive to victim needs leads to indirect denial of justice. The Role of Evidence in Speedy Justice and BSA Evidence efficiency is also key to speedy justice. Courts have updated provisions on electronic evidence and documentary proof under the Bharatiya Sakshya Adhinyam (BSA), 2023. So as soon as evidence is gathered and made clear more efficiently, trials can be completed at a more rate. Delayed statements recording, lack of forensic evidence

⁷ Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225 (India).

and non-production of documents are major reasons for repeated adjournments. As a result, the performance of BNSS reform is significantly linked to the processes of evidence set up under BSA.⁸

Critical Observation. Article 21 and BNSS are powerful tools in establishing speedy justice and the reality is that constitutional rights may not work because of institutional constraints. There is a shortage of judges, low quality infrastructure, weak prosecution, intimidation of witnesses, insufficient case management and other factors slow down the pace of justice delivery. So, the problem is not just legal but structural — there are laws, but legal enforcement gaps turn what was supposed to be speedy justice into delayed justice. In other words, the constitutional provision for speedy trial as enshrined in Article 21, backed by procedural innovation embodied in BNSS (2023) offer a compelling legal cover against delay. However, unless those provisions are accompanied by robust infrastructure, judicial capacity and victim support systems, the promise of speedy justice will not come to fruition. Speedy justice should thus be understood not just as procedural efficiency, but as a constitutional obligation and victim-rights obligation.

CAUSES OF DELAY IN JUSTICE: STRUCTURAL, PROCEDURAL AND SOCIETAL FACTORS

The delay in justice is the consequence of not only one defect but many factors – of structural weakness, of process inefficiency, of social conditions. In India, conviction in criminal cases can take a lengthy time to reach ultimate conclusion not because justice is deliberately withheld, but because the process of justice delivery is overwhelmed and underprepared. But no matter what you are doing it goes the same way: victims now have to wait forever to find some end, some closure, some accountability. Therefore, an understanding of the reasons for delay is required for a socio-legal analysis as delay entails not only legal inadequacy, but also inequality in wealth, power and support in society. Judicial backlog and the scarcity of judges is one of the leading structural causes of delay. Indian judiciary grapples with excessive pendency, with a small number of judges for the larger population and caseload.

That can mean serious criminal cases get hearing dates on long intervals. Even then, court facilities – room capacity, number of judges, manning, technologies, and case management

⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

facilities – are not all always sufficient. This institutional imperfection makes every step in the system slower than it should be and the deliverance of justice unable to adjust to the increasing level of litigation. Delay also starts at the very beginning of the criminal justice process in police investigation. Police personnel, training, forensic infrastructure and inter-agency coordination cause delays in investigations. A lot of these are scientific evidence collection cases like DNA, fingerprints, CCTV recordings, mobile data, medical reports, et cetera. When forensic labs are overloaded, results will show up later, delaying the filing of charge sheets and commencement of a trial. The delay is of particularly harmful nature, because successful prosecution depends on the quality of the investigation as early as possible. For victims, delayed investigation translates into further insecurity and fear — particularly in cases of violence, physical or sexual assault and intimidation. A key procedural delay causing is adjournment culture. Administrative culture of adjournment is an important cause of delay.⁹

Many courts impose adjournment because of lack of attorneys, judge fatigue, workload of judges, witnesses not showing up, absence of witnesses, non-availability of witnesses, lack of documents issued or non-production of documents is often causing adjournments. And more typically the hearings have been delayed repeatedly and months and months for no real progress. With each adjournment, the time victims need to wait in court increases. The longer the case proceeds, the higher the chances that witnesses would forget facts, become unavailable or become combative witnesses. In other words, adjournments not only prolong the duration of justice; they weaken the evidence and indirectly raise the risk of their acquittal and hence a second wrong done to victims. An additional important cause of delay is the problem of witnesses.

Witnesses are crucial part of criminal trials but in reality, many witnesses do not turn up and become hostile, intimidated, compromised or otherwise compelled into witness-blaming behavior, due to social pressures, or in fear of being retaliated against. Powerful accused persons, the victim and witness victims in such cases tend to be threatened by coercion or social ostracism.

