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Original Article

Speedy Justice and Legislative Governance in India

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Abstract

The justice system in India continues to face delay, case pendency and unequal access despite the guarantee of fair procedure under Article 21 of the Constitution. Speedy justice is essential to uphold the rule of law and public confidence in democratic governance. The "speedy trial is an essential ingredient of Article 21" as held in ***Hussainara Khatoon*** *(1979). This paper examines the role of legislative governance in achieving timely justice through constitutional provisions, procedural laws and special enactments. It discusses reforms of fixed timelines, simplified procedures, e-filing, digital courts and specialized forums to reduce delay. It also analyses recent reforms providing time-bound investigation and trial of criminal cases. The paper finds that the legislative framework strongly supports speedy justice, but effective implementation is affected by procedural, administrative and infrastructural shortcomings. It concludes that continuous legal reforms, institutional strengthening, procedural accountability and wider use of technology are essential to ensure accessible, effective and timely justice in India.*

Keywords: *justice system, pendency, speedy justice, legislative, procedural reforms, etc.*

Introduction

The concept of justice is the foundation of every democratic legal system and the primary objective of constitutional governance in India. It represents fairness, equality and reasonableness in the application of law. Justice means "every person is treated according to law" but without arbitrariness or discrimination. However, it is not confined to the legal rights. It requires that such rights are effectively enforced through fair, transparent and timely procedures. When courts fail to provide "remedies within a reasonable time", the value of justice is substantially diminished. The 262nd Report[i] observed that "justice delayed is justice denied" reflects the hardship suffered by both victims and accused persons "due to delay in criminal proceedings". Thus, prolonged delay weakens the rule of law and reduces confidence of public in legal system. Justice has both substantive and procedural dimensions. Substantive justice protects legal rights while procedural justice ensures that those rights are enforced through a fair legal process. Speedy justice is an essential requirement of procedural fairness because a delayed remedy often becomes an ineffective remedy. By recognizing it, the Supreme Court in **Hussainara Khatoon**[ii] declared that "the right to a speedy trial is an integral part of Article 21" and a procedure which keeps a person in prison for years without trial cannot be regarded as "reasonable, just or fair". This judgment in first time established speedy justice as a "constitutional guarantee under the right to life and personal liberty". The Constitution places justice at the centre of its constitutional philosophy. The Preamble promises "Justice—social, economic and political" making justice the guiding principle of governance. Articles 245 to 253 confer legislative powers upon both "Parliament and State Legislatures" to enact laws "for meeting changing social" and economic needs. These provisions "enable the legislature" to introduce legal reforms that improve the efficiency of the judicial system. In **Kesavananda Bharati**[iii], the "Directive Principles of State Policy" recognized "to guide the State in creating a just social order". This vision requires legislation to balance fairness with efficiency. Legislation plays a vital role in ensuring timely justice. The procedural laws such as the CPC[iv] promote "efficient adjudication through case management", limited adjournments and time-bound procedures.

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The Commercial Courts Act[v] prescribes strict timelines for commercial disputes, while the Consumer Protection Act[vi] provides simplified procedures for speedy disposal of consumer cases. The BNSS[vii] and the BSA[viii] introduce "technology-based investigation", electronic evidence and "time-bound procedural" measures "to reduce unnecessary delay". These reforms demonstrate that speedy justice is "not merely a procedural requirement" but "a constitutional necessity". A legal system can maintain confidence of public only when justice is accessible and affordable but also delivered "without unreasonable delay". Therefore, effective legislation remains an indispensable instrument for achieving timely and meaningful justice in India.

Statement of Problem

The justice dispensation system in India is presently burdened by excessive pendency, prolonged trials and procedural delays which weakens confidence in the law. Articles 14 and 21 interpreted in **Hussainara Khatoon** (1979) and held that "speedy trial is an essential ingredient of Article 21". In spite, several reforms and special laws, effective implementation remains inadequate. The "shortage of judges", "insufficient infrastructure" and "misuse of procedure continue" to hinder timely justice. This paper examines whether legislative governance have effectively ensured speedy and fair justice.

