



Access to Speedy Justice in India: A Mirage or Reality

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Abstract

The famous adage “Justice Delayed is Justice Denied” aptly emphasizes the significance of the right to speedy justice, which is recognized as one of the fundamental rights. Unfortunately, this right has become more of a cliché in the present context. The significance of delivering justice lies in its timely dispensation, for delayed justice renders it nearly meaningless and inadequate. Speedy justice forms an essential component of social justice, as it encompasses the collective interest of the community in ensuring that criminals are appropriately and conclusively punished within a reasonable time frame, while innocent individuals are spared from prolonged and burdensome criminal proceedings. Each passing day brings greater recognition and significance to the concept of the right to prompt justice. The idea of the Right to Speedy justice has evolved over time, but its ultimate objectives remain uncertain. The underlying principle is on expediting case resolutions to enhance the efficiency and credibility of the judiciary. However, the harsh reality is that there are alarmingly long delays in the process of dispensing justice. It is disheartening that a judicial system, which upholds the principle of “innocent until proven guilty,” incarcerates a significant portion of the prison population without establishing their guilt. Those accused are confined behind bars, waiting for justice for decades. Over time, they lose faith in the judicial system.

The Study explores the idea of prompt justice as a crucial element of social fairness. It emphasizes how important it is for the community as a whole to make sure that offenders receive just punishment and that it happens quickly enough to save innocent people from drawn out and onerous legal processes. While acknowledging the right to swift justice’s developing character, the study also highlights the lack of clarity surrounding the right’s ultimate goals. It offers an insightful summary of the problems and inequalities with the existing status of the right to prompt justice, stimulating additional research

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into the workings of the legal system and the necessity of change to preserve the values of justice, effectiveness, and credibility.

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1. Introduction

Justice forms the foundation and purpose of any civilized society or nation. For generations, humanity has held onto the aspiration of achieving justice. It is an obligation that guides the functioning of both legal and social institutions. Justice primarily refers to embodying the quality of fairness, such as fulfilling rightful expectations. It encompasses principles like fairness, righteousness, and integrity.¹ However, justice holds little significance, if it is not delivered within a reasonable time frame. It asserts that justice can never be fully viewed as having been served when it is delayed and lacks direction. The timely and efficient conclusion of criminal trials is considered important for the preservation of social order and the defense of individual liberties in a democratic system. Trials must be expedited in order to achieve the more general objectives of successfully prosecuting offenders and discouraging future wrongdoers. The efficiency of the legal system in enforcing law and order and administering justice is seen to depend critically on the timely resolution of cases. A system may not be able to accomplish these broad goals if cases are not handled promptly. The adverse impacts of protracted trials are emphasized, implying that the drawn out proceedings not only reduce the level of personal satisfaction for individuals engaged but also weaken public confidence in the legal system. People who are waiting for justice could become frustrated and disillusioned because of the never ending judicial processes. The public faith in the credibility of the justice system to provide just and efficient results may consequently erode as a result of this. It also emphasizes how extensive trials are counterproductive to the fundamental goals of criminal law. By making offenders answerable for their deeds, criminal law seeks to establish justice. A delay in justice undermines the fundamental element of accountability and may even spare certain people from the repercussions of their acts. The concept of “speedy justice” essentially promotes a court system that prioritizes deliberate and swift justice, realizing its critical role in

¹ Manuel Velasquez, Claire Andre, Thomas Shanks, S.J. & Michael J. Meyer, *Justice and Fairness (Markkula Ctr. for Applied Ethics, 2018)*.

preserving the larger ideals of justice, deterrence, and social order within a democratic framework, in addition to its importance in individual instances.²

2. Statement of the Problem

The adage “Justice Delayed is Justice Denied” emphasizes how crucial the idea of prompt justice is to maintain the values of equity and fairness in the judicial system. Even though everyone agrees that everyone has the fundamental human right to prompt justice, the reality is very different, particularly when considering the Indian justice system. The right to a timely trial has become an unattainable dream due to the protracted delays in the administration of justice. In the Indian context, the court system struggles with an enormous backlog of cases, complex procedural issues, and structural inefficiencies, all of which alarmingly prevent many people from receiving timely justice. A major chunk of the population spends prolonged periods in pretrial confinements, impeding the fundamental principle to be believed innocent unless proven guilty. This undermines public confidence in the justice system in addition to violating fundamental rights.

The problem affects more than just the people who await timely justice. Delayed Justice has wider ramifications for public trust, social order, and the legitimacy of the legal system as a whole. The issue is made worse by the lack of a specific legislative structure to handle and hasten trials, which feeds the vicious circle of postponed justice. This study aims to investigate the various obstacles that prevent Indians from accessing prompt justice. It seeks to objectively examine the various causes of delayed trials, such as the overburdened legal system, missing laws, and structural inefficiencies. In order to offer a thorough grasp of the nuances surrounding this crucial subject, the research looks at both the constitutional and international perspectives on the right to prompt justice.

Finding workable answers and suggesting changes that can close the gap between the theoretical notion of the right to prompt justice and its actual application is the ultimate objective of this study. The

² Elena Maculan & Alicia Gil Gil, *The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts*, 40 *Oxford J. Legal Stud.* 132 (2020).

research aims to contribute to the ongoing conversation on legal reform and inspire practical strategies to turn the abstract goal of everyone having access to quick justice into a concrete and attainable reality by thoroughly examining case studies, legal precedents, and international best practices.

3. Research Objectives

- Examine and evaluate the underlying factors that contribute to delays in the Indian legal system, such as complicated procedures, shoddy infrastructure, and structural inefficiencies.
- Examine the effects of delayed justice on people's social, economic, and psychological well-being, taking into account things like extended pretrial detention, the violation of fundamental rights, and the overall effect on public confidence in the legal system.

4. Research Methodology

The research is being conducted using a multifaceted research methodology. The doctrinal analysis, which explores legal concepts, statutes, and theoretical frameworks to create a strong theoretical foundation, is an essential part. An extensive literature evaluation that includes both domestic and foreign sources, including books, newspapers, research papers, and journals, is included to supplement this. These studies offer a thorough grasp of the current discussion regarding the difficulties and possible solutions surrounding expedited justice.

