
The Indian Justice Delivery System: An Evaluation of Access, Efficiency, and Equity

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Abstract: The Indian Constitution assures justice for all, but the legal system in India faces major challenges, with over 3 crore cases remaining in courts, highlighting inefficiencies and delays. To address these concerns, the government has implemented reforms like the National Mission for Justice Delivery and Legal Reforms, digitization via the e-Courts Project, and considerable investments in judicial infrastructure and personnel. These reforms have increased transparency, reduced procedural delays, and diversified access to justice. However, the huge number of pending cases highlights the need for deeper reforms to institutions, technology developments, and improved coordination among court parties to ensure fast and efficient justice delivery.

The Indian justice delivery system, which is key to maintaining democracy and the rule of law, has issues with equality, efficiency, and accessibility. In along with concerns about representation for underrepresented groups, the research focuses at challenges such urban-rural division occurs, case backlogs, and high litigation expenses. In an effort to increase judicial adaptability, it assesses changes including e-courts, alternative conflict settlement, and legal assistance. The paper highlights the necessity of substantial changes and suggests an integrated approach that guarantees a more equal, efficient, and inclusive system that is in line with constitutional goals.

Keywords: Indian Judiciary, Justice delivery system, access to justice, Judicial efficiency, equity in law, Legal reforms.

1. Introduction

India's judiciary is one of the oldest in the world, with a legacy founded on ancient principles of justice and governance. Despite criticisms made by various British writers such Henry Mayne and Alan Gledhill, who characterized India's early judicial system as flawed or lacking in values, these accusations were the result of ignorance, imperialist prejudice, or contempt for Indian culture. The rule of law really served as the foundation for ancient Indian jurisprudence, with the ruler governed by judicial responsibilities and his power depending on his ability to carry them out. Judges followed a hierarchy of courts, with the Chief Justice's court at the top, and were unbiased and autonomous.

With systematic processes similar to contemporary standards, including stages in civil trials, rules of evidence, and concepts like judicial review, trials followed the principles of natural justice. Justice was administered collectively by benches rather than by lone judges, and appeals and reviews were essential components of the system. This advanced legal system, which placed a strong emphasis on justice and responsibility, was on equivalent with or frequently better than that of other ancient societies. [1]

1.1 Constitutional mandate and principles of justice in India.

The Indian Constitution is a massive legal document that provides forth a plan for attaining justice in a varied and complex society. Its provisions reflect the goals of a democratic society that values equality, liberty, and justice. The article explores deeper into the constitutional mandate and principles of justice, analysing their relevance and application.

1.1.1 The Constitutional Mandate

Dr. B.R. Ambedkar chaired the drafting of the **Indian Constitution's Preamble**, which acts as a philosophical compass for government and expresses the spirit of justice. Its focus on "**Justice—social**, economic, and political" reflects the goal of creating a society that is inclusive. Social justice, which motivates policies like the quota system under Articles 15(4) and 16(4), aims to rectify historical injustices by eradicating caste-based discrimination and advancing gender equality. As stressed in Article 39(b), which requires the equal allocation of material resources for the common benefit, **Economic**

justice seeks to lessen income gaps and provide fair access to resources. Article 326's universal adult suffrage and the involvement of underrepresented groups in government, which guarantee equitable participation in the democratic process, uphold **political justice**. [2]

The fundamental rights that are protected by **Part III** of the Indian Constitution serve as the cornerstone for guaranteeing individual liberties and shielding individuals from capricious official acts. The judiciary has broadened Article 14, which ensures "equality before the law" and "equal protection of the laws," to include fairness in governance in instances such as *E.P. Royappa v. State of Tamil Nadu* (1974). This is one of the key sections pertaining to justice. A clean environment (*M.C. Mehta v. Union of India*, 1987), privacy (*K.S. Puttaswamy v. Union of India*, 2017), and a decent existence are all protected under Article 21. Last but not least, Article 32 strengthens the judiciary's position as the defender of justice by enabling anyone to immediately petition the Supreme Court for the enforcement of fundamental rights. [3]

Articles 14–32 of the Fundamental Rights provide equality and defend personal liberties. According to *E.P. Royappa* (1974), Article 14 forbids arbitrariness and ensures equality and fairness. The right to life and liberty is expanded by Article 21 to encompass dignity (Francis Mullin, 1981), a clean environment (*M.C. Mehta*, 1987), and privacy (*Puttaswamy*, 2017). Dr. Ambedkar referred to Article 32 as the "heart and soul" of the Constitution because it gives citizens the ability to petition the Supreme Court to uphold their rights. [4]

