THE RIGHT TO TIME: JUDICIAL DELAY AS A VIOLATION OF ARTICLE 21 OF THE CONSTITUTION OF INDIA

With Special Reference to the Ajmer Sex Scandal Case

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ABSTRACT

Can a justice system that takes years—sometimes decades—to resolve a case still claim to be protecting personal liberty? This article argues it cannot, at least not in full. Article 21 of the Constitution of India[3] guarantees not merely the bare fact of life but its quality: a life lived with dignity, free from arbitrary and Severe state action. The Supreme Court of India, over decades of constitutional interpretation, has drawn from this guarantee a ***right to a speedy trial****—a right that places an Authorized duty on the State to conduct and conclude proceedings within a reasonable time. Despite this clear doctrinal foundation, India's courts carried close to five crore pending cases as of March 2026, and its prisons held nearly four lakh undertrial prisoners. The* ***Ajmer Sex Scandal Case (1992)*** *stands as one of the harsh illustrations of what happens when that right is ignored: victims relived their trauma across years of adjournments, evidence weakened with every postponement, and justice, when it finally arrived, had been diluted by time. This article examines the constitutional basis for the right to timely justice, the structural reasons why that right is so persistently breached, and the reforms that could, realistically, close the gap between what Article 21 promises and what the system actually delivers.*

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[3]INDIA CONST. art. 21 ("No person shall be deprived of his life or personal liberty except according to procedure established by law.").

INTRODUCTION: WHEN DELAY BECOMES A CONSTITUTIONAL WRONG

There is a quiet violence in a justice system that keeps people waiting. It does not announce itself. It builds slowly, one adjournment at a time, one postponed date at a time, until years have passed and the harm has become irreversible. For the victim of a serious crime, delay means unresolved trauma and denied closure. For the undertrial prisoner, it can mean spending more time behind bars than the law would ever permit as punishment. For witnesses, it means fading memory and growing fear. For the accused who is ultimately acquitted, it means years of liberty lost to a process that never produced a verdict.

The Constitution of India does not ignore this problem. Article 21, which protects the right to life and personal liberty, has been interpreted by the Supreme Court to include the right to a speedy trial—a guarantee that imposes a positive obligation on the State to resolve criminal proceedings without unreasonable delay. The doctrinal journey from *Hussainara Khatoon*[4] in 1980 to the bail jurisprudence of 2025 reflects a consistent judicial message: delay is not a scheduling inconvenience; it is a constitutional injury.

Yet the gap between this constitutional promise and the ground reality has rarely been wider. The National Judicial Data Grid recorded 4,86,71,770 pending cases across district courts on March 27, 2026, including 48,74,316 matters classified as excessively old.[5] Parliament was told in February 2026 that 3,89,910 undertrial prisoners remained in custody as of December 31, 2023.[6] These are not abstract statistics. Each number represents a person whose life is on hold because a justice system built to protect their rights has not yet found the time to hear them.

This article examines three interconnected questions. What does Article 21 actually require in terms of timely justice? Why does the system fail so consistently to deliver it? And what would meaningful reform look like? Throughout, the Ajmer Sex Scandal Case serves as a sustained

[4]Hussainara Khatoon & Ors. v. Home Sec'y, State of Bihar, (1980) 1 SCC 81 (India).

[5]Nat'l Jud. Data Grid, District Court of India Dashboard (snapshot displayed Mar. 27, 2026) (recording 4,86,71,770 total pending cases, 21,04,742 undated cases, and 48,74,316 excessive-dated cases).

[6]Lok Sabha Unstarred Q. No. 2398, Undertrial Prisoners and Measures for Expedited Release (Feb. 13, 2026), Ministry of Law & Justice Reply, Annexures A & B (reporting 3,89,910 undertrial prisoners as of Dec. 31, 2023, and 1,35,237 releases across 2021–2025).

illustration—a case where every failure that theory predicts was visible in practice, and where the cost of those failures was borne most heavily by those who were already the most vulnerable.