In order to provide useful insights into the application of legal principles, the process also includes a thorough review of case laws. Comparisons of the Global Legal Systems provide a more comprehensive view by highlighting best practices and lessons that may guide future reforms. The reliability and validity of the research findings are ensured by the triangulation of these several sources. To acknowledge the researcher's positionality and potential biases, methodological reflexivity is upheld throughout the process. This helps to foster a critical assessment of the sources and the development of well-informed findings. This methodology essentially aims to provide a comprehensive and detailed examination of the intricacies related to the timely and efficient access to justice.

5. Access to Speedy Justice: A Basic Human Right

The right to speedy justice is not only as a fundamental human right but also adds significance and substance to other internationally recognized human rights. A just trial entails the elimination of any bias or favoritism towards the accused, witnesses, or the subject matter under scrutiny. A fair trial explicitly implies a proceeding conducted before an unbiased judge, a rational prosecutor, and within a legally serene atmosphere.³

The right to a speedy trial is firmly grounded in the principles of fairness, justice and respect for human dignity.⁴ It acknowledges that unwarranted delays in criminal proceedings can have significant adverse effects on individuals, subjecting them to prolonged periods of uncertainty, emotional distress, and potential damage to their reputation and livelihood. The access to speedy justice serves as a protective measure against arbitrary or unjustifiable pretrial detention. Its purpose is to guarantee that individuals are not subjected to prolonged periods of custody without a fair and timely assessment of their guilt or innocence. By upholding this right, the justice system ensures that the fundamental rights of the individuals are respected, preventing undue deprivation of liberty without due process of law.

The right to a speedy trial finds explicit recognition in almost all the important and pertinent international conventions and charters. For instance, Article 9(3) of the Universal Declaration of Human Rights affirms⁵ that “Every individual accused of a criminal offense possesses the right to be presumed innocent until proven guilty in accordance with the law”. They are entitled to all the protections required for their defense during a public trial, as part of this right. This provision implies that individuals should undergo trial proceedings without undue delays, safeguarding their presumption of innocence and enabling them to exercise their right to a robust defense

³ Sri Mohd. Abdul Javeed Pasha, *General Principles of Fair Trial*.

⁴ Sanya Chandrakar, *Right to a Fair and Speedy Trial*.

⁵ “The Universal Declaration of Human Rights (UDHR) 10 Dec, 1948” is a comprehensive framework that protects the rights of people everywhere while embracing the ideals of equality and freedom. This foundational agreement establishes a framework to guarantee that every person is provided the full range of human rights and safeguards, irrespective of their location.

effectively. In essence, the right to a speedy trial ensures that justice is timely delivered and that individuals are afforded a fair and equitable legal process.

The International Covenant on Civil and Political Rights (ICCPR)⁶ further strengthens the right to speedy justice through Article 14(3)(c)⁷, explicitly affirms that every individual facing a criminal charge shall be entitled to a trial without unnecessary delay in its determination. This critical provision emphasizes the significance of timely dispensation of justice, shielding individuals from extended periods of pretrial detention, prolonged ambiguity, and the risk of rights violations. By highlighting the need for expeditious legal proceedings, this provision ensures that individuals can exercise their rights efficiently and effectively within the criminal justice system.

Recognizing speedy justice as a fundamental human right seeks to safeguard individuals from unjustifiable pretrial detention, uphold the presumption of innocence, prevent the abuse of power, ensure the reliability of evidence, and foster public trust in the justice system.⁸ It strikes a delicate balance between the necessity for expeditious proceedings and the imperative of conducting a fair and comprehensive examination of each case. By prioritizing timely resolution, this right not only protects the rights of individuals but also reinforces the principles of equity and due process, ultimately strengthening the overall integrity and effectiveness of the legal system.

6. Access to Speedy Justice & the Rule of Fair Trial

The Constitution of India explicitly guarantees the right to a fair trial. In a democratic country like India, the right to life and personal liberty cannot be denied, even to an accused individual. Article 21 of the

⁶ One important “international human rights treaty” is the International Covenant on Civil and Political Rights (ICCPR), which was ratified by the UN General Assembly in 1966. This extensive text outlines a wide range of civil and political rights that are widely acknowledged as essential to preserving peoples' dignity and well-being.

⁷ Every person is entitled to the following fundamental safeguards, guaranteeing perfect equality, when facing any criminal charge: (c) The right to a speedy trial devoid of undue delay.

⁸ Article 21 of the Indian Constitution entitles every person to “a fair and just trial” before any court of the country.

Indian Constitution recognizes the fair trial as an essential component of life and personal liberty.

In the case of *Rattiram & Ors vs State of M.P.*⁹, The Court stressed that “a fair trial is the foundation of criminal statutes, and any denial of it constitutes a violation of basic fundamental rights”. This is an inalienable right, accessible to all. It serves as a vital safeguard assuring the dispensation of justice impartially and upholding the principles of justice, equality, and fair treatment. Access to speedy justice entails a reasonable and expeditious legal process that adheres to all the essentials of a fair trial. It involves the prosecution initiating proceedings promptly and conducting them without undue delay. Right to speedy trial has been acknowledged an intrinsic element of a just and fair trial¹⁰.

The importance of speedy justice is not limited to the victim; it also extends to the accused. It guarantees that the accused is exempted from unwarranted mistreatment and unwarranted delays in legal procedures. Furthermore, the State is constitutionally obliged to put in place a procedural framework that guarantees a swift trial for the accused. Access to Speedy justice is an intrinsic aspect that underpins a just trial. Delays in the legal process can erode the fairness of proceedings and undermine the core principles of justice.¹¹ Timely resolution of cases plays a vital role in preserving the presumption of innocence, preventing unwarranted pretrial detention, and shielding individuals from prolonged periods of uncertainty. Speedy justice and fair trial are interconnected principles that synergistically uphold individual rights, safeguard the integrity of the judicial system, and foster a just and equitable society. These intertwined principles underscore the significance of efficiency, fairness, and adherence to “the rule of law” in the justice delivery system. Together, they form the bedrock of a robust and equitable judicial framework that serves the interests of individuals and society as a whole.

⁹ 2007 CriLJ 3955.

¹⁰ *Husain Ara Khatoun & Ors v. Home Secretary Bihar* (1979), AIR 1369.

¹¹ Krishnan, Jayanth K. and Kumar, C. Raj, “*Delay in Process, Denial of Justice: The Jurisprudence and Empirics of Speedy Trials in Comparative Perspective*” (2011).