This leads to repeated summons, repeated hearings, and delayed documentation of evidence. And that, in many cases, victims are poor, without protections and legal support from the stronger sectors of society. This socio-legal imbalance enables powerful offenders to influence

⁹ State of Punjab v. Ajaib Singh, AIR 1953 SC 10 (India).

the process, leading to a slow process of justice. In case of insufficient and inconsistent prosecution, delay grows worse. Public prosecutors usually take on many cases at once, leaving little time for adequate preparation. Weak coordination between police and prosecution leaves many cases with incomplete evidence presentation, deficient documents and procedural flaws. Those gaps cause additional adjournments, up to and including re-investigation orders, prolonging the victim's wait for justice. And in most cases, this failure of prosecution passes the burden indirectly to the victim; who is expected to continue going to court, to communicate with the police, and to keep witnesses on the investigation in an orderly and transparent way. Delay is also greatly impacted by the appellate system. Appeals may last for years, even beyond four years. However, those who win a conviction at trial are often never able to receive final closure because of years of appeal hearings and stay orders. Like victims in acquittal cases, victims suffer because the longer the delay in appeal the greater the delay in seeking accountability. And so, after the trial process, victims usually receive justice is often unremedied by long appellate pendency's.¹⁰

Delay is also a consequence of social aspects. Victims frequently experience stigma, pressure for leniency or societal disinvolvement in the fight to litigate. Victims in crimes as heinous as sexual violence or domestic abuses or crimes against citizens based on caste are typically held responsible and socially isolated. Such realities undermine cooperation, trigger the withdrawal of complaints and create procedural difficulties. In many instances, the justice system is a place of humiliation and recurring trauma, rather than being a place of support. This brings the delay to not only legality, but deep sociological nature, as well. The BNSS, 2023 reforms target delays through improved investigative processes, greater technology dependence, and enhanced process management. But reforms are limited to achieving systemic changes: larger court capacities; better forensic systems; the protection of witnesses; and victim care services. Delay in justice is therefore primarily a symptom of an entrenched system riddled with overworked systems in conflict with disparate social realities. Finally, the reasons for this time delay are layered. Systemic backlog, sluggish investigation, adjournment culture, hostile witness, weak prosecution and hold-up of appeals can create this endless cycle. The most serious outcome from this cycle is that not only do victims have to bear all their pain: they are victims because of their own crime but also because the justice system itself operates extremely slowly.

¹⁰ Sheela Barse v. Union of India, (1986) 3 SCC 596 (India).

IMPACT OF DELAY IN JUSTICE ON VICTIMS: PSYCHOLOGICAL, SOCIAL, ECONOMIC AND LEGAL EFFECTS

Justice delay does not harm victims in a one-off or instant way, but it instead induces a circular cycle of suffering that extends long after the crime has taken place. While delay, in law, is most commonly associated with procedural defect, there is little that allows for victims that delay to be counted as an ongoing injury. In this way delay is the second injury caused not by the offenders, but by the very system of justice delivered. A victim who comes into the criminal justice system demands relief and protection, while long processes usually result in frustration, emotional breakdown, social instability, and a loss of faith in the legal system. So, delay not only postpones justice — it makes justice a struggle for victims.¹¹

1. Psychological and Emotional Effect

The most immediate and serious result of a delay in justice is psychological. Victims, particularly those of violent offenses, sexual crimes, domestic violence and traumatic events tend to have deep emotional wounds. The court process demands they re-engage the crime through hearings; statement capture and cross examination. For many victims, it is a long series of uncertainty and difficulty when the case is prolonged for multiple years. This results in anxiety, depression, insomnia, social isolation and in some cases post-traumatic stress disorder (PTSD). The justice system perpetuates trauma, not heals it.

Another psychological effect is closure loss. Justice matters when it provides victims with recognition and closure. But chronic delays impede closure, leaving victims unable to feel released from anticipation. And the victim starts to have the sensation that the system has forgotten them. This kind of emotional exhaustion can lead to backing down from the case or not cooperating on any more levels, rendering the prosecution weaker once more. This way, delay psychologically breaks the victim, which helps the accused indirectly.

