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Timely Justice, Restored Faith: Can India Eliminate Systemic Delay?

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ABSTRACT

Long-standing court delay in India, evidenced by a district-court backlog exceeding 5 crore cases, undermines timely justice and imposes heavy costs on undertrials, victims and public confidence in the legal system. To confront this institutional crisis, India brought a landmark legislative reform into force on 1 July 2024, replacing its colonial-era criminal statutes with modern frameworks, chief among them the Bharatiya Nagarik Suraksha Sanhita (BNSS). Designed to dismantle procedural bottlenecks, the BNSS fixes statutory timelines across the phases of a criminal proceeding, providing for electronic registration of information, a time-bound preliminary enquiry, mandatory forensic involvement in serious cases, restricted adjournments and fixed deadlines for framing charges and pronouncing judgment. When proceedings extend indefinitely, the formal legal system ceases to be a site of resolution and becomes itself a source of harm, eroding confidence in the rule of law and compromising the guarantee of a speedy trial under Article 21. Enforcing the BNSS timelines faces immediate structural barriers, principally judicial vacancies and gaps in physical and technological infrastructure; without capital investment to expand forensic facilities and train specialised staff, evidence-processing backlogs will stall investigations long before trials commence. This doctrinal study evaluates the systemic and social effects of the new framework, compares the legacy procedural code with the enacted statutes, traces the constitutional evolution of the right to a speedy trial as articulated by the Supreme Court of India, identifies the infrastructure and operational bottlenecks that threaten enforcement of the statutory timelines, and proposes measures for effective implementation, including separation of police investigative functions, real-time digital monitoring and adequate resourcing of the subordinate judiciary.

Keywords: *Article 21, right to speedy trial, Bharatiya Nagarik Suraksha Sanhita, new criminal laws, judicial delay, pendency, implementation, social impact*

I. INTRODUCTION

There is an old saying: "Justice delayed is justice denied." If a litigant must wait years, or even decades, for a court to decide a case, the outcome scarcely feels like justice at all.

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In India the scale of the problem is formidable. More than 5 crore (50 million) cases are pending before the district judiciary alone.¹ This is not merely a docket-management difficulty; it disrupts real lives. Undertrial prisoners spend years in overcrowded jails waiting for a trial to begin, victims remain suspended in their trauma, and ordinary citizens gradually lose faith that the law will protect them.

A significant shift occurred on 1 July 2024, when India repealed its colonial-era penal framework, including the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, and replaced it with the Bharatiya Nyaya Sanhita (BNS) and the Bharatiya Nagarik Suraksha Sanhita (BNSS).² This legislative overhaul represents more than a linguistic transition; it is a structural attempt to dismantle systemic delay by codifying strict procedural timelines.

The BNSS seeks to dismantle judicial delay by fixing deadlines at successive stages of the criminal process. It addresses initial police delay by allowing information relating to a cognizable offence to be given by electronic communication, subject to the informant signing it within three days,³ and by capping at 14 days any preliminary enquiry into whether a *prima facie* case exists.⁴ To accelerate investigation, the Sanhita provides for service of summons by electronic means, requires a forensic expert to visit the scene where the offence is punishable with seven years or more,⁵ and permits inquiry, trial and judgment to proceed in the absence of a proclaimed offender who has absconded to evade trial.⁶ It curbs courtroom stalling by limiting adjournments to two where the cause lies beyond a party's control,⁷ by requiring charges to be framed within 60 days of the first hearing on charge,⁸ and by requiring judgment within 30 days of the close of arguments, extendable to 45 days for reasons recorded in writing.⁹

¹ NATIONAL JUDICIAL DATA GRID, *Summary Report: District and Taluka Courts of India*, ECOURTS, https://njdg.ecourts.gov.in/njdg_v3/ (last visited 3 August 2026) (recording 5,03,47,048 cases pending before the district judiciary, comprising 1,13,36,227 civil and 3,90,10,821 criminal matters). The figure is refreshed daily and will differ on any later date of access.

² The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, INDIA CODE (2023); The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, INDIA CODE (2023). Both were brought into force on 1 July 2024.