7. International Perspective

In jurisdictions that uphold the rule of law, the principle of a “Speedy Justice” places an obligation on prosecutors to diligently construct cases within a reasonable time frame, taking into account the complexity and gravity of the alleged crimes.¹² This requirement is rooted in the belief that prolonged detention should generally be limited to situations where a suspect is found guilty of a crime by a judge or jury.

Access to speedy justice finds expression in foundational legal documents across various jurisdictions and may be further elaborated through statutory laws. The objective is to prevent individuals from enduring indefinite or unwarranted pretrial detention, safeguarding their rights to liberty and due process.¹³ By imposing time constraints on the prosecution, the right to a speedy trial serves several important objectives. It encourages efficiency in the legal process, preventing undue delays that could compromise the fairness and effectiveness of proceedings. It also provides a safeguard against potential abuses of power, ensuring that individuals are not unnecessarily held in custody without sufficient evidence or a timely determination of guilt. The precise parameters of the access to speedy justice may vary across jurisdictions, reflecting local legal frameworks and traditions. However, its underlying principle remains consistent in promoting a balance between the pursuit of justice and the protection of individual rights.

(a) Canada

“The Charter of Rights and Freedoms” recognizes the rights to a speedy trial under Section Eleven.¹⁴ The key boundaries of the right to a timely trial under the Charter of Rights and Freedoms were established by the Supreme Court of Canada in the landmark case of *R v. Jordan*.¹⁵ The court maintained that if a trial is not held within 18 months of the charges being brought, or within 30 months if a

¹² Amendments to the Indian Constitution based on the Justice J.S. Verma Committee Recommendations.

¹³ Sheikh Ahmed, *Speedy Justice System in India Under the Constitutional Perspective of Article 21*.

¹⁴ Every individual accused of a crime possesses the entitlement to: (b) undergo a trial within a reasonable period, Charter of Rights and Freedoms.

¹⁵ 2016 SCC 27.

preliminary inquiry is involved, then the Charter rights are violated. A deadline for judicial processes to guarantee the prompt conclusion of criminal cases was set by this historic ruling. The benchmarks of 18 months and 30 months established by the Supreme Court have a substantial impact on Canada's judicial system. The prosecution must end pertinent charges by requesting a stay of proceedings if these deadlines are exceeded. This highlights the need for swift legal proceedings and protects the accused by guaranteeing that their right to a speedy trial is upheld.

Nonetheless, the Supreme Court's ruling acknowledges the possibility of extraordinary circumstances, which means the prosecution may refute the presumption of unreasonableness. If this were the case, the prosecution may present proof that the delays were not within their power. The framework achieves a critical balance between the necessity of swift legal proceedings and the understanding that specific situations can call for an extension of the time restrictions.

Preventing unwarranted delays in court cases is the main goal of the *R v. Jordan* framework, which also encourages the prompt conclusion of criminal matters. The Apex Court makes sure that people who are accused don't have to wait around for extended periods of time, and that the judicial system operates in a way that respects people's rights and fairness. This is accomplished by setting clear guidelines. The ruling demonstrates how the Canadian legal system is dedicated to protecting fundamental rights while ensuring efficiency and impartiality in criminal trials.

(b) United States of America

The Speedy Trial Clause of the Sixth Amendment to the United States Constitution protects the right to a prompt trial in the United States. This constitutional clause emphasizes how crucial it is to give those who are accused of crimes a prompt and effective justice system. According to the Sixth Amendment, "the accused shall enjoy the right to a speedy and public trial in all criminal prosecutions". Ensuring the integrity of the criminal justice system and shielding persons from protracted legal proceedings are contingent upon this promise.¹⁶ The

¹⁶ The standards to guarantee prompt criminal proceedings are outlined in the 1974 Speedy Trial Act, which contributes to the definition of the right

Speedy Trial Act of 1974¹⁷ adds to the constitutional safeguards for federal offenses by laying forth particular guidelines for accelerating trial processes. The trial must start under this act within 70 days of the later of the two occurrences: the defendant's presence before a court officer, or the filing of the information or indictment. In order to guarantee a prompt resolution to criminal cases, the Act seeks to establish a precise and unambiguous time range within which the trial proceedings must commence.

States in the United States supplement federal provisions pertaining to the right to a prompt trial. The Virginia Declaration of Rights¹⁸ "speedy trial" clause, which was adopted in June 1776 and predates the US Constitution, is where this commitment's historical roots may be found. This early acknowledgment reflects a long-standing admiration in the American legal tradition for swift court cases. States' commitment to upholding the fundamental right to a prompt and fair trial is demonstrated by their adoption of such measures, which are echoed by deeply embedded constitutional and historical values in the United States.

There may be serious repercussions if the right to a prompt trial is violated. In cases where this entitlement is violated, the case may be dismissed, which means that the allegations against them are dropped forever. Courts are not permitted to use their discretion in coming up with kinder remedies if a breach of the Speedy Trial Clause

under the Sixth Amendment. The Statute states that, beginning in 1980, the length of any delay in federal and district courts cannot exceed 100 days, with some exceptions made for particular situations. The legislation creates rules to encourage promptness and efficiency in the federal and district court systems' case adjudication processes.

¹⁷ With few exceptions, the U.S. Speedy Trial Act of 1974 establishes a 70-day deadline for the start of a defendant's trial. Dismissal with or without prejudice may follow delays. Defendants may choose to voluntarily give up this right, and delays may be acceptable under certain conditions. In an effort to strike a balance between efficiency and defendants' rights to a speedy trial, the statute expedites appeals and penalizes the government for causing delays.

¹⁸ People have the right to know the basis and specifics of the charges made against them in criminal prosecutions. Along with being able to provide proof in their favor, they also have the opportunity to face their accusers and the witnesses. They also have the right to a prompt, public trial that is overseen by an unbiased jury drawn from their neighborhood.

has been proven. By taking a hard stance, the American Courts prevent needless delays and uphold the constitutional guarantee of an equitable and efficient criminal justice system. Since the legal system is dedicated to maintaining the values of justice and equity, the emphasis placed on dismissal with prejudice highlights how seriously violations of the right to a prompt trial are viewed.¹⁹

(c) Europe

The right to a speedy trial is enshrined in the European Union (EU) through the Charter of Fundamental Rights.²⁰ Article 47 of the Charter explicitly acknowledges the right to an effective remedy and a fair trial. While the Charter is applicable to EU institutions and Member States in the implementation of EU law, individual EU Member States also have their own national laws and legal systems that uphold the right to a speedy trial. These combined protections emphasize the importance of timely justice, ensuring that individuals are not subjected to unnecessary delays in legal proceedings.