2. Social Impact: Stigma, Isolation & Vulnerability

Delay has also a severe social effect. Victims — particularly women and children — often face stigma after having reported crimes in most communities. The victim continues to be linked to a crime; they cannot integrate into society when a case is not handed in until several years after,

¹¹ Kartar Singh v. State of Punjab, (1994) 3 SCC 569 (India).

even years later. For instance, in regards to sexual offences, victims are also the victims of victimization, victim-blaming, character assassination and social rejection. Delay perpetuates a stigma and punishes the victim rather than the perpetrator.¹²

Also, there is the issue of social pressure on victims to withdraw, compromise, and pull back. Offenders often employ delay strategically — continuing the intimidation, negotiating a settlement, invoking community pressure to silence the victim. This is especially true for marginalized groups (Dalits, tribal communities, economically weaker families), who are already vulnerable due to lack of social power. Thus, when delay is carried forward, victims become more vulnerable to exploitation by offenders seeking to get behind bars and discourage pursuit of justice.

3. Economic Impact: Financial Drain and Loss of Livelihood

The result is that the social-economic effect of delay is highly ignored. Victims are required to visit court regularly, to travel great distances and to take indefinite leave from employment or work. For the poor victims, each visit means losing their daily wage and paying travel and other expenses. Victims may also have to pay for private legal and medical advice, counselling and security. And with time this becomes a financial drain, justice is no longer economical.

A significant number of victims suffer from the loss of normal livelihoods, particularly since they have suffered damage or trauma. When trials are delayed, compensation is delayed if such things happen too. This leads to chronic poverty, debt, and a lack of access to decent care. So, delay is not a legal trouble — it's an economic injustice.

4. Legal Impact: Reduction of Evidence and Absence of Oversight

From a legal standpoint, delay also does lasting damage to the case itself. Criminal trials rely also on evidence, memory and witness testimony. Witnesses often begin to forget details, become unavailable or are seduced by threats. In instances witnesses become hostile because of intimidation or compromise. Physical evidence may decline or be lost. That makes conviction challenging.

Delays also heighten the likelihood of procedural errors. Repetitive adjournments cause

¹² P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578 (India).

repeated summoning's, papers that were never produced, multiple transfer of judges and an undetermined approach to the prosecution. Consequently, the accused has a benefit because the evidence is not adequate. The result here is painful for the victim himself: having tried years to get out of trouble, he may find himself acquitted, not due to a lack of innocence, but because of evidence that delay has left it weak. That means delay is a direct challenge to justice.

5. Secondary Victimization: When the System harms the Victim

Secondary victimization is one of the critical socio-legal consequences of delayed justice. This applies to the additional trauma victims experience as a result of the functioning of legal institutions. Victims often feel that they are punished by the process with repeated questioning, insensitive cross examination, public humiliation in court, repeated postponement of their trial and lack of protection. The forced repeated trauma forces victims to lose the dignity.

A delay reinforces secondary victimization as it allows the victim's participation in the system to last indefinitely. Victims might feel powerless, ignored, helpless. This erodes confidence in law as an instrument of prevention and deters other victims from reporting similar crimes, thus facilitating systematic under-reporting within communities.¹³

6. Effect on Faith in Rule of Law and Social Order

The harm of delay in justice not just affects individual victims, injustice is not only for victims, its Justice does not apply to the victim alone—it also affects society. When victims don't get access to justice in good time, people come to think that courts cannot protect them. This could lead to private vengeance, mob justice, and informal settlements, undermining the rule of law. It increases the confidence of offenders; undermines the trust the victims have in the legal process. So, delay endangers not just victims individually, but also collective trust in justice institutions.

DELAY AS DENIAL: CRITICAL SOCIO-LEGAL ANALYSIS OF “JUSTICE DELAYED IS JUSTICE DENIED”

Not a mere well-known legal axiom, 'justice delayed is justice denied' is nothing but the lived experience of victims of crime. Delay postpones not only a resolution but also alters the meaning of justice itself. And in a society set by the rule of law, justice must be effective, in

¹³ *Vakil Prasad Singh v. State of Bihar*, (2009) 3 SCC 355 (India).

time, and capable of protecting victims. When justice is delayed — for years or decades — it ceases to perform its corrective function. Delay, then, is denial, particularly to victims who demand prompt protection, recognition, and closure. From a socio-legal standpoint, delay uncovers that inconsistency of idealization and experience with law.