³ The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, INDIA CODE, § 173(1) (information relating to a cognizable offence may be given by electronic communication and is to be signed by the informant within three days).

⁴ *Id.* § 173(3) (preliminary enquiry, with the prior permission of an officer not below the rank of Deputy Superintendent of Police, to be completed within 14 days, in respect of offences punishable with three years or more but less than seven years).

⁵ *Id.* § 176(3) (forensic expert to visit the scene of the offence and record the process by videography where the offence is punishable with seven years or more).

⁶ *Id.* § 356 (inquiry, trial or judgment in absentia of a proclaimed offender who has absconded to evade trial and for whose arrest there is no immediate prospect).

⁷ *Id.* § 346(2) (where the circumstances are beyond the control of a party, not more than two adjournments may be granted, after hearing the objections of the other party and for reasons recorded in writing).

⁸ *Id.* § 251(1) (charge to be framed within 60 days from the date of the first hearing on charge); see also *id.* § 263 (corresponding provision for warrant cases instituted on a police report).

⁹ *Id.* § 258(1) (judgment of acquittal or conviction to be given within 30 days from the completion of arguments, extendable to 45 days for reasons recorded in writing).

This doctrinal research is divided into four parts. The first examines the social cost of court delay, focusing on the psychological toll borne by those awaiting trial in custody and on the erosion of public confidence in the legal system. The second sets out the historical and constitutional background, tracing how the Supreme Court of India has read the right to a speedy trial into the Constitution through a line of landmark judgments. The third compares the old procedural regime with the BNSS to ask whether the new deadlines can in fact curb stalling in court. The fourth identifies the practical obstacles these deadlines will meet in the real world and offers measures to help the new laws restore public trust and deliver timely, fair justice.

II. THE HUMAN TOLL OF PENDENCY: SOCIAL FRAGMENTATION AND THE EROSION OF PUBLIC TRUST IN INDIA'S CRIMINAL JUSTICE SYSTEM

The Indian criminal justice system has long been overshadowed by the volume of backlogged cases, a systemic bottleneck that turns legal process into a prolonged ordeal. When a trial drags on for years, the system ceases to be a mechanism of resolution and becomes a source of social and emotional vulnerability in its own right. Families are pushed into financial precarity by mounting legal costs, while the stigma of an unresolved criminal case paralyses the lives of those involved, effectively punishing individuals long before a verdict is ever reached.

On a broader societal scale, chronic delay erodes public trust in formal legal institutions. When citizens observe that the path to justice is both slow and prohibitively expensive, the foundational legitimacy of the rule of law begins to fracture. That institutional deficit shifts public perception, making the state's legal machinery appear ineffective, indifferent, or accessible only to those with significant resources. The resulting disillusionment creates a vacuum in which informal, extrajudicial mechanisms, ranging from vigilantism to unregulated local arbitration, gain traction as faster alternatives to the formal courts.

The chronic pendency of cases in India's subordinate courts also drives socio-economic marginalisation, converting legal procedure into a form of systemic punishment. For victims of crime, prolonged trials defer closure, trapping them in a cycle of perpetual victimisation and forcing them to relive trauma across years of uncertainty. For the accused, and particularly for undertrial prisoners, who make up the large majority of India's prison population,¹⁰ the cost of delay is severe. Prolonged deprivation of liberty, coupled with the financial burden of protracted litigation, routinely pushes vulnerable families deeper into poverty and debt. Beyond the

¹⁰ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, *Prison Statistics India 2022* (2023), <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/psiyearchwise2022/1701613297PSI2022ason01122023.pdf> (undertrials numbered 4,34,302 of a total prison population of 5,73,220, or 75.8 per cent, as on 31 December 2022).

economic strain, the persistent stigma of an unresolved charge fractures support networks, isolates individuals from their communities and disrupts livelihoods, so that the human toll of judicial delay extends well beyond the physical walls of the courtroom.