Furthermore, the right to speedy justice is also protected by the European Convention on Human Rights (ECHR)²¹ an independent legal framework separate from the EU. Within the European Convention on Human Rights (ECHR), Article 6(1) explicitly ensures “the right to a fair trial”, which includes the entitlement to have legal proceedings brought to a close within a reasonable period. This provision reinforces the importance of timely justice, ensuring that individuals are not subjected to prolonged delays in their legal cases. The ECHR’s commitment to the access to speedy justice complements the European Union’s dedication in upholding human rights and promoting a fair and efficient judicial system.²²

¹⁹ The court's ruling maintains that the goals of the expedited trial protection are not entirely met by remedies other than dismissal with prejudice, such as a sentencing reduction equal to the length of the unlawful delay. These goals include protecting against the anguish and disruption brought on by persistent charges and maintaining the prospect of rehabilitation.

²⁰ 7 December, 2000.

²¹ 3 September, 1953.

²² Laurence R. Helfer, “Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime,” *European Journal of International Law*, Volume 19, Issue 1 (February 2008), Pages 125–159.

The interpretation and application of the right to a prompt trial may differ among EU Member States, considering the unique aspects of their national legal systems and practices.²³ Nonetheless, the core principle of guaranteeing timely justice remains a fundamental element in the European Union's dedication to upholding inherent rights and the rule of law. While there may be variations in approaches, ensuring that individuals have access to prompt and efficient legal proceedings is a shared commitment within the EU, promoting fairness, due process, and respect for fundamental rights across its Member States.

These legal instruments underscore the significance of timely justice, aiming to prevent individuals from enduring prolonged delays in legal proceedings. Access to speedy justice plays a vital role in preserving the credibility of the legal system, protecting the rights of the accused, and instilling public confidence in the judiciary. By ensuring prompt resolution, this right prevents unnecessary hardship for individuals, preserves the presumption of innocence, and upholds the principles of fairness and efficiency in the justice delivery system. In essence, the availability of speedy justice stands as a crucial foundation in upholding the legitimacy and efficiency of the legal system.²⁴

European legal systems have been at the forefront of the advancement of progressive reforms meant to increase the efficiency of the legal system. Based on the objective of creating a more uniform and efficient legal environment, these reforms have major results facilitating cross-border litigation and speeding up case resolution.

8. Technology Integration in Court Proceedings

Technology has been actively embraced by European legal systems to improve court procedures. Electronic file systems, virtual courtrooms, and digital case management tools are all part of this technological integration. The use of such innovations in technology expedites legal proceedings and simplifies administrative procedures.

²³ "Part III - Scope of Application, Interpretation and Effects of the Charter," The EU Charter of Fundamental Rights.

²⁴ *Strengthening Judicial Independence and Impartiality as a Pre-Condition for the Rule of Law in Council of Europe Member States: Opening and Concluding Remarks, Key Speeches and General Rapporteur's Report.*

Legal papers can now be digitally stored and accessed more easily through electronic file systems, which also make case related data easier to manage. Video conferencing technology is used in virtual courtroom proceedings to minimize the requirement for in person presence in courtrooms. Along with quickening the legal process, this also adds a degree of flexibility that helps resolve cases more quickly. Digital case management solutions reduce bureaucratic inefficiencies by helping to further organize and track judicial proceedings. The speeding of court cases and the simplification of administrative work are the two main effects of technology on European judicial systems. Interestingly, one major driver of faster and more flexible court case settlement has been the removal of the requirement for physical attendance during virtual hearings. In light of the evolving European legal system, this modernization demonstrates a dedication to utilizing technology to effectively administer justice.

(a) Specialized Courts for Certain Cases:

In order to handle specific types of cases more effectively, European states have purposefully set up specialized courts. Remarkably, these specialist courts are essential for resolving complicated cases quickly, especially when they concern businesses or intellectual property.²⁵ Making use of the specific expertise and experience that judges in these specialized courts possess is one of the main benefits. The idea behind specialized courts is that judges who have a deeper comprehension of intricate legal matters are better equipped to handle cases and reach decisions.²⁶ Judges in specialist intellectual property courts, for example, might have experience in copyright or patent law, but judges in business courts might be knowledgeable about corporation law. Because of this focused expertise, the adjudication process can be completed more quickly and the learning curve related to complex legal topics is reduced. By precisely addressing particular legal issues, the creation of these specialist courts demonstrates a dedication in improving the efficiency of the legal system. These courts help to speed up legal proceedings and provide more accurate rulings by assigning judges with specialized knowledge, which promotes a legal climate that is adaptable to the

²⁵ *Specialised IP rights jurisdictions in the Member States*, EUIPO, July 2018.

²⁶ Carlo Guarneri, *The Judicial System*, April 2002.

intricacies of changing business and intellectual property environments.

Two prominent instances are the Netherlands Commercial Courts,²⁷ which concentrate on trials involving international commerce, and Germany's Patent Litigation Courts,²⁸ which manage intellectual property disputes. These specialist courts guarantee that judges have the specific knowledge needed for the cases they preside over, which promotes prompt and accurate decision-making. The establishment of specialist judiciaries is indicative of a dedication in tackling the distinct obstacles presented by particular legal fields, leading to the eventual promotion of a more effective and customized approach to justice in Europe.

(b) Initiatives to Standardize Procedural Laws:

When it comes to criminal cases, European legal systems have realized how important it is to standardize procedural laws. A proper foundation for the standardization of procedural legislation has been established in recognition of the need for consistency and predictability in court matters.²⁹ Establishing a coherent and unified approach is the main objective of standardizing procedural legislation, making sure that criminal processes follow comparable norms and procedures in various jurisdictions. Legal procedures will run more smoothly as a result of this standardization of the litigation processes. A standardized set of procedural norms provides a uniform and unambiguous framework for all parties concerned, which extends the benefits to increased legal certainty.

²⁷ The NCC District Court and NCC Court of Appeal, together known as the Netherlands Commercial Court, are in a good position to handle issues involving foreign businesses quickly and efficiently. authored in January of 2019.