THE CONSTITUTIONAL FRAMEWORK: ARTICLE 21 AND ITS EXPANDING SCOPE

A. The Textual Foundation

Article 21 states: "No person shall be deprived of his life or personal liberty except according to procedure established by law." That phrase says nothing explicit about time. It does not mention speed, adjournments, or case backlogs. Its text is deceptively simple. The transformation of that text into a living constitutional guarantee for timely justice was the work of the Supreme Court over several decades.

The first decisive shift came in *Maneka Gandhi v. Union of India*[7], where the Court held that any procedure established by law must be just, fair, and reasonable. A procedure that strips a person of liberty through prolonged restraint without trial satisfies none of those criteria. The logical implication—though it took a few more years to be stated explicitly—was that unreasonable delay can itself violate Article 21.

B. The Hussainara Khatoon Breakthrough

The Supreme Court made that implication explicit in *Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar*. The case arose from a straightforward and shocking fact: thousands of undertrial prisoners in Bihar had spent more time in jail awaiting trial than they could ever have served if convicted of the offences alleged. The Court treated this not as a regrettable administrative failure but as a direct violation of Article 21. Liberty, the Court held, cannot be held hostage to institutional inertia. The second batch of *Hussainara Khatoon*[8] reinforced and extended this reasoning. Together, the decisions established a clear constitutional rule: the State has an affirmative duty to conduct trials within a reasonable time. Where it fails to do so, the Denial of

[7]Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India) (holding that any procedure curtailing life or personal liberty must be just, fair, and reasonable).

[8]Hussainara Khatoon & Ors. v. Home Sec'y, State of Bihar, (1980) 1 SCC 98 (India).

liberty ceases to be "according to procedure established by law" and becomes, instead, unconstitutional detention.

C. Refining the Doctrine

The doctrine gained further texture in *A.R. Antulay v. R.S. Nayak*[9], where the Court recognized speedy trial as an essential feature of criminal justice and identified factors relevant to assessing unreasonable delay: the nature and gravity of the offence, the complexity of the case, the conduct of the parties, and the systemic capacity of the court. This approach was flexible, but firm: delay that causes real prejudice can constitute a constitutional violation.

Cases including *Common Cause v. Union of India*[10] and *Raj Deo Sharma v. State of Bihar*[11] tested whether these principles could be converted into hard universal deadlines. The Supreme Court ultimately answered that question in *P. Ramachandra Rao v. State of Karnataka*[12]: rigid time limits are neither practical nor desirable, because the complexity of cases varies Substantially What the Constitution requires is not uniformity but reasonableness. The constitutional floor remains: unreasonable delay violates Article 21, and that right is enforceable.

THE AJMER SEX SCANDAL CASE: A STUDY IN SYSTEMIC FAILURE

A. The Crime and Its Context

The Ajmer Sex Scandal Case, which first came to public attention in 1992, is one of the most disturbing illustrations of how the criminal justice system can fail victims at every stage. The case involved the systematic sexual exploitation of numerous young schoolgirls in Ajmer, Rajasthan. Perpetrators—who included individuals with significant local influence—used a calculated method of manipulation: befriending young victims, building emotional dependence, photographing them in compromising situations, and then using those photographs as instruments of blackmail to force continued exploitation and, in many instances, to recruit additional victims into the same cycle of abuse.

[9]A.R. Antulay v. R.S. Nayak, (1988) 2 SCC 602 (India).

[10]Common Cause (A Regd. Soc'y) v. Union of India, (1996) 1 SCC 753 (India).

[11]Raj Deo Sharma v. State of Bihar, (1998) 7 SCC 507 (India).

[12]P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578 (India).

The scale of the exploitation, the vulnerability of the victims, and the organized nature of the conduct demanded swift and decisive action from law enforcement and the courts. What followed instead was a prolonged institutional failure that compounded the original harm many times over.

B. Delay at Every Stage

The failures began before the first police report was filed. Victims were silenced by a combination of shame, fear of social Rejection and the perceived power of their abusers. When reports were eventually made, the law enforcement response was neither prompt nor sensitive. Delay in the registration of First Information Reports—in breach of the mandatory reporting obligation under Section 154 of the Code of Criminal Procedure[13]—meant that the investigative window was already compromised before it properly opened. Evidence that should have been collected in the first hours and days was either lost or weakened.