The Directive Principles of State Policy (DPSPs), which are not legally binding, serve as a guidance for the state in advancing socioeconomic justice and as a supplement to Fundamental Rights. The state is instructed to create a welfare-based social structure under Article 38. Preventing wealth concentration and ensuring fair resource distribution are the main goals of Article 39(b) and (c). Initiatives such as MGNREGA represent the rights to employment, education, and public aid envisioned in Article 41. [5]

Article 51A of the 42nd Amendment (1976) established the concept of "Fundamental Duties," which emphasizes the obligations of citizens. Laws such as the Wildlife Protection Act (1972) are influenced by Article 51A(g), which exhorts individuals to protect the environment. India's scientific and technological advancements are supported by Article 51A(h), which encourages scientific thinking. [6]

2. Principles of Justice in India

The Rule of Law prioritizes responsibility and justice by providing that no one is above the law, even governmental leaders. It was maintained in *Keshavananda Bharati v. State of Kerala* (1973) as a fundamental component of the Constitution.

Based on Articles 13, 32, and 226 of the Constitution, **judicial review** gives judge the authority to declare unlawful acts or legislation unconstitutional. Its position within the fundamental structure theory was reinforced in the seminal decision of *Minerva Mills v. Union of India* (1980). [7]

By upholding ideas like *nemo judex in causa sua* (no one as judge in their own matter) and *audi alteram partem* (right to be heard), **natural justice** guarantees equity. In the 1978 case of *Maneka Gandhi v. Union of India*, procedural justice was emphasized.

Positive bias is supported by Articles 15(4), 16(4), and 46, which also advance the welfare of marginalized groups, such as SCs and STs. To promote inclusivity, the 103rd Constitutional Amendment (2019) included reserves for economically disadvantaged groups.

2. Objective of the Study

To evaluate the accessibility, efficiency, and equity of the justice delivery system: Maintaining the rule of law and promoting social peace depend heavily on the justice delivery system. The three primary dimensions of accessibility, efficiency, and equity may be used to assess its efficacy.

2.1 Accessibility of the Justice Delivery System

The ease with which people can use the legal system to settle conflicts is referred to as accessibility. This is influenced by several factors.

- **Geographic Accessibility:** It might be challenging for India's sizable rural population to get to courts located in metropolitan areas. The goal of solutions like mobile courts and e-Courts is to increase access to justice in remote regions.
- **Financial Barriers:** People from low-income backgrounds are frequently discouraged from pursuing justice due to the high expense of litigation. The difficult situation of under trials who cannot afford legal help was brought to light by cases such as *Hussainara Khatoon v. Home Secretary, Bihar* (1979). These cost obstacles are lessened by programs like NALSA and free legal aid under Article 39A.
- **Awareness and Literacy:** Many people, particularly members of underprivileged communities, are not aware of their legal rights. NGOs like PRIA and legal literacy programs are attempting to raise knowledge of legal redress.
- **Procedural Barriers:** People may be discouraged from seeking justice by intricate legal language and processes. In *People's Union for Democratic Rights v. Union of India* (1982), the Supreme judicial stressed the need of streamlining judicial processes to increase accessibility.

2.2 Efficiency of the Justice Delivery System

Efficiency is the ability of the legal system to resolve issues quickly while upholding honesty and fairness.

- **Pendency of Cases:** Inadequate infrastructure, understaffed courts, and procedural delays are the main causes of the more than 4.5 crore cases that are still pending. The goal of Alternative Dispute Resolution (ADR) processes like Lok Adalats and fast-track courts is to lessen the load on the court.
- **Use of Technology:** As part of the Digital India plan, the e-Courts Mission Mode Project seeks to improve the effectiveness of the legal system. Although issues like the digital divide and a lack of technical knowledge prevent complete adoption, virtual hearings during the COVID-19 outbreak were a remarkable success.
- **Procedural Reforms:** Inefficiencies have been addressed via the use of Public Interest Litigation (PIL) and judicial activism. The Supreme Court published directions to enhance the operation of investigating agencies in *Vineet Narain v. Union of India* (1998). The Law Commission's 245th Report (2014) included suggestions for improved case administration and time-bound disposals.