This systemic gridlock ultimately undermines the constitutional promise of a speedy trial under Article 21,¹¹ and with it the legitimacy of the state's claim to administer justice. As the gap widens between the commission of an offence and its final adjudication, public faith in the judiciary erodes, fostering a perception that formal law is indifferent to the plight of ordinary citizens. That disillusionment leaves a systemic vacuum. When the formal legal machinery is thought inaccessible or futile, society begins to normalise extrajudicial shortcuts, such as celebratory public reactions to so-called encounter justice or reliance on unlawful parallel dispute fora. The social cost of delay is therefore not merely a collection of individual grievances but a structural weakening of the rule of law, which is what makes the strict procedural timelines and restorative interventions envisaged by India's new criminal laws urgent.

A. Constitutional Safeguards: The Supreme Court's Jurisprudence on the Right to a Speedy Trial

While the legislature has only recently attempted a sweeping overhaul of procedural bottlenecks, the Supreme Court of India has long acted as the principal check on judicial stagnation. Recognising that prolonged litigation operates as a form of extra-judicial punishment, the Court has woven the right to a speedy trial into the fabric of the Constitution. Rather than await statutory amendment, it expanded the scope of Article 21, the right to life and personal liberty, elevating a prompt trial from an administrative aspiration to a non-negotiable fundamental right. The evolution of the right therefore marks a shift from managing administrative backlog to protecting a constitutional guarantee. It began with *Hussainara Khatoon v. Home Secretary, State of Bihar*,¹² where the Court declared a speedy trial to be implicit in the guarantee of life and personal liberty, holding that a procedure cannot be reasonable, fair or just if it is indefinitely delayed. The principle was structured by a Constitution Bench in *Abdul Rehman Antulay v. R.S. Nayak*,¹³ which held that the right covers every stage of criminal proceedings, including investigation, inquiry, trial, appeal and revision, while declining to prescribe an outer time limit for their conclusion. A later Constitution Bench in *P.*

¹¹ INDIA CONST. art. 21.

¹² *Hussainara Khatoon (IV) v. Home Secretary, State of Bihar*, (1980) 1 SCC 98; AIR 1979 SC 1360.

¹³ *Abdul Rehman Antulay v. R.S. Nayak*, (1992) 1 SCC 225; AIR 1992 SC 1701 (Constitution Bench).

*Ramachandra Rao v. State of Karnataka*¹⁴ went further, holding that courts cannot assume the legislative function of fixing rigid periods at the expiry of which a prosecution stands terminated. Neither decision, however, permits the state to plead systemic inefficiency as a justification for denying speedy justice.

In recent years the Court has strengthened this protection so that it prevails even over stringent statutory restrictions on bail. In *Union of India v. K.A. Najeeb*,¹⁵ the Court held that constitutional courts may grant bail to an undertrial whose right to a speedy trial has been violated, notwithstanding the restrictions of the Unlawful Activities (Prevention) Act. The reasoning was extended to offences under the Narcotic Drugs and Psychotropic Substances Act in *Mohd. Muslim v. State (NCT of Delhi)*,¹⁶ and to money laundering in *Manish Sisodia v. Directorate of Enforcement*,¹⁷ where the Court held that the gravity of an offence cannot override personal liberty when there is no realistic prospect of the trial concluding within a reasonable time. Taken together, these decisions hold that the process must not become the punishment, that the protection of Article 21 extends to prolonged investigation as much as to prolonged trial, and that indefinite incarceration without conviction cannot be justified by the mere pendency of proceedings.

i. From Procedural Discretion to Statutory Discipline: A Comparative Evaluation of Litigious Stalling and the Mandated Timelines of the BNSS

The Bharatiya Nagarik Suraksha Sanhita, 2023 fundamentally restructures the timeline of criminal justice administration by introducing statutory time constraints alongside a technological mandate intended to remove traditional sources of delay. The comparative chart below traces a criminal case from its initial reporting to its final judgment and shows how the open-ended timeframes of the colonial-era Code of Criminal Procedure, 1973 have been replaced by mandatory statutory limits and technological requirements designed to eliminate systemic stalling.