The investigation that followed lacked both urgency and victim-centeredness. Victims received inadequate protection during the process. The collection of forensic and testimonial evidence was neither comprehensive nor timely. By the time the matter reached trial, the systemic pattern of adjournment-heavy proceedings had taken hold. Cases were postponed repeatedly. Day-to-day hearings—the standard the Code of Criminal Procedure contemplates for serious matters—rarely materialized. Witnesses who had already endured the original trauma were called back again and again, facing a process that seemed to offer them little protection and no end in sight.

The cost was not merely procedural. Memories faded. Testimonies became less precise. Some witnesses turned hostile, whether from fear, exhaustion, or the relentless passage of time. The forensic and evidentiary foundation of the prosecution weakened with each passing year. What began as a well-documented criminal enterprise became, through institutional delay, a harder case to prove.

C. The Constitutional Dimension

Viewed through the lens of Article 21, the Ajmer case is not simply a story of poor case management. It is a story of constitutional failure. The victims had a right not only to see their

[13]Code of Criminal Procedure, 1973, § 309 (India) (directing courts to proceed day to day and avoid unnecessary adjournments; each adjournment shall not exceed 30 days).

perpetrators prosecuted but to have that prosecution completed within a time that preserved its meaning and their dignity. That right was violated.

The accused, for their part, faced prolonged uncertainty about their fate. That too is a dimension that the right to a speedy trial addresses, because the presumption of innocence is not merely a legal formula—it has real meaning only if trial concludes within a reasonable time.

The Ajmer case also illustrates the particular harm that delay inflicts in matters involving sexual violence. Survivors of such offences carry the psychological weight of what happened to them. A justice system that asks them to carry that weight for years without closure is not passive. It is, in the language the Supreme Court has used, inflicting further injury. The delay transformed a legal process that should have been a path toward justice into a continuing source of suffering. Justice in this case was not merely delayed. It was diluted.

THE LEGAL FRAMEWORK FOR TIMELY JUSTICE

A. Substantive Criminal Law

The conduct at the heart of the Ajmer case falls within well-established provisions of the Indian Penal Code. Rape, criminal intimidation, criminal conspiracy, and offences against the modesty of women are clearly defined and Punished. These provisions set the legal standard; they do not, by themselves, ensure that prosecutions will be completed on time.

B. Procedural Safeguards

The Bhartiya Nagarik Suraksha Sanhita contains provisions specifically designed to prevent the kind of delay that affected the Ajmer prosecution. Section 154 requires prompt registration of FIRs. Section 173 mandates that investigations be completed and charge sheets filed without unnecessary delay. Section 309 is particularly important: it directs courts to hear cases from day to day once witness examination has begun, to avoid adjournments wherever possible, and to ensure that when an adjournment is unavoidable it does not exceed thirty days. These are statutory commands, not aspirational targets. Their consistent breach in cases across India—including in the Ajmer prosecution—reflects not a gap in the law but a gap in enforcement and institutional culture.

C. Special Legislation

Parliament has increasingly recognized the need for time-bound proceedings in cases involving vulnerable victims. The Protection of Children from Sexual Offences Act introduced child-friendly procedures and directed that trials be completed within one year wherever possible—an acknowledgment that for child victims, delay is itself a form of harm. The Legal Services Authorities Act ensures that legal aid is not withheld from those who cannot afford private representation, addressing one structural cause of delay for underrepresented parties. The protective architecture existed even in the Ajmer case. What failed was its application.

JUDICIAL PRECEDENTS AND THE MODERN POSITION

A. The Core Line of Cases

The line of cases from *Hussainara Khatoon* to *P. Ramachandra Rao* establishes the doctrinal framework with reasonable clarity. The right to a speedy trial is a fundamental right derived from Article 21. It applies to both the accused and, by implication, to victims who have a legitimate interest in timely resolution. The right does not translate into a fixed deadline, but it does impose a constitutional floor: delay that is excessive, that has caused real prejudice, and that is not justified by the nature or complexity of the case can ground a constitutional claim.