2.3 Key questions:

a) **How accessible is justice to the common citizen?**

The Indian Constitution provides everyone the fundamental right to access justice, however many persons are prevented from using the legal system by structural, socioeconomic, and procedural challenges. Even while accessibility has increased because of initiatives like the e-Courts project, mobile courts, and free legal aid through NALSA, problems like expensive litigation, delays, a lack of legal knowledge, and complicated processes still exist. Inadequate infrastructure and unequal access to legal counsel create further challenges for underprivileged and rural areas. Simplifying legal processes, increasing ADR methods, encouraging legal knowledge, and utilizing technology are some of the ways that these problems are being addressed. However, judicial infrastructure upgrades, cost reductions, and extensive awareness efforts are necessary if justice is to be genuinely available to everyone.

b) **Is the Indian Judicial System Efficient in Resolving Disputes?**

Despite its strong legal structure, the Indian judicial system's effectiveness confronts multiple challenges. These include the use of Public Interest Litigations (PILs) to address systemic concerns, technological integration (e.g., the e-Courts Project), and specialty courts (e.g., fast-track courts for sexual offenses). The speedier settlement of disputes has also been facilitated by ADR institutions such as Lok Adalats. However, difficulties consist of a backlog of more than 4.5 crore cases, a judge scarcity (21 judges per million), procedural complexity, and enforcement inefficiencies make it difficult to get justice in the shortest possible time. [8] Expanding the number of fast-track courts, extending ADR procedures, digitizing court procedures, and enacting case management changes are some of the initiatives intended to solve these problems. Promoting the number of judges, streamlining procedural regulations, and upgrading infrastructure—particularly in rural areas—are among suggestions for better efficiency.

3. Access to Justice

A democratic society must have access to justice in order for each person to be able to enforce their rights and seek remedy. This idea is firmly established in the Indian Constitution and is reinforced by a number of legislative, judicial, and administrative actions. However, challenges like geographic distances, procedural hold-ups, and socioeconomic restrictions still prevent it from becoming a reality.

3.1. Legal Framework for Access

3.1.1 Right to Legal Aid (Article 39A of the Constitution)

For people who cannot afford legal services, free legal assistance is a must because Article 39A of the Indian Constitution requires the State to offer it in order to provide equal justice. The Supreme Court interpreted this clause in *Hussainara Khatoon v. State of Bihar* (1979), upholding that a fair trial under Article 21, which protects the right to life and personal liberty, depends on the availability of free legal aid. In order to operationalize the provision of legal aid, the Legal Services Authorities Act of 1987 created the National Legal Services Authority (NALSA) in conjunction with state and district legal service authorities. [9]

3.1.2 Role of Legal Services Authorities

A countrywide network of legal aid services was established by the Legal Services Authorities Act of 1987, offering access to free legal counsel, representation, and legal literacy initiatives. Initiatives like Tele-Law, which uses digital platforms to link rural communities with legal experts, were made possible in large part by the National Legal Services Authority (NALSA). Over 27 lakh consultations for rural residents had been made possible by the Tele-Law initiative by 2023, greatly closing the accessibility gap in outlying areas. Section 3 of the Legal Services Authorities Act, 1987, No. 39 of 1987, Government of India, Ministry of Law and Justice, lists the provisions of the Act. [10]

3.2 Measures to Enhance Access

3.2.1 Role of Lok Adalats and Alternative Dispute Resolution (ADR) Mechanisms

To reduce the burden on India's legal system, two significant initiatives are Lok Adalats and Alternative Dispute Resolution (ADR) procedures including arbitration, conciliation, and mediation. Lok Adalats, which successfully resolved

more than 10.5 lakh complaints in a single day in 2023, provide a quick and affordable means of resolving conflicts. By offering speedier, less formal alternatives to traditional litigation, alternative dispute resolution (ADR) mechanisms—like the Delhi High Court's mediation centres for family law disputes—help to increase the effectiveness and accessibility of justice in the nation.

3.2.2 E-Courts and Digitization Initiatives

India's legal system has been digitized thanks in large part to the E-Courts Mission Mode Project (2007), which has improved the accessibility and transparency of case data and court processes. By 2023, more over 20 lakh cases had been submitted online, and 18 crore decisions and rulings had been digitalized. Furthermore, by facilitating distant participation in court processes, virtual court hearings—which gained popularity during the COVID-19 pandemic—have improved access to justice and increased the effectiveness and accessibility of the legal system.