Procedural Stage	Colonial-Era Code (CrPC, 1973)	New Framework (BNSS, 2023)	Impact on Preventing Litigious Stalling
Initial Reporting & Registration	No structured timelines for preliminary checks; registration delayed by cross-jurisdictional disputes.	Section 173: Mandatory 14-day cap for preliminary inquiries in specified offenses; structural codification of Zero FIR and e-FIR.	Eliminates "jurisdictional excuses" and prevents police authorities from leaving complaints in administrative limbo.

¹⁴ *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578; AIR 2002 SC 1856 (Constitution Bench).

¹⁵ *Union of India v. K.A. Najeeb*, (2021) 3 SCC 713; AIR 2021 SC 712.

¹⁶ *Mohd. Muslim v. State (NCT of Delhi)*, 2023 SCC OnLine SC 352.

¹⁷ *Manish Sisodia v. Directorate of Enforcement*, 2024 INSC 595; 2024 SCC OnLine SC 1920.

Procedural Stage	Colonial-Era Code (CrPC, 1973)	New Framework (BNSS, 2023)	Impact on Preventing Litigious Stalling
Search, Seizure & Evidentiary Process	Paper-dependent and highly vulnerable to challenges over procedural authenticity and manipulation.	Section 176(3): Mandatory Forensic Investigation for offenses with 7+ years of punishment. Audio-Video / Electronic Recording (OTE) of all searches and seizures.	Reduces prolonged pre-trial litigation regarding the tampering of evidence; digital records ensure transparent compliance.
Supply of Case Documents	No fixed temporal window; defense routinely requested extensions, causing trials to drag out.	Section 230 / 258: Mandatory supply of police reports and key documents to both accused and victim within 14 days.	Dismantles a major litigation loophole by forcing the court and prosecution to share case files without delay.
Framing of Charges	Open-ended discretion; arguments on charges could be extended across multiple years via continuous adjournments.	Section 251 (Sessions) / Section 263 (Warrants): Charges must be formally framed within 60 days from the first hearing.	Sets a definitive statutory boundary for the pre-trial phase, pushing the case quickly into active evidence.
Absconding Accused / Proclaimed Offenders	Trials were permanently stalled if the primary accused fled, as proceedings could not advance without them.	Section 356: Introduction of Trial in Absentia; allows the court to record evidence and pronounce judgment if a fugitive absconds.	Prevents high-profile or wealthy accused persons from permanently freezing criminal trials simply by fleeing the country.
Pronouncement of Judgment	Guided by loose, non-binding directives; verdicts were frequently delayed for months after final arguments.	Section 392: Judgment must be delivered within 30 days of closing arguments (extendable only up to 45 days with written reasons).	Imposes algorithmic strictness on the judiciary, preventing the common issue of post-trial delays.

The CrPC treated speed as a flexible, directory goal.¹⁸ The BNSS, by contrast, treats it as an administrative mandate, pairing fixed time limits with audio-video safeguards¹⁹ designed to prevent calculated stalling tactics by either side.²⁰

ii. Structural Hurdles and Statutory Success: A Blueprint for Harmonising Due Process with Time-Bound Trials Under the BNSS

While the new code introduces an unprecedented temporal discipline to dismantle litigious stalling, its success ultimately depends on overcoming entrenched infrastructure deficits, forensic backlogs and institutional inertia. The primary structural challenge to implementing

¹⁸ The Code of Criminal Procedure, 1973, No. 2 of 1974, INDIA CODE, § 309 (repealed with effect from 1 July 2024) (requiring proceedings to be held as expeditiously as possible while leaving the grant of adjournments to judicial discretion).

¹⁹ Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 105 (search and seizure to be recorded through audio-video electronic means, preferably a mobile phone, the recording to be forwarded without delay to the Magistrate).