Constitutional Framework and Legislative Governance

The Constitution provides the basic legal structure for legislative governance and the realization of speedy justice. It distributes legislative powers between Center and State "to ensure effective governance" within the constitution. Articles 245 to 255 read with the Seventh Schedule define the "scope of legislative competence". Article 245 clearly states that "Parliament may make laws for the whole or any part of the territory of India" while State Legislatures are empowered to enact laws for their respective States. In **Kesoram Industries Ltd**.[ix], Article 245 described as the "fountain source of legislative power." The distribution of legislative competence is also structured under Article 246 that divides subjects into the Union List, State List and Concurrent List wherein Parliament enjoys "exclusive power to make laws" on matters enumerated in the Union List, State Legislatures exercise exclusive powers over subjects in the State List and in respect of the Concurrent List, both Parliament and State Legislatures have the authority to legislate. However, in case of any inconsistency, Article 254(1) provides that "the law made by Parliament shall prevail" ensuring the supremacy of central legislation. This constitutional arrangement maintains a balance between federal autonomy and national unity. To further safeguard legislative competence, the judiciary has evolved the doctrine of "pith and substance", in **F.N. Balsara**[x] wherein the true nature and substance of legislation must be examined to determine its validity. A law is not invalid merely because it incidentally encroaches upon a subject assigned to another legislative body. This principle promotes flexibility in governance and prevents unnecessary invalidation of laws. It also ensures that legislative intent is given due importance strengthening the governance.

The constitutional goal of legislative governance is closely linked with speedy justice. Article 21 guarantees the right to life and personal liberty. In **Maneka Gandhi**[xi], the "procedure established by law" must be "just, fair and reasonable." Subsequently, in **Hussainara Khatoon**[xii], declared the "speedy trial is an integral and essential part of the fundamental right to life and liberty." These principles require the legislature to enact laws providing simple, fair and "time-bound procedures". Several measures made such as special courts, summary procedures and procedural reforms are consistent with Articles 14 and 21. Thus, legislative governance serves not only to regulate public affairs but also to secure timely justice upholding the rule of law and fulfil the constitutional promise of justice contained in the Preamble.

Legislative Framework for Civil and Commercial Justice

The legislative framework governing civil and commercial justice in India aims to reduce delay and secure timely enforcement of legal rights. The civil justice is an essential part of the rule of law and is closely linked with Articles 14 and 21 of the Constitution, which guarantee equality before law and protection of life and personal liberty. The Supreme Court has recognized that the right to speedy justice forms part of these constitutional guarantees. In **Hussainara Khatoon**, the "delay in trial by itself constitutes denial of justice" which equally applies to civil proceedings, where unnecessary delay weakens public confidence and affects the effective enforcement of legal rights.

The substantive civil laws play a significant role in ensuring timely remedies. The Specific Relief Act[xiii] after its 2018 amendment[xiv] that represents a major legislative shift towards efficiency and certainty. The amendment made specific performance of contracts a general rule rather than an exception reducing prolonged disputes over damages. It also introduced a statutory timeline of twelve months for the disposal of certain categories of suits, extendable by a limited period with recorded reasons. This reflects a clear legislative intent to prioritize expeditious adjudication and discourage unnecessary delays in civil litigation.

Similarly, the Limitation Act[xv] reinforces the objective of speedy justice by prescribing definite time limits within which legal actions must be initiated. It prevents stale claims and promotes certainty in legal relations. In **B.T. Purushothama Rai v. K.G. Uthaya**[xvi], the law of limitation is "founded on public policy" ensuring finality and procedural discipline. The CPC further strengthens timely adjudication through provisions relating to filing of pleadings, limited adjournments, case management and settlement of disputes through ADR methods under Section 89. In **Satyadhyan Ghosal**[xvii], the "procedural rules are intended to advance the cause of justice" which highlights that

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procedural law is not an obstacle but a tool to facilitate fair and timely adjudication. These measures seek to avoid unnecessary delay while ensuring a fair trial.

Commercial disputes are addressed through the Commercial Courts Act, 2015 which provides specialized courts, strict timelines and case management procedures. Likewise, the IBC[xviii] prescribes a time-bound "insolvency resolution process". In **Committee of Creditors of Essar Steel India Ltd. v. Satish Kumar Gupta**[xix], judiciary emphasized that timely resolution is essential to preserve asset value and economic stability. Collectively, these legislative measures reflect a coherent and evolving framework designed to secure speedy, disciplined and effective civil and commercial justice in India. This framework not only protects individual rights but also promotes economic stability and public trust in the legal system.

Measures for Timely Justice in Social and Criminal Domains

In the field of social justice, the legislature has enacted several welfare-oriented statutes incorporating simplified procedures, specialized forums and fixed timelines. The CPA[xx] aims to protect the interests of consumers through timely and effective settlement of consumer disputes which prescribes timelines for admission and disposal of complaints and encourages mediation to reduce delay and provide quick relief. Likewise, the RERA[xxi] establishes the Regulatory Authority and the Appellate Tribunal for expeditious resolution of disputes relating to real estate projects. Section 29 provides that complaints should be decided as expeditiously as possible and preferably within sixty days. In "**Neelkamal Realtors Suburban Pvt. Ltd"**[xxii], the High Court upheld "the constitutional validity" and recognized it as "a beneficial legislation" enacted "to safeguard the interests of homebuyers". Similarly, the DV Act[xxiii] provides a time-bound mechanism for granting civil remedies under Section 12(5) which mandates that applications should ordinarily be disposed of "within sixty days from the date of its first hearing." It also empowers the Magistrate to grant interim and ex parte relief to provide immediate protection. In **Indra Sarma v. V.K.V. Sarma**[xxiv], it emphasized the need "for prompt and effective relief" under the Act.