3.2.3 Public Interest Litigation (PIL) as a Tool for Marginalized Groups

A process known as Public Interest Litigation (PIL) enables people or groups to bring legal action to defend public rights, especially those that impact underprivileged populations or the environment. Notable PIL cases include *M.C. Mehta v. Union of India* (1988), which produced historic environmental protection legislation, and *Bandhua Mukti Morcha v. Union of India* (1984), which resulted in major revisions in labour laws addressing bonded labour. In India, PIL has been essential in advancing environmental preservation and social justice.

4. Efficiency in Justice Delivery

Due to the substantial backlog of cases, trial delays, and resource limitations, the effectiveness of India's justice delivery system is frequently questioned. The ability of a functioning legal system to quickly settle disputes and deliver justice to all residents is an essential attribute. However, the effectiveness of the Indian legal system is restricted by a number of structural problems. Comprehensive improvements in case management, technological use, and court infrastructure are necessary to address these issues.

4.1 Systemic Delay

4.1.1 Pendency of Cases in Courts

The backlog of more than 4.5 crore cases in Indian courts as of 2024 highlights the system's severe delays in delivering justice. Over 65,000 cases are still outstanding at the Supreme Court alone, and the number of cases accumulated by High Courts nationwide is comparable. The difficulties in meeting the rising demand for judicial resolution are highlighted by this backlog. [11]

4.1.2 Reasons for Delays

Lack of Infrastructure: Inefficiency is exacerbated by a lack of courtrooms, insufficient office space, and antiquated equipment. Court procedures in several jurisdictions are slowed down by judicial complexes that are either in poor condition or insufficient. [12] i.e., the state of Uttar Pradesh has received many reports about the district courts' inadequate infrastructure, which causes delays in the legal process.

Insufficient Staffing: One of the main causes of the backlog is the lack of judges. The Law Commission of India states that in order to handle the increasing volume of cases, more than 20,000 judges are required. (Statistics: Compared to affluent nations like the United States, which have 50 judges per million, India has just about 18 judges per million, according to the Indian Ministry of Law and Justice.)

Procedural Hurdles: Ineffective case management, numerous adjournments, and complicated procedures all contribute to court proceedings' delays. Legal complications, ineffective case file management, and problems with witness availability frequently cause cases to be delayed. Example: In complex cases with numerous witnesses and intricate technical issues, a criminal trial may take years to finish.

4.2. Judicial Infrastructure

4.2.1 Analysis of the Current State of Infrastructure

Due to overpopulation in major centres like the Delhi High Court and a shortage of **courtrooms**, especially in rural and isolated places, the Indian legal system suffers several difficulties. The trial procedure is delayed in part because of these problems. Furthermore, many courts still lack contemporary **technology**, especially in areas with limited digital infrastructure, even if programs like the e-Courts Mission Mode Project and virtual hearings have increased efficiency. The backlog is made worse by a lack of judges, clerks, and court **staff members** the Law Commission of India is calling for more hiring to handle the rising caseload.

4.2.2 Budgetary Allocations and Resource Management

Due to financial limitations, the Indian judiciary is unable to improve its infrastructure since a large percentage of allotted money are used for wages and pensions. Many proponents of legal reform believe that the judiciary's budget, which made up only 0.09% of the Union Budget in 2023–2024, is insufficient. Furthermore, a lot of courtrooms still lack contemporary digital case management systems and employ antiquated technology. Initiatives like the National Mission for Justice Delivery strive to enhance infrastructure by boosting money for courtroom development and digitalization initiatives. [13]

4.3. Judicial Reforms for Efficiency

4.3.1 Case Management Systems

Case Management Systems (CMS) have made monitoring and managing cases more efficient by cutting down on time spent finding files or rescheduling hearings. Launched in 2007, the e-Courts Mission Mode Project is a major reform in this field that intends to digitize case records and enable online case tracking. Delays brought on by lost paperwork and ineffective manual procedures have been reduced thanks in large part to this effort, which has made the legal system more efficient.

4.3.2 Use of Technology in Court Processes

Virtual Hearings: To guarantee that the legal system continued to function while abiding by social distance regulations, virtual courtrooms were implemented during the COVID-19 epidemic. This has changed the game in terms of facilitating access to justice, particularly for people living in rural or isolated places.

Prospects for the Future: It is anticipated that the use of artificial intelligence (AI) in legal research, case sorting, and even in the simplification of court rulings would improve the speed and standards of judgments in the future.