²⁰ Tanya Singh & Anshika Singh, *Deconstructing Procedural Strictness: Judicial Infrastructure, Forensic Readiness, and the Enforcement of BNSS Timelines*, 6 JUS CORPUS L.J. 412, 418 (2026).

the BNSS timelines lies in the shortage of judicial infrastructure and in the vacancy rates across the subordinate judiciary.²¹ Non-negotiable timelines for framing charges and pronouncing judgment create an administrative paradox when magistrates are routinely required to manage daily dockets running past 100 cases. Without a proportional expansion in the number of judges, courtrooms and administrative support staff, these mandatory windows risk producing structural paralysis rather than speed. Rigid deadlines may instead push courts to hurry through critical procedural stages, producing assembly-line adjudication that compromises due process, or encouraging a defensive practice in which procedural technicalities are used to satisfy the statutory clock without addressing the underlying delay.

The BNSS also relies heavily on technology and forensic integration to streamline evidence collection, and that reliance is constrained by the digital divide and the uneven distribution of technical resources across India's police stations and courts. The statutory mandate for audio-video recording of searches, seizures and statements²² presupposes secure, high-speed connectivity, standardised storage platforms and tamper-proof electronic logging to maintain the chain of custody. In rural or underfunded jurisdictions, consistent internet access, reliable power supply and technical literacy among field officers remain major obstacles. The requirement of forensic investigation for offences punishable with seven years or more²³ places further strain on India's overburdened central and state Forensic Science Laboratories. Without immediate capital investment to expand forensic capacity and train specialised technicians, backlogs in chemical, ballistic and digital analysis will create a bottleneck at the investigative stage, stalling the statutory clock before the trial begins.

Finally, the new statutory timelines demand a cultural shift within an adversarial ecosystem that has long tolerated litigious stalling. For decades, procedural flexibility under the CrPC allowed prosecutors, defence counsel and police personnel to treat timeframes as directory rather than mandatory, and adjournments were frequently used as a strategic tool to tire out witnesses or postpone judgment. Overcoming that institutional inertia requires more than legislative text; it requires a reworking of executive accountability. Police departments are systemically over-extended, balancing complex criminal investigations with daily law-and-order duties, and that dual burden leaves officers with insufficient time to meet the 14-day preliminary enquiry

²¹ DEPARTMENT OF JUSTICE, MINISTRY OF LAW AND JUSTICE, *Vacancy Position: District and Subordinate Courts*, <https://dashboard.doj.gov.in/vacancy-position/> (last visited 3 August 2026).

²² Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 105.

²³ *Id.* § 176(3).

window²⁴ or the accelerated timeline for supplying documents.²⁵ If investigating agencies and the bar continue to work to older, more relaxed rhythms, the mandates of the BNSS will meet institutional resistance, and that friction may generate fresh constitutional litigation before High Courts as parties challenge trials that miss their statutory deadlines.

To prevent the mandatory timelines of the BNSS from collapsing under the weight of judicial vacancies and case backlogs, the Indian state should move to an institutionalised, standardised judicial recruitment calendar. This requires the High Courts to enforce a strict vacancy-filling protocol, treating shortages in the district judiciary as a procedural emergency rather than an administrative given. Alongside recruitment, subordinate courts should establish district-level case management committees charged with rigorous case-sifting. By filtering out minor compoundable offences, petty traffic and cheque-bounce matters and long-standing trivial disputes through pre-institution mediation and alternative dispute resolution pathways, core trial dockets can be reduced substantially. That structural off-loading would free magistrates to devote sustained attention to complex trials and to meet the 60-day window for framing charges and the 30 to 45-day deadline for pronouncing judgment²⁶ without defaulting to hurried adjudication.

Dismantling the digital divide and clearing the backlogs in forensic analysis requires a rapid, capital-intensive expansion of localised scientific infrastructure. Rather than relying entirely on centralised state laboratories, governments should establish a decentralised network of mobile forensic units and specialised mini-laboratories at the district level. Such an expansion addresses directly the personnel shortage and technological deficit that currently stall ballistic, chemical and digital evidence analysis. At the same time, the requirement of audio-video recording of searches and seizures must be integrated into court data pipelines. By expanding secure, government-hosted platforms, field police units can upload encrypted, timestamped electronic logs to a unified database, which removes physical transit delays and provides a tamper-proof digital chain of custody, so that remote or underfunded jurisdictions can meet document-supply and evidentiary deadlines.

