

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

---

**Volume 4 | Issue 4**

---

**2021**

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

---

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Justice Delayed is Justice Denied

---

SHREYA BHADAURIA<sup>1</sup>

## ABSTRACT

*Today if we look at the situation of the court there will be plethora of emotions that comes up along with cruel reality of the people of India, which is a big part of it is still to be uneducated and illiterate people, who have to spend the money to get this wheel of justice in motion, and again, year after year and over the decades and still have to wait for justice at the end of the night.*

*Should we proud to have witnessed the suspension of Nirbhaya offenders, or to change the resolution of the Ram mandir conflict? This is exactly where it hurts. The problem is, how do you define honesty? What is justice for us and what do we expect.*

*Acid attacks, rapes, murders, extortion, fraud, deceit, murder and all of that. It's like a comic book I read with my coffee in the morning, while I hold the paper in place. Believe me when I tell you that it is already a normal thing to do. The wheels of justice are slow, the criminal, however, the inertia would be an "exaggeration".*

*"Justice, as in the case of perishable property, to be good, you can do it too long, will cease to value. If you do it long enough, it loses its meaning".*

**Keywords-** Justice, Exaggeration, Delayed Action Syndrome, Portable Infrastructure.

## I. INTRODUCTION

Today if we look at the situation of the court there will be plethora of emotions that comes up along with cruel reality of the people of India, which is a big part of it is still to be uneducated and illiterate people, who have to spend the money to get **this wheel of justice in motion, and again, year after year and over the decades and still have to wait for justice at the end of the night.**

**Justice is the insurance we have in our lives, and obedience is the premium we pay.**

Should we proud to have witnessed the suspension of Nirbhaya offenders, or to change the resolution of the Ram mandir conflict? This is exactly where it hurts.

---

<sup>1</sup> Author is a student at Galgotias University, India.

The problem is, how do you define honesty? What is justice for us and what do we expect.

Or the ministry of justice, for us, it is a piece of paper to be signed by the president of the court, a decision that will punish those who are responsible for the commission of an offence, or, perhaps, it will be a decision that we have been waiting for it for many years to come. And once that's done, we'll go out and tell the world that justice has finally been served. Well, contrary to popular belief, justice doesn't mean anything to me."

If you would like to know is, in my opinion, and I'm using the same concept of justice. The definition of justice, it is so narrowly construed as to cover, in ink, and paper, and after a long-term situation in which the victims die, and the defendant has, over the course of many years in prison, only to deal with the wrath of a system of delay in the administration of justice, it does not mean that justice has to be for me.

Acid attacks, rapes, murders, extortion, fraud, deceit, murder and all of that. It's like a comic book I read with my coffee in the morning, while I hold the paper in place. Believe me when I tell you that it is already a normal thing to do. **The wheels of justice are slow, the criminal, however, the inertia would be an "exaggeration"**.

In the process of the attainment of justice, these people are destitute due to the regulators, and lawyers, who have the rights to their citizens, and to protect it against extreme poverty.

And then we have the question of who takes the law into his own hands.

It's the inability to make sense of the fact that that is exactly what they are doing, what they are doing is.

"Justice, as in the case of perishable property, to be good, you can do it too long, will cease to value. If you do it long enough, it loses its meaning"

It is not wrong to say that our legal system has problems with what I like to call a "**delayed action syndrome**", even in the more severe cases, that does not comply with the "Fair Trial" - dispensing mechanism.

#### **(A) India News**

Today, it can take up to 20 years if the case goes from a lower court to a higher court and then to the Supreme Court. Twenty years means more generations of defendants, greater costs and frustrations - a case that takes so long to resolve is the hallmarks of an inefficient and inefficient justice system; any 'justice' brought about after a period of 20 years will have no real meaning to it.

Justice is one of the social goals of society. It is therefore important that the judiciary does its

job properly in any society in order to continue to pursue peace, harmony and progress. Unfortunately, the Indian judiciary, despite its many successes, is facing serious structural problems that prevent it from functioning properly. The hard work of the judiciary, especially those related to delays and backlogs, is well documented and does not need to be repeated. However, it has been in the last few years that these structural problems have been better understood by force due to better data availability.