Criminal procedure gives the promise of a structured justice legal process; investigation, trial, evidence, conviction. Socially, however, the process is one of slow, painful, humiliating and unequal experience upon victims. Delay underscores the disproportionate power imbalance between victims and accused persons. People accused usually have a good legal advocate and resources — money, power, influence — whereas people who suffer are often forced to rely on the state and public prosecutors, who could be overextended. This imbalance makes time a weapon of sorts: the longer the case persists, the more vulnerable the victim and the stronger the accused grows.

- **Delay also creates an important socio-legal phenomenon: normalizing suffering.**

In principle, criminal law is meant to reinstate order after wrongs are committed. In practice, extended trials normalize suffering on the part of the victim. Victims are supposed to endure endless delays, endless hearings, endless trauma. Victims of the justice system thus bear the brunt of the inefficiency's consequences. It is a structural injustice, the victim who is innocent having to pay psychological and economic price merely in the interest of basic accountability. Another crucial problem is that delay itself acts to indirectly promote impunity. Not that criminals are innocent of the crime but that evidence diminishes over time and the offender escapes punishment. Witnesses forget specific details, turn their backs on him or refuse to see his eyes, often out of intimidation or due to compromise. Physical or documentary evidence can either become lost or become unreliable.

The longer that wait is, the more probable the prosecution failing due to technical problems not an absence of wrongdoing. Delay thus gives rise to a kind of “hidden injustice,” in which the system breaks down in silence, largely through the diluting of the procedural resources it relies on, rather than as a direct negation of rights. That delay serves to fail deterrence, too. One of the primary functions of criminal law is deterrence — fear of punishment that deters others from committing crimes. But when society sees that these criminal cases sit around and wait years and years, deterrence is pointless. People make assumptions that crime has no real punishment. This undermines public trust and promotes more criminality. For victims, the

damage doubles: the crime was committed and no guarantee of justice awaits them at the outset from the system. Crucially, delay does result in institutional betrayal: Victims feel that institutions intended to protect them turn their back on them. Victims routinely come to the law thinking it is a shield. When the system delays any relief, victims see it as negligence. That emotional impact is often greater than the original crime, as it destroys trust.¹⁴

Victims start to get the sense that law serves only well those who can afford, or have the time and resources to pay for it. This belief dissuades reporting of a crime, particularly with regard to sexual violence and domestic abuse, caste atrocities, and crimes by influential persons. Delay thus is a facilitator of under-reporting and social silence. Delay is also in socio-legal terms a setting of compromise and informal justice. But because courts take so long, victims, pressured by society, family or even institutions, have no choice but to reconcile the disputed matter outside court. Settlement might provide immediate relief, but it can also bring injustice if it is forced or coerced. Offenders might purchase silence, intimidate victims or leverage social pressure. This creates “negotiated justice”, in which truth and accountability are traded for speed.

Those outcomes are evidence of the failure of legal institutions and of how delay can turn into a breach of the principle. Legally Speaking, that the provision of Article 21 of the Constitution for a speedy trial demonstrates that delay undermines basic human rights. The 2023 BNSS tries with procedural modernization and the progressive improvement of the efficiency in the criminal justice process, however the chronic delay continues on structural deficiencies: backlog, lack of judges, poor infrastructure, poor forensic capacity. That is why the problem is not only a matter of law reform but governance and justice administration. In short, delay is more than an inconvenience in criminal justice; it creates injustice actively and in law, causing victims hardship. It increases offender bias, destroys evidence, erodes deterrence, and results in secondary victimization. Hence, delay needs to be recognized not just as a technical judiciary backlog problem but as a gross socio-legal offence.

REFORMS AND RECOMMENDATIONS: VICTIM-CENTRIC MEASURES TO REDUCE DELAY IN JUSTICE

To prevent justice from being delayed requires more than change in process, it requires

¹⁴ *Zahira Habibullah Sheikh (5) v. State of Gujarat*, (2006) 3 SCC 374 (India).

structural change, institutional accountability and victim-centered reform. Delay is not merely a problem of courts — it's a failure of the system involving police, prosecution, infrastructure, evidence systems and societal power. Thus, the reforms must be comprehensive and regard timely justice as a constitutional norm in Article 21 and as a requirement for victims' rights. A justice system that neglects the suffering of victims cannot be legitimate, or even justifiable if procedure is followed.