The Court reinforced this reasoning in *Kadra Pahadiya v. State of Bihar*[14], directing immediate steps to expedite proceedings for undertrial prisoners whose continued detention had become constitutionally unjustifiable. In *Thana Singh v. Central Bureau of Narcotics*[15], the Court dealt with delay in narcotics prosecutions and restated the principle that pre-trial process cannot become de facto punishment.

B. The Modern Bail Jurisprudence

The speedy-trial doctrine has found its most practical recent expression in bail jurisprudence. In *Union of India v. K.A. Najeeb*[16], the Court made a point of Continuing relevance: even where a special statute imposes strict bail conditions, the constitutional right to liberty cannot be

[14]Kadra Pahadiya v. State of Bihar, (1981) 3 SCC 671 (India).

[15]Thana Singh v. Cent. Bureau of Narcotics, (2013) 2 SCC 590 (India).

[16]Union of India v. K.A. Najeeb, (2021) 3 SCC 713 (India).

indefinitely suspended merely because a trial has not concluded. When the prospect of timely completion becomes remote, continued incarceration may lose its constitutional justification.

That logic was developed in *Satender Kumar Antil v. CBI*[17], which gave the system a more structured approach to arrest and bail, treating delay in trial as a relevant factor in the bail calculus. More recently, *Mohd. Muslim @ Hussain v. State (NCT of Delhi)*[18] and *Javed Gulam Nabi Shaikh v. State of Maharashtra*[19] repeated the message that prolonged Detention without conviction can itself constitute a constitutional problem, regardless of the seriousness of the underlying allegation.

The 2025 decisions continue this trend. In *Tapas Kumar Palit v. State of Chhattisgarh*[20] and *CBI v. Dayamoy Mahato*[21], the Court factored the pace of trial—or the absence of meaningful progress—into decisions about liberty. These are not cases where the Court ignored the gravity of allegations. They are cases where the Court refused to let gravity become an indefinite license for pre-trial detention. In *Hussain & Anr. v. Union of India*[22], the Court reaffirmed that speedy trial is part of the constitutional architecture of criminal justice, not a dispensable policy preference. The modern Indian position can be stated simply: delay does not automatically end a case, but it can absolutely change its constitutional outcome.

WHAT IS ACTUALLY DRIVING JUDICIAL DELAY

The popular explanation for judicial delay is backlog. That is true, but it is only the symptom. The underlying causes are structural, and they will not be fixed by faster filing systems alone.

Courts carry too many matters per judge. The judge-to-population ratio in India remains far below international benchmarks, meaning that each judge manages a caseload that would challenge systems with far more institutional support. Adjournments remain structurally easy to obtain and procedurally difficult to refuse. Witnesses frequently fail to appear, and consequences for non-appearance are not reliably enforced. In high-stakes prosecutions, forensic laboratory delays and

[17]Satender Kumar Antil v. CBI, (2022) 10 SCC 51 (India).

[18]Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352 (India).

[19]Javed Gulam Nabi Shaikh v. State of Maharashtra, 2024 SCC OnLine SC 1693 (India).

[20]Tapas Kumar Palit v. State of Chhattisgarh, 2025 INSC 222 (India).

[21]CBI v. Dayamoy Mahato, 2025 INSC 1418 (India).

[22]Hussain & Anr. v. Union of India, (2017) 5 SCC 702 (India).

inter-agency coordination failures add months and sometimes years to what should be a clean investigative timeline. The Ajmer case displayed all of these failures simultaneously.

There is also a political economy of delay that is rarely discussed openly. A slow system benefits those who can afford to wait. It exhausts undertrials, drains the resources of unrepresented parties, and creates pressure for settlement that would not exist in a faster system. Delay is not neutral—it redistributes advantage. This is a structural problem that technology alone cannot solve, because it is rooted in institutional incentives and power asymmetries.