### **(B) The Truth of Old Ages**

There are many cases where decisions are handed down by the courts after a long period of time. In the murder case of Safdar Hasmi, for example, who was assassinated by political opponents, criminals were punished after 15 long years. In the Tanduri killings, Congress of Delhi Congressman Susil Sarma has been sentenced to death after eight years and six months. He killed Nayna Sahani and destroyed the evidence by burning his body at a hotel in Delhi. In the case of Model Jessica Lal Murder and Madhumita Sharma Murder, the suspects were punished after a long legal battle. The Supreme Court of India is not immune to any delays. Highly recommended - judgment in the Basus case in 1996, known for its guidelines aimed at preventing torture by detainees, took ten years to reach. If the decision takes so long in the Supreme Court what can be expected in the lower jurisdiction?

In the Uphar case it is shocking that it took six years to find that 59 people died as a result of criminal negligence on the part of movie theaters and the Delhi government. It was clear from day one that no one would have died if the movie had followed safety rules but because the wheels of Indian justice were moving at the speed of our national car - a bull cart - it took six years for justice to be done. Also, if the Ansal family and the guilty authorities decide to file a complaint it may be many years before justice is served.

In Jessica Lal's case the situation is worse because justice may not be done. He was shot dead in a bar in Delhi in front of a crowd of onlookers. It was on the basis of their statements that the police set up a case against Manu Sharma and he, himself, fled the scene of the crime and fled for days, something he would not have done if he had not been innocent. However, over time, witnesses to the sudden assassination failed to identify him as a murderer so he is already out on bail and will probably remain free and continue his long and successful career as a politician.

Let's consider some celebrities or rather in the famous cases that have taken the attention of the media and made the whole nation wait for a decision. The first case is in Bombay (Mumbai) the next explosion. The explosion that shook Mumbai was unprecedented. For the first time in

a major city in India, a major explosion occurred. It killed 250 people and injured 700. The incident is believed to have been committed by the company and the tiger is the main surviving suspect, it has taken 13 years for the court to rule on the case. A total of 129 people were arrested, of which 100 were found guilty.

Today there has been another verdict of heavily covered case. Bhopal's tragic gas strike has found all eight suspects guilty. Leakage of lethal methyl isocyanate gas from the Union Carbide plant on December 2 and 3 of 1984 Killed thousands. The chairman of Carbide Corporation of the United States, Warren Anderson, has been announced to be on the run after one of the suspects died during the trial. 25 years of decision in case of killing thousands of Indians.

## **II. CASE WHICH SHOWS WORST POSSIBLE FAILURE OF INDIAN JUDICIAL SYSTEM**

The most inappropriate for the failure of the Indian legal system, from my point of view, the case of the **Machal Lalung**.

Machal Lalung, 23, a resident of Instagram, Assam, belonging to one of the Tiwa tribe, and was arrested and imprisoned on false charges in the spring of 1951. The charge was brought under the article "causing of serious damage to health". As luck would have it, the highly Respected judge has sentenced him to ten years in prison. However, as a result of the disease, and he had to be transferred to Tezpur, for a mental health treatment, and she forgot all about him. (1967). the doctors pronounced him to be healthy, and now this guy has been transferred to Guwahati jail, where he spent approximately 40 years of age.

Its the only way to attract attention, until there was a local group and brought it to the attention of the National Commission for human Rights. It was released in 2005 for a crime he didn't commit, and his age at the time of its release, it was 77 or more. The Supreme Court has issued an order with respect to the State of Assam to the compensation of damages, and the monthly benefit for him.

It's a shame that Machal Lalung died in 2007. All I'm asking is, what it isn't, it is ???? or, the Indian justice system? The most reliable date for the freedom of an innocent person has been taken into custody, and released when it was 77 years and above, was imprisoned for four decades now, and we will use it may still be subject only to the judges ' cards for the improvement of the decision-making process. Has there been any backlash?