4.3.3 Fast-Track Courts and Special Tribunals

Fast-track courts have been formed to resolve the backlog of criminal and civil cases, focusing on certain categories such as sexual crimes, child labour charges, and corruption. To ensure speedier justice delivery, the Nirbhaya Fast-Track Court in Delhi, for example, accelerated hearings for instances involving sexual assault. Furthermore, specialized legal sectors are the focus of special tribunals like the Debt Recovery Tribunals (DRT) and the National Green Tribunal (NGT), which aid in the quicker resolution of disputes. In specific legal areas, these programs seek to expedite justice and cut down on delays. [14]

5. Equity in Justice Delivery

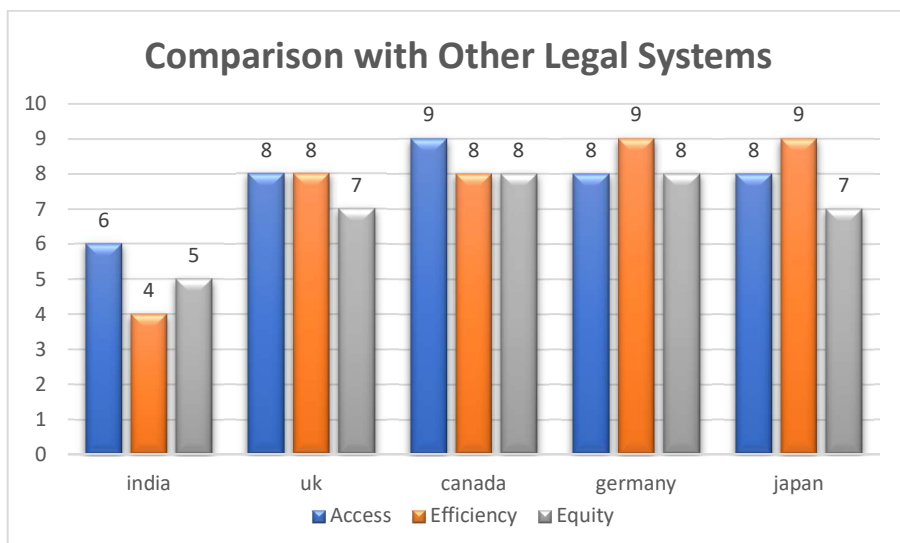
To make it easier for everyone to be able to utilize their rights, no matter their socioeconomic status, gender, caste, or geography, the legal system must guarantee equitable access to remedies. True equity is sometimes impeded in reality by institutional barriers and difficulties, despite the fact that the Indian court and Constitution have made great attempts to maintain these values. To attempt to attain equality in the delivery of justice, this section explores the legal requirements, difficulties, and changes required.

Through protective legislation, Directive Principles of State Policy (DPSPs), and Fundamental Rights, the Indian Constitution requires equity. While Articles 39A and 46 advance justice and strengthen marginalized groups, Articles 14, 15, and 21 guarantee equality, non-discrimination, and individual liberty. Vulnerable populations are protected by laws such as the SC/ST Prevention of Atrocities Act [15] and the Domestic Violence Act. However, justice is hampered by obstacles including caste prejudice, poverty, illiteracy, gender inequity, and geographic difficulties. Access to justice is improved by judicial responses such as e-courts, specialized courts, NALSA legal assistance, and Public Interest Litigation (PILs). The goal of reforms including legal awareness, varied representation, technology integration, and more money is to promote equality in the administration of justice.

6. Comparative Analysis of Justice Delivery Systems

Accessibility, effectiveness, and equality are issues that justice delivery systems across the world must deal with, yet international comparisons provide insightful insights for development. To expedite procedures and advance equality via diversity programs, common law nations such as the US, UK, Canada, and Australia place a strong emphasis on legal aid (such as Ontario Legal Aid), case management systems, and alternative dispute resolution (ADR) techniques. Japan's e-Litigation platform is an example of how civil law systems like France, Germany, and Japan emphasize digitization, specialized courts, organized procedures, and universal legal assistance.

Adopting international best practices can improve the delivery of justice in India. Delays may be decreased and efficiency increased through the use of AI-powered digitalization, structured case management, and increasing alternative dispute resolution (ADR) processes that are based on global networks. Socioeconomic differences may be addressed and fair access to justice ensured via tailored solutions such as mobile courts for rural regions, greater financing for legal aid inspired by France, and policies fostering judicial diversity, as seen in Canada and the UK.