²⁸ The patent litigation system in Germany has two branches. While the Federal Patent Court (Bundespatentgericht) renders decisions on validity, civil courts (Landgericht/Oberlandesgericht) handle cases involving patent infringement.

²⁹ "Weyembergh, A., and Sellier, E., *"Criminal procedural laws across the European Union- A comparative analysis of selected main differences and the impact they have over the development of EU legislation"*, Policy Department for citizen's rights and constitutional affairs, European Parliament, August 2018".

This standardization program lessens the procedural barriers that impede criminal proceedings, hence reducing their complexity. It makes the litigation process more straightforward overall by ensuring that legal proceedings are not impeded by differences in procedural norms. Parties in a Criminal case stand to gain from a settlement process that is not only quick but also simpler, regardless of their role as prosecutors or defendants.

A prime example of such an endeavor is the European Arrest Warrant (EAW)³⁰ that the European Union issues, which expedites the extradition procedure for major crimes across its member states. Furthermore, by offering a forum for coordination and information sharing amongst national agencies engaged in criminal processes, the Euro just³¹ agency promotes judicial collaboration. The goal of European efforts to harmonize procedural legislation is to establish a Speedy, cohesive and effective legal system, especially with regard to criminal cases³². Legal systems aim to provide parties to criminal cases with a quick and easy settlement process by putting in place the right frameworks. This helps to promote efficiency and fairness in criminal litigation among European jurisdictions.

9. Access to Speedy Justice: Indian Context

Justice, encompassing social, economic, and political dimensions, stands as a foundational principle in the preamble of the Constitution.³³ The essence of the legal system lies in its assurance of equal treatment and protection under the law for all individuals.³⁴ The Supreme Court has consistently recognized and reiterated that timely

³⁰ The EAW was established in January 2004 and is predicated on the mutual recognition concept, trust, and direct communication between the Member State legal authorities. The instrument, which replaced earlier extradition tools that necessitated political involvement, allows for quicker and easier surrender procedures by imposing strict deadlines on suspects and convicted individuals, offering a single standard form to practitioners, and limiting the execution State's ability to refuse.

³¹ Likka Salami, *Euro Just's Contribution to Fight Against Terrorism*.

³² Andre Klip, Herman Ven der Wilt, *Harmonisation and Harmonising Measures in Criminal Law*, 2002.

³³ Atish Charoborty, *The Indian Constitution & its Vision of Justice*, 2018.

³⁴ Massimo Tomassali, *Rule of Law and Democracy: Addressing the Gap between Policies and Practices*.

justice and speedy trials are inseparable elements of the right to life guaranteed by the Constitution. This recognition underlines the significance of efficient and prompt legal processes, ensuring that individuals' rights are protected and their wellbeing is upheld within the framework of the Constitution.

Within the Constitution, the provision for equal access to justice is not only enshrined as a fundamental right under Part III³⁵ but also emphasized as a directive for good governance under Part IV.³⁶ The access to speedy justice is an innate facet of “the right to life and personal liberty”.³⁷As a welfare state, it is one of the most vital responsibilities to establish both judicial and non-judicial mechanisms for the resolution of legal disputes and enforcement of fundamental and legal rights. These mechanisms should be accessible to all citizens without discrimination, ensuring equal opportunities for individuals to seek redress and protect their rights. By providing inclusive avenues for dispute resolution, the state upholds its commitment to ensure fairness, justice, and the effective functioning of the legal system in the service of its citizens.

In practice, the right to speedy justice is frequently disregarded,³⁸ despite being a significant and noteworthy aspect of the Legal System. The significance of expeditious justice has been acknowledged across different societies and throughout various stages of their progress and evolution. Delayed justice has consistently been viewed as a significant challenge within civilized frameworks, highlighting its detrimental impact on human civilization. The issue of legal delays is not a recent phenomenon but has existed as long as the legal system

³⁵ In India, Part III is the cornerstone of individual liberty, highlighting the Preamble of the Constitution's commitment to justice, liberty, equality, and brotherhood.

³⁶ The nation's social and economic structure is envisioned in Part IV, which places a strong emphasis on ideas like environmental preservation, economic equity, and social justice. It gives the government instructions to advance the well-being of the populace, maintain a fair and compassionate social structure, and seek to lessen inequality.

³⁷ Gautam Bhatia, *Indian Constitutional Law & Philosophy*, 2023.

³⁸ Harsha Agrawal, “Speedy Trial: A Privilege Overlooked”, 1 *Int'l J. of Legal Sci. and Inno.* 2 (2019).

itself, and has been recognized as a critical problem to be addressed.³⁹

Domestically, the importance of access to speedy justice is yet to be fully embraced. The clear rationale is the sluggish approach to one of the most crucial concepts in the criminal justice system. However, several decisions by the Supreme Court have shed light on the plight of thousands of accused individuals who are either standing trial or awaiting trial. The repeated and frequent delays in the criminal justice process continue to exploit individuals, particularly the victims, by preventing them from achieving emotional, physical, and financial closure from the harm they have suffered due to the crimes committed against them.⁴⁰

Prolonged and protracted trials in India are a major concern, as evidenced by the time taken by the state and the courts to process cases. Lower courts, which serve as the first level of the judicial hierarchy, process cases for an average of 2,184 days. This huge timeline shows that it takes a staggering six years to resolve basic issues, highlighting the challenges and inefficiencies at lower levels of the judiciary. As one goes up the judicial hierarchy, the High Courts, which are essential to the Indian legal system, see an average case resolution time of 1,128 days. This period of time, which is equivalent to around three years, shows that the justice delivery process is far from speedy, even at a higher judicial level. The nation's legal proceedings are largely shaped by the High Courts, which serve as vital venues for appeals and reviews of rulings rendered by lower courts. Long legal time frames also affect the Supreme Court, the Nation's highest court. At this stage, cases take about "1,095" days to be settled, indicating that the Indian judicial system as a whole may take longer than 12 years to complete. This lengthy process puts the parties' patience to the test and calls into question the effectiveness and efficiency of the legal system in handling the prompt administration of justice, which is essential to any well-functioning legal system.⁴¹ These numbers highlight how much India needs

³⁹ Jayanath K Krishnan, *"Delay in Process, Denial of Justice: The Jurisprudence of Empirics of Speedy Trials in Comparative Perspective"*.

⁴⁰ Handbook on Justice for Victims, UNODCCP, 1999.