Technology is changing the environment, though not yet fast enough to erase old habits. The government has committed ₹7,210 crore to Phase III of the e-Courts Mission Mode Project, with investment earmarked for artificial intelligence, machine learning, blockchain infrastructure, e-filing, and video conferencing.[23] By September 2025, over 224 crore pages had been digitized in High Courts and 354 crore pages in district and subordinate courts.[24] The e-Prisons portal now generates technology-based alerts to flag undertrial prisoners eligible for release. These are real improvements. But digitisation does not reduce delay unless courts also use the data to triage aged matters, enforce adjournment limits, and act on release alerts promptly. Infrastructure without institutional culture change will simply produce a faster version of the same old slowness.

A COMPARATIVE PERSPECTIVE

India is not the only legal system that has treated delay as a rights problem, but different jurisdictions have reached different conclusions about how to address it.

The United States Supreme Court, in *Barker v. Wingo*[25], adopted a four-factor balancing test: length of delay, reason for delay, assertion of the right, and prejudice caused by the delay. This flexible approach recognizes that context matters, but critics argue it makes the right too difficult to enforce because every case becomes its own negotiation with no structural pressure on the

[23]Press Information Bureau, Ministry of Law & Justice, E-Courts Mission Mode Project Phase III (Feb. 6, 2025) (₹7,210 crore outlay; AI, machine learning, blockchain, digitisation, e-filing, and video conferencing).

[24]Press Information Bureau, Ministry of Law & Justice, Digitalization of Publicly Available Records (Dec. 4, 2025) (reporting digitisation of 224 crore pages in High Courts and 354 crore pages in district and subordinate courts as of Sept. 30, 2025).

[25]Barker v. Wingo, 407 U.S. 514 (1972) (U.S.) (adopting a four-factor balancing test: length of delay, reason for delay, assertion of the right, and prejudice to the accused).

system. Canada moved in a more structural direction in *R. v. Jordan*[26], where the Supreme Court imposed presumptive ceilings—18 months for Provincial Court and 30 months for Superior Court. Delays beyond those ceilings are presumed unreasonable. This approach forces institutions to internalize delay as a cost, though critics argue it can lead to stays in serious prosecutions where delay reflects genuine complexity.

The European Court of Human Rights, in *Kudtła v. Poland*[27], held that Article 6 of the European Convention requires states to organize their judicial systems to comply with the reasonable-time requirement, and that domestic remedies must be effective. A declaration of violation without a remedy is insufficient.

India sits between these models. It has not adopted hard ceilings, but it has not reduced the right to a purely discretionary balancing exercise either. The Article 21 doctrine is flexible but firm: unreasonable delay violates the Constitution and the violation is justiciable. The comparative lesson is that flexibility without institutional accountability produces uneven enforcement. Unless courts measure delay, publish it, and face consequences for it, constitutional language alone will not shorten the wait.

WHAT MEANINGFUL REFORM WOULD LOOK LIKE

Reform conversations in India tend to default to two proposals: more judges and more technology. Both are necessary. Neither is sufficient on its own.

The most immediate need is active case triage. Old cases do not become urgent simply by aging; they require a judicial hand that identifies the oldest matters, sets firm hearing dates, controls adjournments, and tracks progress against a realistic disposal plan. Courts that manage their dockets proactively reduce delay as a matter of institutional habit rather than individual effort.

Adjournment discipline is essential. Section 309 of the Code of Criminal Procedure already prohibits unnecessary adjournments and caps intervals between hearings at thirty days. The

[26]R. v. Jordan, 2016 SCC 27, [2016] 1 S.C.R. 631 (Can.) (imposing presumptive ceilings of 18 months for Provincial Court and 30 months for Superior Court matters).

[27]Kudtła v. Poland, App. No. 30210/96, Eur. Ct. H.R. (Grand Chamber Oct. 26, 2000) (holding that Article 6 ECHR requires states to organize judicial systems so that courts can comply with the reasonable-time requirement).

problem is that courts routinely grant adjournments beyond those limits without consequence. Stricter enforcement of existing law, combined with accountability audits for individual courts' adjournment records, would change institutional behaviour more effectively than new legislation.