Thus reforms have to be made so that victims do not become invisible stakeholders in the criminal process. The biggest reform request is to improve the capacity of judges and infrastructure. Courts are already overburdened by excessive pendency and a shortage of judges. Without enough judges the world's best procedural law will never work. The State needs to fill vacancies quickly, establish new courts, modern facilities in the courts, support staff and the overall system of case management. Special fast-track courts should not only be symbolic; they should be well resourced and augmented to process sensitive crimes where delay is a thief of evidence and leads to trauma, such as sexual offences, domestic violence and crimes against children. Another key reform is about high-quality, speedy investigation.¹⁵

Delay starts with the police, and inadequate investigation, eventually leading to tenuous trials, frequent adjournments and failure. Police command and control, and resources require more education, updated equipment, increased staff and specialized units for special crimes. Building stronger infrastructure in a forensic setting is equally important. Many cases are also delayed because forensic reports can take months or years due to a backlog from laboratories. Trial efficiency should dramatically improve, if forensic evidence for a particular event is produced quickly and reliably. Modern procedural expectations as represented in BNSS (2023) state that investigation process should be swift, evidence-driven, and monitored through technology. One practical reform could be controlling adjournment culture and its role as the cause of delay in many institutions. Adjournments should not be viewed as routine. The courts have to severely curb needless postponements and impose procedural discipline. These adjournments are damaging to victims as they need to travel again, face trauma again and pay a financial and emotional cost. Victim-centric systems should guarantee ongoing hearings in all the core crimes, and that delays are justified only by compelling reasons. Strengthening protection of witnesses and assistance of victims is another important reform. The victims are often left to pay for this damage because witnesses do not come in or become hostile under threat, force or

¹⁵ State of Uttar Pradesh v. Shambhu Nath Singh, (2001) 4 SCC 667 (India).

social pressure. This means that there has to be successful witness protection programs in place with measures in place, for instance, safeguards of confidentiality, police protection, safe travel for survivors, and protection against coercion and other actions. Victims must have psychological counselling, legal advice and social support.

Victim support centers linked to courts can make it safer for victims to be supported through all stages of the process. A system that takes care of victims and witnesses will reduce delay automatically as fear and non-cooperation will lessen. Technology is a powerful tool to cut down delay. The criminal justice system needs to incorporate digital case management, electronic summoning, videoconferencing for witness statements, and internet access to case progress. Victims are not aware of hearing dates, latest developments in cases or procedural specifications. Technology-enabled systems could alleviate this confusion to avoid unnecessary adjournments by reasons of failed service of the summons or absence of the parties. BSA, 2023 further supports this approach by reinforcing the treatment of electronic evidence, a cornerstone under modern trials, making ever more dependence on digital records, CCTV footage and electronic documents. Appropriate acceptance, authentication, and presentation of electronic evidence will reduce unnecessary procedural squabbling and will lead to faster trials. Reforms should also target the prosecution system — a long-neglected source of delay. The case loads of public prosecutors are so large that they're overwhelmed and untrained.

The government should expand prosecutor training, the availability of sufficient staffing, evidence and research, and the collaboration between police and prosecution. Good prosecution minimizes delay by allowing cases to move smoothly without procedural errors, absence of documents or frequent re-assessments. Another crucial recommendation addresses the introduction of victim-centered compensation and interim relief. Victims typically wait years for financial relief, particularly if they are injured, deprived of revenue or have to pay for medical bills. A victim-focused justice system provides swift interim compensation and rehabilitation, so the victim does not feel abandoned to await final judgment.¹⁶

This also minimizes demands on victims to make peace due to financial hardship. Finally, there also needs to be accountability inside justice institutions. This is why such delays often take

¹⁶ Law Commission of India, 239th Report: Expeditious Investigation and Trial of Criminal Cases Against Influential Public Personalities (2012).

place: No one person or agency is held accountable. The judiciary, the police, the state and other agencies and departments should be tracked by performance-based mechanisms and the timeline of each case should be documented. Regular judicial audits and time-bound disposal standards can raise institutional responsibility. BNSS reforms will be effective only if they are also followed by measures for operational observation and accountability. In sum, to end the delay in justice, more need to reduce the level of injustice the institution operates on its own and further institutional changes can be necessary with the strengthening of system as well as procedures, discipline, investigation, witness protection, modernization of process, modernization of technology, prosecution reform and victim-centered safety/welfare services. Delay does not just constitute a legal inadequacy; it is a social crime that undermines the dignity of victims and erodes social trust. Thus, speedy justice is not a mere privilege, but a constitutional duty, a victim right, and a normative condition of the rule of law.