⁴¹ Daksh, State of the Indian Judiciary Report (DAKSH 2016). Available at: <https://www.dakshindia.org/wp-content/uploads/2023/02/State-of-the-Judiciary.pdf>. (last visited on May 11, 2025).

systemic and judicial reforms. Protracted judicial proceedings not only compromise the idea of prompt justice, but they also add to the backlog of cases, which reduces the legal system's overall efficacy. A comprehensive strategy is needed to address these problems, one that includes enhancing case management, expanding the judicial branch, and implementing technology to expedite court procedures. The Indian judiciary can only hope to deliver the prompt and efficient justice that citizens legitimately deserve by working together to speed up court procedures. Seventy-seven percent of the pending cases are in subordinate courts, which hold the lion's share of this backlog. Because these lower courts are the first in line for judicial authority, they take on the majority of cases, which adds a great deal to the total amount of time it takes to resolve cases. Systemic problems including under staffing, inadequate resources, and complex procedural concerns that obstruct the prompt resolution of cases are brought to light by the backlog in subordinate courts.

Although State High Courts are burdened with a relatively lower percentage of pending cases (12.3 percent), their share is still significant. This shows that the backlog is not limited to the lower ranks of judges, but that there are still problems at higher levels as well. The finding that approximately 180,000 cases have remained unresolved in the court system for more than thirty years is perhaps the most concerning. This prolonged postponement not only highlights the size of the backlog but also indicates structural problems that impede the prompt administration of justice. As a result of the accumulation of these protracted cases, concerns have been raised regarding the efficiency of the legal system and the effects on those who must wait a long time for justice.⁴² India's enormous backlog of over 47 million pending cases is a clear indicator of how badly the country's legal system is deteriorated. The importance of taking prompt, decisive action to speed up the settlement of these outstanding legal disputes is starkly illustrated by these numbers. Not only does the enormous backlog highlight the burden on the court system, but it also highlights how urgent institutional changes are in order to guarantee the prompt administration of justice. The backlog

⁴² Department of Justice, Min. of Law & Justice, Court News or Annual Report (Government of India [2023], available at: <https://doj.gov.in>. (last visited on May 11, 2025).

seriously impedes people's ability to exercise their fundamental right to a timely resolution of their claims. The length of time it takes to reduce the backlog directly affects access to justice, which is essential to any robust legal system. The piled-up cases undermine the accessibility and effectiveness of the judicial system, which erodes public confidence in the courts. For those involved in the legal process, congestion means increased waiting times, lengthy court proceedings and delayed decisions, all of which can have profound personal and social effects. The right to a fair and speedy trial enshrined in legal principles is weakened when cases get bogged down and create frustration and disappointment among the parties involved. Reducing the backlog in numbers is not the only important aspect of preserving the fundamental principles of justice, it necessitates a multi-pronged strategy that includes case management changes, technological advancements to speed court procedures, and improvements to the judicial infrastructure. By doing this, the judicial system will be able to regain its effectiveness and provide citizens the confidence that their access to justice will be maintained and that their cases will be handled promptly.

The clogged judicial system in India can be attributed to several factors, including a shortage of personnel (with only twenty-one judges per one million population)⁴³, an inadequate number of courts⁴⁴, and a highly litigious society⁴⁵. These factors contribute to a daunting scenario where it would take more than 300 years to resolve the existing backlog of cases.⁴⁶ This backlog places a heavy burden on India and its citizens, resulting in an annual cost of over ₹80,000 crore. Moreover, the economic toll of delayed justice corresponds to 0.77 percent of the Gross Domestic Product (GDP).⁴⁷ Beyond the economic implications, the prolonged wait for outcomes inflicts considerable

⁴³ Department of Justice, Ministry of Law & Justice, 2, February 2023, available at: <https://doj.gov.in>. (last visited on May 11, 2025).

⁴⁴ The Hindu, 10 May 2022.

⁴⁵ Manisha Singh, Swati Mittal, *Litigation & Dispute Resolution laws and Regulations*, 2023.

⁴⁶ Samir Yasir, *A Lifelong Nightmares, Seeking Justice in India's Overwhelmed Courts*, *The New York Times*, 2024.

⁴⁷ Daksh, State of the Indian Judiciary Report (DAKSH 2016). <https://www.dakshindia.org/wp-content/uploads/2023/02/State-of-the-Judiciary.pdf>. (last visited on May 1, 2025).

pain and agony on those who must endure years of uncertainty. Addressing these systemic challenges and implementing reforms are essential to alleviate the burden, expedite the legal process, and provide timely justice to all individuals in India.⁴⁸

Approximately 77% of the incarcerated population comprises individuals awaiting trial⁴⁹. For extensive periods, ranging from years to even decades, most of the under trial prisoners languish in jails, without their cases being heard. Their predicament is frequently rooted in nothing more than poverty and illiteracy. However, a more significant challenge lies in the sluggish, uninformed, and an apathetic judicial system that disregards the plight of those situated at the lowest stratum of society. It is imperative to establish an institutionalized framework for expeditious trials through legislative measures. Otherwise, the repeated emphasis by the highest court on speedy justice as a fundamental right will amount to mere rhetoric, and the attainment of justice will remain an elusive aspiration and a distant dream.

In certain serious cases, Indian justice system suffers from a debilitating condition known as “slow movement syndrome, “a substantial challenge to the principle of a “fair trial” and hampers the achievement of a conclusive verdict.⁵⁰ Prompt justice is an integral aspect of social justice because society as a whole is invested in ensuring that criminals are appropriately and timely punished, while the innocent is spared from the undue burden of prolonged criminal proceedings.⁵¹ It is crucial to recognize that in order for any trial to be meaningful, enforceable, and effective, there must be an external limit beyond which the duration of the proceedings would violate the principles outlined in Article 21.

The issue of legitimacy faced by the Indian judiciary is of grave concern, surpassing its apparent magnitude.⁵² Surprisingly, India lacks specific legislation to address the persistent problem of judicial delays. The urgent necessity lies in the enactment of a Speedy Trial

⁴⁸ *Ibid.*

⁴⁹ India Justice Report (IJR) 2022.

⁵⁰ Times of India, Feb, 2023.

⁵¹ *Babu Singh v. The State of U.P.*, 31 January, 1978.