Overcoming decades of tolerance for litigious stalling also requires a structural division of police work and closer tracking of executive action. State governments should enforce the long-recommended separation of the law-and-order wing from the crime-investigation wing across major police stations. Insulating investigating officers from routine crowd-control and

²⁴ *Id.* § 173(3).

²⁵ *Id.* § 230 (copies of the police report and connected documents to be furnished to the accused and to the victim without delay and in no case beyond 14 days from the date of production or appearance of the accused).

²⁶ *Id.* §§ 251(1), 258(1).

protection duties would allow them to work as dedicated, specialised teams capable of meeting the 14-day preliminary enquiry window under Section 173(3). To complement that division, the judiciary can use data analytics on the National Judicial Data Grid to monitor compliance. If an investigating officer fails to supply case documents within 14 days, or if counsel seeks a non-emergency adjournment that breaches a statutory timeline, the system can trigger alerts to the supervising Superintendent of Police or to the presiding High Court. That would turn the timelines of the BNSS from a paper promise into an actively monitored obligation and, over time, reshape professional legal culture in India.²⁷

III. CONCLUSION

The introduction of strict statutory timelines in the Bharatiya Nagarik Suraksha Sanhita marks a significant shift in India's criminal justice system, from a culture of procedural flexibility towards one of temporal discipline. As this research has shown, the systemic delays that characterised the earlier regime under the Code of Criminal Procedure carried a heavy social cost. Prolonged litigation subjected untried individuals to psychological harm during extended periods of incarceration and eroded public trust in the judiciary's capacity to deliver timely remedies. By converting the right to a speedy trial, a doctrine carved out by the Supreme Court of India through its expansive reading of Article 21, from a judicial principle into an explicit statutory mandate, the BNSS honours in form the compact between the state and its citizens. The comparative mapping of these legislative changes reveals a clear parliamentary intent to eliminate tactical delay, enforce accountability at the pre-trial stage and establish an accelerated, uniform procedural framework designed to make swift justice a concrete reality rather than an elusive constitutional ideal.

The transition from statutory text to real-world enforcement, however, reveals a gap between legislative intent and institutional readiness. The ambitious deadlines for framing charges, supplying documents and pronouncing judgment risk becoming empty promises unless India addresses the structural weaknesses of its legal system: severe judicial vacancies, underfunded forensic infrastructure, a persistent digital divide and an over-extended police force. Accelerated timelines alone cannot deliver fair outcomes if courtrooms remain overburdened and investigating agencies lack the tools to maintain a secure, high-technology digital chain of custody. True reform therefore requires a composite strategy: strict judicial recruitment calendars, district-level case-sifting mechanisms, investment in decentralised forensic units, and a separation of police wings that insulates criminal investigators from routine law-and-order

²⁷ Sumit Nain, *Role of Police in Criminal Justice System: A Study in Indian Perspectives*, 12 IJCRT e663, e667 (2024).

duties. The BNSS can restore public confidence and safeguard due process only if the legislative changes are matched by a commitment to institutional reform, so that the pursuit of speed does not compromise the core values of justice and structural equity.

That institutional transformation is the mechanism through which the state can repair the deep social and psychological damage caused by decades of judicial delay. Reversing the loss of public faith in the legal system cannot be achieved by superficial textual adjustment or statutory promise alone; it requires the visible, reliable delivery of prompt and fair justice. By anchoring the mandatory timelines of the Bharatiya Nagarik Suraksha Sanhita within a modernised, well-funded and structurally sound judicial infrastructure, the law ceases to be an instrument of systemic exhaustion and becomes instead a protection for individual liberty. When an accused person is no longer subject to indefinite pre-trial detention, and victims are assured of a definitive, timely resolution, the harm of legal limbo is reduced. Optimising these institutional dynamics is what gives practical life to the constitutional guarantee of Article 21, restores the dignity of the litigant, vindicates the rule of law and rebuilds the foundational trust between Indian society and its criminal justice institutions.