VICTIMOLOGY PERSPECTIVE – VICTIMS AS THE FORGOTTEN STAKEHOLDERS

Victimology is a field that is concerned primarily with the status, suffering, and protections of victims in the criminal justice system. Criminal law has traditionally been a matter of offense against the State, and thus the justice process is accused-centric; the focus of this area has been arresting, trial, and punishment of a person that commits a crime. Under this paradigm we tend to frame a victim only as a witness and not an equal partner in our state; a stakeholder that must be afforded support and dignity, compensation, and closure.

A socio-legal analysis of delay in justice, therefore, has to employ a victimology perspective to explain how victims are transformed into the “forgotten participants” in the justice process. For the victim, justice is not the conviction of the offender. Justice encompasses acknowledgment of injury, recovery from emotional distress, security from another threat, rehabilitation, and reinstatement of human dignity. But the criminal justice system often does not meet these expectations. Delay compounds the disaster with further failure. When claims are put on hold for years, victims remain in a perpetual state of uncertainty and trauma. They are brought to court repeatedly, forced to narrate the matter on a number of occasions, and questioned through cross-examination that can be insensitive and humiliating.

This leads to secondary victimization, which is a concept in victimology in its broader meaning in which victims experience second victimization, and not as a result of the crime, but because

of the institution's process. And the victim's courage and commitment toward seeking retribution is too often shattered by that delay. When cases are repeatedly adjourned, witnesses do not appear or the accused goes on to attain bail and continues to intimidate victims, they lose hope in time. The justice system becomes inaccessible and dismissive to victims. At times, victims simply stop complaining, the victim's family, fear, financial stress, or social disgrace suffocating the victim's own ability to proceed.¹⁷

Thus, delay is no longer merely a procedural defect; it becomes a feature that serves indirectly to diminish the victims' participation and reinforce offenders' advantage. Victimology also emphasizes that through the trial process, victims need an organized support environment. They require counselling, legal support, safeguarding, financial compensation. However, in practice such support is little, particularly for the poor and marginalized. If victims are not supported institutionally, they are the ones who have to do the litigation and if delay is unbearable. As such a victim-focused justice structure should take into account the importance of victim-specificity in the sense of consideration, legal advice, and protection from fear. If only then can justice be meaningful beyond punishment. Thus, from the victimology perspective, the criminal justice system should not limit itself solely to punishment and prosecution. Victims are central to justice delivery, and postponing punishment harms them the most deeply. Hence, cutting down delay is not just a matter of court effectiveness in terms of the speed and economy of the courts – it is needed for the sake of dignity and closure, and importantly to deliver proper justice to victims.

DELAY AND ACCESS TO JUSTICE – INEQUALITY AND STRUCTURAL BARRIERS

Delay in justice is frequently framed as a procedural failure or an administrative bungle. Delays, however from a socio-legal perspective, ought to be seen as a tangible barrier to access to justice, and more importantly, a cause of increasing inequality in society. While the justice system might seem neutral in principle, delay impacts victims differently in practice. Victims who have access to financial means, social power and legal expertise will be better equipped to survive protracted litigation. And poor victims, marginalized communities and vulnerable groups face delay as a form of structural exclusion, while it is done for everyone, rather than

¹⁷ Malimath Comm. on Reforms of Criminal Justice System, Report (2003).

just the powerful.

As a result, delay becomes not just a matter of the judiciary but an avenue of reproduction of social inequality within legal institutions. The first structural barrier is economic. Victims that pursue a criminal case often run out of money on travel expenses, documentation, legal personnel, medical reports, and numerous courtroom appearances. For those who make per-hour wages, each hearing represents a loss of income. Pending cases are untenable over time. The economic challenge is harsh: justice becomes reachable only to those who can afford it. Many victims walk away from proceedings not because they forgive the offender, but because the question of survival is more important than litigation. Delay turns legal rights into duties, hollowing out the promise of equal protection. Second, delay leads to informational asymmetry. Most victims do not possess legal literacy and do not well appreciate court procedure, legal remedies or evidence. They rely entirely on police and prosecution for progress. When delays happen, these victims feel powerless as they have no way to contest adjournments, demand to go through the hearing in a timely manner, or to have witnesses involved. The gap is beneficial to defendants, most of whom are better able to access and retain superior legal counsel and knowledge to maneuver through procedural loopholes.