⁵² Mamta Kachwaha, *The Judiciary in India, Determinants of its Independence and Impartiality.*

Act⁵³—a comprehensive law that not only outlines provisions for stricter, time bound schedules but also integrates and standardizes limitation provisions across various statutes. Moreover, this Act should establish accountability measures for the authorities responsible for delays and violations, delineate precise numerical limits for each stage of the judicial process, create independent regulatory bodies to oversee its implementation, and facilitate the establishment of an essential infrastructure to address the challenges of justice delivery. The need of the hour is an Act that effectively addresses the concerns of all stakeholders involved.

There are numerous factors contributing to delayed trial in India. The current combination of the population size and the number of pending cases is worrisome and distressing. The severe shortage of judges in the Country has significantly impeded the legal proceedings and the delivery of justice.⁵⁴ In many instances, delays occur when the accused seeks adjournments, if they perceive the case to be unfavorable. The significant hurdle to speedy trials arises from the court's need to address requests, whether initiated by the accused or not, for appeals, modifications, or other necessary actions or procedures. Prolonged court vacations or breaks are fervently debated, especially in a country like India with a substantial backlog of cases. Unlike in countries such as the United States and France, there is no provision that allows courts to go on extended vacations.⁵⁵ Additionally, hastily drafted and poorly formulated legislation on various complex subjects in India has also contributed, to some extent, to cause delays.

⁵³ Generally, a Speedy Trial Act has provisions designed to ensure that criminal cases are resolved on time and to speed up the judicial procedure. Although particulars could differ, a thorough Speedy Trial Act must to have essential components to tackle postponements and preserve the entitlement to a prompt trial.

⁵⁴ Krishnan, Jayanth K. and Kumar, C. Raj, *Delay in Process, Denial of Justice: The Jurisprudence and Empirics of Speedy Trials in Comparative Perspective* (2011). *Articles by Maurer Faculty. Paper 155*".

⁵⁵ Gauri Kashyaf, *Lon SC Vaccations: Wastefu or Crucial for Quality of Justice?* Jan 2023.

10. Role of Technology in Expediting Legal Processes

The incorporation of technology has become a crucial factor in transforming and optimizing conventional legal processes, with the main goal being the timely administration of justice.⁵⁶ Technology's introduction into the legal field has a profound impact, changing the nature of legal practice and raising the efficiency of the legal system as a whole. The substantial gains in speed and efficiency in the administration of justice are among the main effects of technology on the legal sector. Paperwork has decreased and delays have been minimized because to the replacement of laborious manual operations with automated case management systems, electronic filing procedures, and digital record keeping. A more flexible and adaptable judicial system as a result of this shift has allowed courts to handle cases more quickly.

Technology has also made it easier for lawyers, litigants, and the judges to communicate and work together better. With the development of virtual courtrooms and video conferencing, judicial proceedings can now be carried out without interruption, particularly during emergencies or other dire situations.⁵⁷ This helps save time and guarantees that people can still access the legal system even in difficult situations.

Furthermore, technology has made the legal system more transparent.⁵⁸ Digital communication channels, online case tracking portals, and real-time updates have all contributed to improved public access to information. People feel more in control and comprehend the legal system and their problems better as a result of this transparency, which also contributes to the development of public confidence in the legal system. The legal industry has experienced a revolution in the establishment and accessibility of case related data with the introduction of electronic case management systems. These

⁵⁶ James E. Cabral, Abhijeet Chavan, Thomas M. Clarke, John Greacen, Bonnie Rose Hough, Linda Rexer, Jane Ribadeneyra & Richard Zorza, Using Technology to Enhance Access To Justice, *Harvard Journal Of Law & Technology* Volume 26, Number 1 Fall 2012.

⁵⁷ Taylor Benninger, Courtney Colwell, Debbie Mukamal, and Leah Plachinski, *Virtual justice? A national study analyzing the transition to remote criminal court.*

⁵⁸ Dr. Mayura Sabne & Ms. Gouri Konpure, *Evolving Technology and the Access to Justice in India, 2023.*

technologies are essential for handling case materials in an effective and well-organized manner, which is how legal procedures are managed. Judges, attorneys, and court staff are only a few of the legal system's stakeholders who can profit from electronic case management. The organization and archiving of case related data is made easier by electronic case management systems. Digitized documents, evidence, and other pertinent data can be kept in a centralized repository, creating a database that is well organized and simple to search. As a result, paper documents are no longer necessary, and data can be organized more effectively. The fact that electronic case management significantly reduces the amount of time spent on administrative tasks is one of its main benefits. Through the digital platform, judges, attorneys, and court staff can quickly obtain the required case materials. This reduces the time needed for manual document retrieval, filing, and searching, thereby speeding up the workflow as a whole. Legal professionals can now focus more on substantive legal activities rather than being bogged down by administrative chores due to the streamlined access to information. One obvious benefit of using an electronic case management system is that cases are processed more quickly. A faster case settlement process is facilitated by enhanced communication between legal practitioners, improved document management, and quicker information retrieval. Litigants gain from a more responsive and speedy legal procedure, and the court system benefits from a decrease in backlog.

(a) E-Filing Systems

With the introduction of electronic filing, or “e-filing,” legal record keeping has undergone a radical change from conventional paper-based methods to a more functional and effective digital approach.⁵⁹ Paper records are no longer necessary due to e-filing, which allows legal documents to be submitted electronically. With this switch, the filing procedure is completed much more quickly and the delays caused by handling documents by hand are much reduced. The prompt submission of legal papers is one of the main benefits of e-filing. Legal practitioners have the option to electronically submit their materials to the court using safe online platforms, as an alternative to

⁵⁹ Waseem, Anupam Sharma, Dr Akhil, *Transforming Access To Justice In The Digital Age: The Role of e-Courts*, *Nujs Journal Of Regulatory Studies* ,2023.

the conventional approach of physically delivering or mailing paper documents. This digital submission procedure speeds up the start of legal proceedings and helps to resolve cases more quickly by reducing the amount of time it takes for papers to get to the court. With the implementation of e-filing, the reliance on physical storage is greatly diminished. The large volume of case records stored in traditional paper-based systems require a lot of physical storage space. However, instead of requiring big file cabinets and roomy storage spaces, electronic filing systems allow papers to be stored in digital formats. E-filing platforms improve case file tracking as well.⁶⁰ Legal practitioners and court officials can readily track the progress of filed documents *via* digital platforms. With the help of this real time tracking feature, stakeholders may monitor the status of their cases and the process is made more transparent. The simplicity of monitoring enhances case administration, assisting courts in remaining responsive and organized.