## **III. PRACTICAL APPLICATION**

Barrister of Canada wrote that "Delays in issuing judicial reasons are the # 1 disease that afflicts judges." The Chief Justice of the Supreme Court of British Columbia, John Owen Wilson, [28]

wrote of delays in the delivery of decisions:

"The public has a right to expect a judge to make a decision

The defendants expect, and rightly expect, that the judge will soon release them from the uncertainty of existence until a decision is made.

"That doesn't mean it's better to be faster than right .... The goal is to be faster and better."

Justice Wilson clearly states: "Monthly delays are common. Two-month delays are far away. And three months is too long."

Effective decision-making - and avoiding unnecessary doubts while maintaining the accuracy and integrity of the decision-making process - has an impact on law and order. When faced with a particularly severe delay, the plaintiff and the attorney were placed between 'a rock and a hard place.' There are concerns about retaliation and causing shootings in the messenger's response. There is little remedy if there is one, and there is a risk that even an investigation will provoke adverse effects.

The Latin legal Act *Actus curiæ neminem gravabit*, meaning that the Court's action is impartial, applies only when the situation is secure because the Court is under obligation to put an end to any misconduct perpetrated against the party by the Court's own action. Therefore, court delays should not discriminate against party rights, which is a well-planned system.

#### **IV. THE NEED OF AN HOUR**

There is no point in commenting on the absence of truth. What we really need is a practical approach and practical steps to ensure that the east to the right level delays in the delivery of justice are reduced. clearly stated, other solutions that can speed up the process can be.

(a) Increase the number and appoint suitable judges

We know for sure that our judiciary is better qualified. However, when there is a move to increase the number of judges, to increase the number of courtrooms, it is also important that we choose to appoint the most competent and prudent judges.

(b) Submit Tribunals and incomplete judicial bodies

There is a great need to expand the courts and judiciary especially where the number of cases has increased at an unprecedented rate, for example, to bring courts to resolve property-related claims, the introduction of a separate justice team dedicated to technical issues will also reduce the burden on heavier courts.

(c) Upgrade portable infrastructure and technology

It is often quoted that the infrastructure of the lower courts should be improved; however it is not only a complaint of tangible infrastructure, but also technical infrastructure. In a comprehensive analysis we can see that it is the reputable courts that are not technically efficient. The introduction of online litigation systems, returns, documents and, if possible, litigation such as room matters, personal involvement, will not go down in court, will avoid unnecessary delays in the process and will speed up the delivery of justice.

(d) Debt settlement tab

It is not impossible to set a tab limit to resolve disputes. Bench can insist on resolving cases as soon as possible within six to eight months which is the best time to resolve disputes. Such a tab may not be strictly followed, all the time but at least it will appear as a start to reduce unnecessary delays caused.

## **V. CONCLUSION**

I strongly oppose and disagree with people, optimistic for the benefit of the design decisions that are based on the latest cases "???" of justice". To put it more correctly, in my own words, as far as I can tell, " the law, as in the case of perishable property, to the right, you can keep it for too long, it ceases to be meaningful. If you do it long enough, it loses its meaning."

Delay of justice, it is not only a mockery of the Law, it would tear to pieces the whole of the substance, which is inextricably linked with each other, combining our faith in the mechanisms of Justice and the judiciary of the state.

Anglo-Saxon law is followed in many countries and has brought good results worldwide. But in India, we humans, have failed to take advantage of it, and have become a laughingstock in the world. We all suspect that legal delays are a stumbling block to progress. But we should try to correct the errors of the system, and by restoring part of its glory. Only then will we reap its fruitage. Introducing reforms, as well as improving the system, requires strong political will and the allocation of needed funds from government. Until then the changes will remain on paper only and are not plagued by the customer. Last but not least "Cutting the knot for gorgians has always been a strong nut for cracking." Which means it's not easy to solve a complex problem.

\*\*\*\*\*