Thus, delay widens the gap between man who can traverse the law and man who cannot. A third obstacle is the power differential between victim and offender. In the vast majority of instances, offenders have social capital—via caste status, political power, economic influence or local control. They use delay strategically as a weapon—it pushes back trials, intimidates witnesses, influences investigations or coerces victims into concession. Over time victims become exhausted and socially isolated. And this is an illustration that delay isn't always happenstance; it can turn into a conscious tactic that enables powerful wrongdoers to be off the hook. And so, delay tends to lead to social injustice masquerading as procedural delay. Delay disproportionately affects sensitive victim groups, including women, children, survivors or victims of sexual assault and caste atrocity among others. Such victims suffer from social stigma, shame and mental suffering. When the justice process postpones their case, the victim is left ostracized, the victim has to stay socially branded by the event for years. Extended trial also gives rise to repeated character attacks and humiliation, which is not unusual in cases of sexual violence. Which leads to withdrawal, settlement or silence. Accordingly, delay decreases the victim's motivation to report crimes, thus under-reporting and invisible criminality.

In addition: Justice is related to the availability of institutional support; for example, legal aid, victim compensation programs, counselling services and witness protection. The mechanisms do exist on paper and in policies, but their implementation is weak. Victims have little protection, guidance or compensation for their harm. With no support, victims view the justice system as a hostile space rather than a protective institution. It compounds such hostility through delay as victims are required multiple times to return to court, to police stations, to legal venues, and without any meaningful progress at all. So, the longer the delay then the less justice is available. In sum, delay represents a structural barrier that restricts victim justice access. It is economically burdensome, reinforces a power imbalance between people, and reduces victim participation. In a nation like India, where inequality is already legal, delay is a mechanism to ensure inequality. Thus, speedy justice is not only an obligation enumerated under the constitution, but a social duty to ensure protection for weak victims to realize the promise of equal justice under law.¹⁸

ROLE OF MEDIA, SOCIETY AND PUBLIC OPINION IN DELAYED JUSTICE

In modern criminal justice, delay is not confined to legal organizations such as courts, the police, and the prosecution. The operation of justice is also shaped by social determinants e.g. media coverage and narratives, public pressure and public opinion. These social forces serve a twofold function that are both supportive of those victimized through their ability to raise awareness about what ails and the need for accountability at the same time they compound the trauma, twist the legal mechanism and contribute to delays.

Thus, the socio- and legal analysis must take into consideration how media and society influence victims' experiences and speed and quality of process of justice. Media is frequently referred to as the "fourth pillar of democracy," and not only can it bring to light injustice and reveal institutional inefficiency. Police and law enforcement are, in many cases, pushed through with fast action in the face of media attention, especially when the victims are overlooked as a result of social exclusion. Reporting of the media, can provoke public outcry, increase accountability and maintain visibility of victimization.¹⁹

In a positive way, media provide pressure and in one hand reduce delay by calling for accelerated investigation and progress for trial. The same media power may, however, have

¹⁸ National Crime Records Bureau, Crime in India Report (latest ed.).

¹⁹ World Health Org., WORLD REPORT ON VIOLENCE AND HEALTH (2002).

adverse impacts on victims and justice. One of the most harmful consequences has been media trials where television contests and social media sites announce guilt or innocence long before the judiciary has reached a decision. Media-driven stories like these can be destructive to criminal trials by skewing the jury's view of evidence and the law. For victims, media exposure is frequently marked by a violation of privacy, exposure to the public and a failure to defend their dignity. In sensitive cases such as sexual offences, harassment, online abuse and victim-blaming can occur against victims. This social pressure puts pressure on victims not to bring suit against the abuser—or even withdraw from doing so altogether—as they fear publicity and in many cases their cooperation is lost. Instead of securing victims 'winners, then, media excess may instead help cause victim participation to be delayed and broken down. Justice is as much influenced by public opinion in this process as by social expectation and cultural norms. Reporting criminal activity, particularly sexual violence, domestic assault, or a crime of honor is discouraged in the criminal justice system in many communities.