Three key criteria—access, efficiency, and equity—are used in the comparative analysis chart to assess the justice delivery systems of **Germany** [16], **Canada** [17], **India** [18], **United Kingdom (UK)** [19], and **Japan** [20]. India has comparatively low ratings on all metrics, which is indicative of issues including restricted access to legal assistance, structural hold-ups, and equity issues brought on by socioeconomic inequality. As a result of their sophisticated legal aid programs and efficient processes, the UK and Canada, on the other hand, thrive in accessibility and efficiency. Japan suffers small equality issues, although Germany and Japan exhibit excellent efficiency because of their technology integration and organized civil law frameworks. These systems' lessons highlight the value of diversity, strong legal assistance, and judicial infrastructure in creating a more just and effective justice system. India's need for customized changes based on international best practices is made clear by this comparative viewpoint.

7. Conclusion

The Indian justice delivery system, which has a long history of justice and governance, has major challenges in fulfilling its constitutional commitments to equity, efficiency, and access. Even while programs like the e-Courts Project, fast-track courts, and Lok Adalats have increased openness and decreased delays in the legal process, the system still faces structural problems such as backlogs of cases, poor infrastructure, and underrepresentation of underrepresented groups.

Strong legal aid frameworks, organized case administration, and sophisticated technology integration are just a few examples of the best practices seen in the legal systems of nations like Canada, the UK, and Germany. These systems' lessons highlight the necessity for India to implement customized solutions, including AI-powered legal tools, mobile courts for remote locations, and extensive judicial diversity programs.

India must concentrate on significant structural changes, such as enhancing judicial capacity, streamlining procedures, and investing in technology, in order to create a more effective and inclusive system that is in line with constitutional objectives. The justice delivery system can only fulfil its duty as a pillar of democracy and the rule of law by ensuring that all people get timely, accessible, and equal justice via such comprehensive and persistent efforts.

8. References

- [1] Dhavan, S. S. (Justice) High Court, Allahabad, **The Indian Judicial System: A Historical Survey**
- [2] Retrieved from: https://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhavan.html and accessed on 19 Nov,2024 at 8:34am.
- [3] B.R. Ambedkar (1950), *Constitution of India: Drafting History*, Chapter 2, Section 3, p. 12. <https://www.constitutionofindia.net/> and accessed on 21 Nov,2024 at 10:34am.
- [4] Basu, Durga Das (2021), *Commentary on the Constitution of India*, 9th Edition, LexisNexis, Chapter 3, p. 110-112.
- [5] Basu, Durga Das *Introduction to the Constitution of India*, LexisNexis, 23rd Edition, Chapter 7, p. 241-243.
- [6] Rao, P. Satyanarayana, (1977), *Fundamental Duties: A Legal Analysis*, Indian Law Institute Journal, Vol. 19, Issue 3, p. 342-345.
- [7] Seervai, H.M., *Constitutional Law of India: A Critical Commentary*, Volume II, Universal, Chapter 4, p. 326-330.
- [8] National Legal Services Authority, *Annual Report 2023*, available at <https://nalsa.gov.in/> and accessed on 22 Nov, 2024 at 10:34am
- [9] *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

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- [10] National Legal Services Authority, *Annual Report 2023*, National Legal Services Authority, p. 15, available at <https://nalsa.gov.in/> and accessed on 28 Nov,2024 at 10:34am
- [11] *Supreme Court of India, Case Status Statistics*, 2024, available at National Judicial Data Grid.
- [12] *Annual Report on Court Infrastructure in India*, Department of Justice, Government of India, 2023, p. 5, available at <https://doj.gov.in/>
- [13] *Union Budget 2023-24*, Ministry of Finance, Government of India, p. 12, available at Ministry of Finance Website.
- [14] *National Green Tribunal Annual Report*, 2023, p. 21, available at <https://ngt.gov.in/>
- [15] Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Government of India.
- [16] German Federal Ministry of Justice, *Judiciary Infrastructure and Legal Aid Policy Report*, 2023.
- [17] Legal Aid Ontario, *Annual Report*, 2022, p. 12; Statistics Canada, *Judiciary and Diversity Report*, 2023.
- [18] India, National Judicial Data Grid (NJDG), *Pendency Report*, 2023.
- [19] Ministry of Justice, UK, *Annual Civil Justice Reform Report*, 2022.
- [20] Japan Ministry of Justice, *Digital Justice and Accessibility Reforms*, 2023.
- [21] Constitution of India, Preamble, 1950.