In the criminal justice domain, timely adjudication is crucial as it directly impacts personal liberty and societal order. By recognizing this, the legislature has introduced comprehensive reforms through the three criminal laws of 2023 includes BNS, BNSS and BSA. These enactments incorporate provisions for time-bound investigation, trial procedures and disposal of cases along with increased reliance on digital technology and electronic evidence. Such measures aim to streamline criminal proceedings and reduce unnecessary delays. Thus, the legislative measures in India clearly demonstrate a structured and evolving commitment towards ensuring timely justice in both social welfare and criminal law domains. By incorporating statutory timelines, specialized adjudicatory bodies, simplified procedures and technological advancements, the legislature seeks to fulfil the promise of fair and speedy justice. These efforts contribute significantly to strengthening the efficiency, accessibility and credibility of the judicial system.

Special Legislations and Reformative Justice

Special legislations reflect the commitment to secure speedy justice for vulnerable and "marginalized sections of society" with objective founded on Articles 14 and 21. Judiciary recognized in **Hussainara Khatoon** the "speedy trial is an essential ingredient of reasonable, fair and just procedure." Since, several special enactments made that incorporate time-bound procedures and specialized adjudicatory mechanisms. Section 14(3) of the Atrocities Act[xxv] mandates "the establishment of Special Courts" for the purpose "of speedy trial of offences under the Act". Likewise, Section 35 of the POCSO Act[xxvi] mandates that "the evidence of the child shall be recorded within thirty days of the Special Court taking cognizance" and the trial shall be completed "within a period of one year." It also incorporates "in-camera proceedings" under Section 37 with statutory presumptions under Sections 29 and 30 to facilitate expeditious adjudication. These provisions are intended to reduce trauma and ensure that child victims are not subjected to prolonged legal processes.

The same legislative approach is reflected in several other special enactments. The Human Rights Act[xxvii] provides for "Human Rights Courts" for "the speedy trial of offences arising out of violation of human rights" (Section 30). The NDPS Act[xxviii] and the Prevention of Corruption Act[xxix] provide for Special Courts and streamlined trial procedures. Similarly, the Juvenile Justice Act[xxx] adopts "a reformative approach" by prescribing that inquiries "ordinarily be completed within four months" (Section 14) avoiding prolonged uncertainty for "children in conflict with law". These special legislations effectively integrate constitutional principles with procedural innovation to ensure speedy justice. By establishing Special Courts, prescribing statutory timelines and incorporating victim-centric and reformative mechanisms, these laws operationalize the mandate of Articles 14 and 21. These enactments represent a significant step towards achieving timely, effective and equitable justice within the Indian legal system.

Conclusion

This paper demonstrates that legislative governance plays a decisive role in securing speedy justice within the Indian legal system. The constitutional framework provides a firm normative basis for timely adjudication. The Maneka Gandhi expanded Article 21 that must be "right, just and fair" whereas the Hussainara Khatoon explicitly recognized "the right to speedy trial" under Article 21. These judicial pronouncements firmly establish that timely justice is a constitutional mandate. In response, Parliament and State Legislatures have undertaken several reforms to reduce delays. The procedural laws amended to incorporate time-bound procedures, case management techniques and

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summary trials. The introduction of the Commercial Courts Act emphasizes strict timelines, as reflected in Section 16 which mandates adherence to a structured procedural framework for expeditious disposal of commercial disputes. Similarly, special statutes such as the Domestic Violence Act and the POCSO Act provide for speedy and sensitive handling of cases involving vulnerable groups. Despite these legislative efforts, delays persist due to infrastructural limitations, shortage of judges, procedural complexities and misuse of adjournments. In P. Ramachandra Rao[xxxi] it was observed that while speedy trial is a fundamental right, its enforcement depends on practical and systemic considerations. This highlights that legislation alone cannot ensure timely justice without effective implementation. Therefore, ensuring speedy justice requires a holistic approach. The continuous legislative review, improved judicial administration and strict adherence to procedural discipline are essential. The promotion of ADR mechanisms further supports timely dispute resolution. In sum, legislative governance must remain dynamic, responsive and reform-oriented. It must bridge the gap between law in books and law in action. So, only through effective enforcement, institutional strengthening and accountability can the objective of speedy justice be realized preserving public confidence and ensuring that "justice is not delayed" nor denied or diluted.

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