Fast-track courts must be expanded and properly resourced for cases involving sexual offences, crimes against children, and matters involving vulnerable victims. The experience of the Ajmer case—where victims waited years for a conclusion—illustrates precisely the category of matter for which fast-track mechanisms were designed. But these courts require trained personnel, adequate infrastructure, and genuine insulation from the general backlog to function as intended.

On the technology side, investment in e-courts and digitisation should be directed toward outcomes rather than inputs. The test is not how many pages have been scanned; it is whether disposal times have come down, whether undertrial alerts are acted upon promptly, and whether case management analytics are being used to drive judicial resource allocation. Technology that does not change outcomes is not reform; it is expensive record-keeping.

Victim-centered reforms are equally critical. Adequate legal aid, witness protection, and psychological support for survivors of serious offences can improve participation in the judicial process and reduce delay caused by witness attrition. These are not peripheral concerns. They go directly to the evidentiary quality of the prosecution and, ultimately, to whether justice delivered years after the fact still means something to the people who needed it.

CRITICAL PERSPECTIVES

A fair analysis cannot pretend that speed is the only constitutional value at stake. Complex cases—organized crime, financial fraud, terrorism, multi-accused prosecutions—take time because thoroughness requires time. Forcing those cases through an artificial deadline risks producing verdicts that are fast but wrong. That is why *P. Ramachandra Rao* was right to reject universal rigid limits: a rule that ignores complexity creates its own form of injustice.

There is also a prosecution-side dimension that speedy-trial arguments sometimes overlook. Not all delay is caused by an overburdened State. Defense tactics, strategic adjournment applications, repeated interlocutory challenges, and witness intimidation can all slow proceedings for reasons

not attributable to institutional failure. A doctrine that treats every delay as state failure oversimplifies the reality of adversarial litigation.

The better standard—and the one the Supreme Court has generally applied in practice—is to distinguish avoidable delay from necessary delay. Where delay is caused by institutional failure, poor docket management, or deliberate delay tactics, it is avoidable and the constitutional claim is stronger. Where delay reflects the genuine complexity of establishing facts in a serious case, it is necessary and the constitutional claim is correspondingly weaker. The Constitution does not demand instant justice. It demands meaningful justice, delivered within a time that preserves its value.

CONCLUSION: THE RIGHT TO TIME AS A CONSTITUTIONAL MEASURE

Judicial delay in India is not simply an administrative inconvenience. When sufficiently extreme, it is a constitutional violation—a breach of the right to life and personal liberty that Article 21 of the Constitution of India was written to protect. The Supreme Court has said this clearly and repeatedly, from *Hussainara Khatoon* in 1980 to the bail decisions of 2025. The right to a speedy trial is not aspirational. It is enforceable.

The Ajmer Sex Scandal Case remains one of the most powerful illustrations of what constitutional failure in this area actually looks like. Young victims, exploited by powerful perpetrators, were then subjected to a justice process that took years to conclude, weakened its own evidentiary foundation through delay, and asked survivors to carry their trauma indefinitely while the system found time for them. Justice was eventually done. But justice done many years after it was needed is not the same as justice delivered when it mattered. The delay was not a neutral lapse. It was a substantive constitutional wrong.

Looking ahead, the reform path is clear in outline if not always in execution. Better case management, stricter adjournment discipline, properly resourced fast-track courts, technology directed at outcomes rather than inputs, and victim-centered support systems can together close much of the gap between constitutional promise and institutional reality. None of this requires a new Constitution. It requires institutional seriousness about the one that already exists.

The right to time is ultimately a measure of whether the justice system is serving the Constitution or merely processing it. With nearly five crore pending cases and close to four lakh undertrial prisoners, the gap between the two has become impossible to ignore. The question in 2026 is not whether delay can violate Article 21. The courts have answered that. The question is whether the institutions responsible for delivery are prepared to treat that answer as a mandate for change.