

Unwarranted delays in dispensation of justice undermine the credibility of the entire justice delivery system, says Justice M R Shah, Judge, Supreme Court of India

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Gandhinagar, January 20, 2020: Hon'ble Mr Justice M. R. Shah, Judge, Supreme Court of India delivered a Public Lecture on "**Challenges faced by the Indian Judiciary**" at Gujarat National Law University, today. The lecture was organised under the aegis of GNLU-Navinchandra Desai Law Foundation Chair.

Justice M. R. Shah said that **delay in dispensation of justice** is one of the major challenges faced by the Indian judiciary. He said, "Justice Delivery System in India is described by technical procedures with characteristics of the adversarial system with accompanying delays, arrears and taxing cost. **Unwarranted delays in dispensation of justice undermine the credibility of the entire justice delivery system.** It leads to instances where people are settling disputes on their own, resulting in the emergence of criminal syndicates and mob justice because of loss of confidence of the people in the rule of law and constitutional mechanism."

Justice Shah said that another challenge faced by the Indian Judiciary is to see that the faith of the people in the judicial system is not shaken. He said, "People have put and reposed faith in the courts, judiciary and the justice delivery system. Today, people have faith and trust mainly/only in the judiciary. They come with high hopes. They come to the Court considering the court as a "Temple of Justice". Therefore, it is the duty of the judiciary to rise to the occasion and see to it that the faith and trust of the people in the judiciary are not shaken."

Justice Shah said that while it is said that "**Justice denied is justice delayed**", it is equally true that "**Justice hurried is justice buried**". Therefore, the judiciary has to strike a balance between the two. He said that citizens are justified in expecting speedy justice. But, at the same time, the judiciary is required to follow the due procedure of law. Nobody can be punished without a fair trial. Justice cannot be instant. "In the pursuit of expeditious disposal, the cause of justice must never be allowed to suffer or be sacrificed. What is paramount is the cause of justice and keeping the basic ingredients which secure that as a core idea and ideal," he added.

Justice Shah said that other problems faced by the Indian judiciary are huge vacancies in courts, deficient court infrastructure and unfavourable working conditions in court, heavy pendency of backlog of cases, relatively less disposal rate and high institution rate resulting in further piling up of cases by seeking frequent adjournments, assignment of administrative work to judges, etc., which can be attributed to population over

breaking, social and economic inequality among citizens and lack of adequate public infrastructure and deficient Alternative Dispute Resolution mechanism at the threshold level of governance.

Citing pendency of cases as one of the primary issues of the Indian Judicial System, Justice Shah said, “If the vacancies are filled, pendency would go down and make justice delivery system efficient. The Budget allocation for the judiciary is just 0.2 per cent of the GDP. **The Judge-population ratio is 10.5/11 to one million, which should be at least 50-55 to one million.**”

Another challenge before the Indian judiciary is access to justice to the citizens at a lower cost. Justice Shah said, unfortunately, the litigation is becoming more expensive. It is said that it is very difficult for a poor to go to court. In general, when the victim is not economically well-off, they need to suffer as they are financially weak.... The judiciary is accused of the allegation that, in the present justice delivery system, a rich can easily afford expensive lawyers and change the course of the dispensation of justice in their favour.”

Justice Shah congratulated the GNLU alumni, who are recently recruited as judges and felicitated them. He said that I am told that this year, 23 students of GNLU are selected as judges and till date, GNLU has contributed nearly 100 judges to the judiciary in different states in the country. He said to these newly-appointed judges that “You should be thankful to God that God has given you this opportunity to serve as a judge. The duty of a judge is a pious duty.... God has selected you and has reposed trust and faith in you. Therefore, it is your bounden duty to see that there is no breach of trust and faith reposed by God. Therefore, you are required to perform your duty with all commitment and without fear or favour.

On this occasion, **GNLU Journal of Law and Politics** was also formally released by the dignitaries.

On this occasion, Justice Mohit Shah, Retired Chief Justice of Bombay High Court, Justice Chhaya and Justice Shastri of Gujarat High Court, Mr Dinesh Vora, Principal District Judge, Gandhinagar, Mr D M Vyas, Legal Secretary, Government of Gujarat, Mr Shirish Sanjanwala, Senior Advocate, Mr Yain Oza, President, Gujarat High Court Advocates Association and several other Advocates were present

Mr Prashant Desai, Senior Advocate and Mr Pranav Desai, Advocate, High Court of Gujarat, who are the Trustees of Navinchandra Desai Law Foundation Trust, were also present.

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