(b) Virtual Hearings and Remote Access:

The use of video conferencing technology in court procedures has proven to be a revolutionary development since it makes it possible to have remote virtual hearings.⁶¹ This technological adaption is essential to guaranteeing access to justice, particularly when physical presence is problematic. Beyond convenience, virtual hearings provide a quicker and more effective legal process by reducing scheduling disputes, lowering litigation expenses, and enabling hearings to be held from almost anywhere in the world. Video conferencing technology allows for virtual hearings that address accessibility, a major problem in the legal system. The ability to participate in court proceedings remotely becomes invaluable in instances where parties, either individually or through legal representation, are limited by geography, health issues, or other factors. By doing this, it is made possible for all parties to participate in the judicial process without being physically present, supporting the idea of equal access to justice. Reduced scheduling conflicts are a major benefit of virtual hearings. Coordination of the availability of

⁶⁰ Digital Courts, Vision & Roadmap, Phase III of the eCourts Project, Expert Sub-Committee to draw up a Vision Document for Phase III, E-Committee Supreme Court of India., Live Law, 2021.

⁶¹ The Rise of Telecommunications Video Conferencing in Judicial Proceedings, Utilities one, Aug 2023.

judges, attorneys, witnesses, and other stakeholders causes traditional courtroom hearings to frequently be delayed. By allowing participants to join sessions from different places, video conferencing facilitates more flexible scheduling arrangements. This adaptability lessens the administrative difficulties involved in setting up in person appearances while simultaneously accelerating the judicial procedure. Another important advantage of virtual hearings is lower litigation costs. The ability of legal professionals and parties to participate in hearings remotely significantly reduces the need for travel, lodging, and other related expenses. Through the efficient use of resources, this cost-effectiveness not only helps individual litigants but also enhances the general effectiveness of the judicial system. Moreover, hearings can be held from any location in the world, which expands the worldwide reach of legal proceedings. This is especially important when dealing with situations involving foreign courts, experts, or attorneys who are located in separate states.⁶² By facilitating cross border judicial processes and dismantling conventional obstacles, virtual hearings help create a more linked and easily accessible global legal scene.

(c) Alternative Dispute Resolution (ADR) Mechanisms:

Using Alternative Dispute Resolution (ADR) procedures, such as arbitration and mediation, is an essential strategy for achieving speedy justice. Alternative Dispute Resolution, provides parties involved with a way out of the formal, drawn-out legal process.⁶³ Legal reforms are crucial because they can encourage the use of ADR by offering rewards or, in certain situations, by establishing requirements for specific provisions in specific cases. Mediation⁶⁴ and Arbitration⁶⁵

⁶² *Advancing Rule of Law, Justice for All through Technology Must Include Equal Internet Access, Human Rights Compliance, Sixth Committee Speakers Stress*, Seventy-Eighth Session, 15th & 16th Meetings (AM & PM), 2023.

⁶³ Mahboob Ali, *Alternative Dispute Resolution Mechanism in Modern Indian Society*, Director, Judicial Training and Research Institute, U.P, 7th January, 2016 “.

⁶⁴ Through the mediation process, the parties meet with a neutral third party who has been chosen at their mutual discretion to help them work through their issues.

⁶⁵ Arbitration is a process wherein a disagreement is agreed upon by the parties and then submitted to one or more arbitrators who render a legally

are two fundamental ADR processes that give the resolution process flexibility and voluntariness. Unlike the adversarial character of courtroom litigation, these methods are voluntary on the part of the parties, fostering a cooperative environment.

ADR methods that prioritize efficiency aim to reduce court processes' bureaucratic red tape and accelerate decisions. They aid in lessening court congestion by rerouting matters from the already overworked legal system. This diversion not only streamlines the court system but also allows more complex matters to be given precedence. Legal reforms can actively assist alternative dispute resolution (ADR) by creating incentives or requirements for parties to explore ADR options prior to pursuing traditional litigation. Alternative dispute resolution (ADR), which not only expedites the resolution process but also aids in altering societal perceptions and acceptance of these speedier, more effective forms of conflict resolution, is encouraged by legal regimes or even mandates it. Access to justice is improved by ADR's more accessible and equitable conflict resolution process, which is not dependent on a party's financial status. The incorporation of ADR procedures through legal amendments, which provide litigants with practical alternatives that are consistent with more general accessibility and fairness principles, fundamentally represents a strategic approach to expediting the delivery of justice.⁶⁶

11. Conclusion

The legal proverb "justice delayed is justice denied" asserts that in cases when a party seeking justice has access to legal remedies, and those remedies are not provided in a timely manner, it is effectively as though the claimant had no remedies at all. The right to a speedy trial and related rights that aim to shorten the legal process are based on this principle. When there are insufficient opportunities for a prompt resolution, the injured party faces an unfair burden as a result of their injury. Justice is the ultimate goal of the creation of law and the vital principle that characterizes the legal system in its most basic form. It is a fundamental principle that provides direction for the legal system.

enforceable ruling. By selecting arbitration, the parties forego going to court and instead choose a private dispute settlement process.

⁶⁶*Alternative Dispute Resolution: Mediation and Conciliation*, Law Reform Commission, First Published November 2010.

The terms “Justice” and “Law” are so closely related that they are frequently used interchangeably. Nevertheless, there are so many intricate challenges to this core idea that finding prompt solutions is challenging. It is depressing that the basis upon which the judicial system is still being built is still unfinished. The aforementioned issues highlight the complex and deeply rooted causes that hinder the timely administration of justice in India. Sometimes the motivations behind these things are more specific and personal than they are wide and general. Deficits in the parties involved, the tactics used by the attorneys, and the constant filing of appeals all have a significant impact on the delays. The restrictions that come with the implemented measures to address the system also affect how effective they are. Sometimes the influence of popular politics is involved, while other times the executive branch’s inefficiencies are to blame. It is especially evident that the lower echelons of the legal system include problems. A multitude of causative elements, deeply embedded in the environment, demand a shared dedication to introspection and a resolve to pinpoint and eliminate them. Everyone with an interest in this matter, including the bench, the legal community, the government, legislators, members of the public, and society at large, must take on this responsibility.