Victims are often told to keep quiet in order to “protect family reputation.” When victims choose to insist on prosecution, they are victims in isolation, shame and castigation. Delays increase this suffering since the victim is socialized with the incident for years. Society still defines the victim as “the person involved in that case,” preventing their emotional recovery and social reintegration. When you delay justice, justice is not just a legal wait; it is a prolonged punishment in society. Another socio-legal issue is pressure from the community to compromise. When pending, however, offenders and their families often use social leverage to drive settlements. Village elders, local leaders and informal institutions try to “resolve” matters outside a court of law, sometimes leading victims to drop out. This is mainly the case in rural areas and in those involving caste power structures. The victims in a weaker part of society will sometimes compromise, not for justice, but because delay makes litigation unbearable. Public pressure and informal social mechanisms become driving factors toward delay-based settlements that undermine rule of law. Social media, too has provided an entirely new dimension. At least on some occasions, social media movements amplify the voices of victims and force institutions toward action; on another level, they produce instant judgment, misinformation, and sensationalism. Digital platforms can disseminate incomplete evidence, altered videos and false accounts that muddy the waters and induce prejudice. Pressure becomes greater on victims, witnesses and even courts. Social media use, in some respects, results in intimidation of victims, or witnesses, causing victims not to cooperate and delay to trial. Therefore, digital public opinion also contributes to either victim wellbeing or the judicial

process. On the other side of the coin, in general society, they all have the power to reduce delay due to legal knowledge and social cohesion. And if a community culture encourages reporting, witness cooperation and victim dignity, the speed of cases and the effectiveness of justice goes up. Just as sensitive journalism, ethical media reporting, responsible public engagement, and respectful journalism can boost public confidence in legal institutions without causing harm to victims.

So, it may not be successful only in silencing media, but instead fostering the reporting of what happened responsibly and with the victims at heart, as a narrative designed to address the social issues at hand. There is a huge impact of media and society-media can have an important impact on how justice is delayed. They can either reinforce victim support and institutional responsibility, or exacerbate trauma, stigma, and fear. When mixed with media sensationalism and social victim-blaming, delay in justice becomes so much more deadly. Thus, justice is only just when followed by social reform — ethical media conduct, public legal consciousness and victims-friendly culture.

CONCLUSION

However, delay in justice is more than a matter of procedure; it constitutes a grave socio-legal injustice as it detracts from the legitimacy of the rule of law. In criminal matters, the victim reaches out to the justice system in the hope of acknowledgment, security, accountability, compensation, and closure. But when justice is delayed for years due to backlog, adjournments, weak investigation, hostile witnesses, and appellate delays, the victim suffers beyond crimes of the original nature. So, delay becomes a form of ongoing damage to victims or survivors, producing psychological damage and social stigma, economic drain and profound sense of incapacitation. A critical socio-legal analysis shows that when justice is delayed, it disproportionately affects vulnerable victims, in particular the poor, women, children, and marginalized communities — meaning delay becomes a matter of access to justice as well as of structural inequality. The more time you have your case pending, the more it stands a chance of evidence being watered down, witnesses turning hostile and a victim walking away either due to fatigue or fear. Under such circumstances, delay bolsters impunity while reducing deterrence (implying an interest in offenders who escape justice and, consequently, the trust of citizens in courts).

The constitutional guarantee of speedy justice under Article 21 reveals that a delay is not only

an infringement of fundamental rights, but it does also compromise the fairness of the system. The legal reform in BNSS, 2023 intends to update the legal process; the success of the same must be based entirely on the implementation of such process in addition to strengthening infrastructure, judicial capacity, forensic systems, efficient case management and mechanisms to protect victims. Nor is the involvement of media and society any more significant — responsible reporting and victim-informed public attitudes will lead to quicker, more equal justice, while stigma and sensationalism further entrench victim pain and dissuade the individual from engaging. And so the end point of justice can't be defined solely by an ultimate judgment, but also the process of reaching that judgment. A system that makes victims wait indefinitely may transform justice into a punishment, not of the innocent. Hence, reducing delay must be seen as a constitutional responsibility, a victim rights obligation, and a social obligation. Justice, in a legal and human sense, is about more than giving punishment to those accused, and the actual principle of "justice" can only be achieved in systems where victims are at the center and whose outcomes are immediate and relevant.