

JUSTICE DELAYED IS JUSTICE DENIED

“Our Rabbis taught: ... The sword comes into the world, because of justice delayed and justice denied...”, quoted by Pirkei Avot- 5:8, a section of the Mishnah leaves an idea expressed by the phrase “Justice delayed is justice denied” written by William Ewart Gladstone, the greatest of English Politicians.

However, there are conflicting accounts of who first noted the phrase. It could be credited to Magna Carta of 1215, clause 40 of which reads, “To no one will we sell, to no one will we refuse or delay, right or justice” or to Martin Luther King Junior’s phrase “justice too long delayed is justice denied “in his “Letter from Birmingham Jail,” smuggled out of jail in 1963, ascribing it to “one of our distinguished jurists”.

The 15th August 1947 is a red-letter day to the Indians. India got freedom on this day at midnight. The last ship carrying British soldiers left India for England. Struggle for independence was thus over on this day. But, to speak the truth, it was only beginning of a struggle-the struggle to live as an independent nation and to establish a democracy based on the ideas of justice, liberty, equality and fraternity. The Preamble to the Indian constitution, inter alia declares that, We the people of India having solemnly resolved to constitute India into a sovereign, socialist, secular, economic, and political. But sixty and plus years after Independence, we have endless laws but not enough justice. The founding fathers of our Constitution placed “Justice” at the highest pedestal and our Preamble to the Constitution placed justice higher than all other features like liberty, equality and fraternity.

In the words of Dr. Cyrus “Justice is a consumer product and must therefore meet the test of confidence, reliability and dependability like any other product if it is to survive market scrutiny. Judicial responsibility, accountability and independence are in every sense inseparable”. Credibility of the judiciary is at stake now due to mounting arrears of cases, delays in disposal and also high cost of obtaining justice. The denial of justice through delay is the biggest mockery of law. It does not amount to mere mockery, the delay in fact kills the entire fabric of justice delivery system of the country.

There was a time when ‘barbarism’ was prominent, Civilization begins to progress through many ups and downs. Today, we have reached, so to speak, the culmination of civilization. The present day society is a victim to the dilatoriness of the process of justice. People unfortunately fall victim to injustice. They suffer day after day- acid attacks, gang rapes, scams which are presently gaining momentum. After six decades of independence the Supreme Court passed orders to stop the sale of acid in local markets to

curb acid attacks on gullible victims. Sati, an evil, practiced in the olden days where several women had to lose their lives was abolished after several moments lead by Raja Ram Mohan Roy. Similar is the case child marriages, still practiced at some corners and also not to forget the 'Harijans'. Also, in Safar Hashmi's case, who was killed by political opponents, criminals were punished after 15 long years. In Tanduri's case, the accused a Delhi leader was convicted with death sentence after 8 years and 6 months. Our farmers, old citizens still have the same landlords and pension problems respectively.

A major portion of the Indian people are very poor and illiterate as well. They come to the court by paying their hard-earned money. They pay to advocates, law clerks day after day, and wait for justice. They pay for court fees, months pass, year after year passes away – they wait for justice gradually becoming destitute by selling their everything to meet the court expenses waiting for justice. Sometimes they even expire without getting justice as I remember reading a story in my childhood – “Bholaram Ka Jeev” where the man's soul passes into the death angel and slides into his pension file. The Dilly-Dally policy in the judiciary makes them deprived of having justice. Thus, justice remains untouched by many victims in the Indian judicial system. The more they do not get relief, the more they lost faith in justice. As a result, people will gradually take law in their own hands, which will lead to a social anarchism, resulting in deep darkness of frustration and futility – nihilism and cynicism all around. Thus, the whole society would be in jeopardy, as entire judicial system would collapse under its own weight.

There are around 10,000 courts in India with crores of pending cases. Now the recent assassination of the social activist Mr. Narendra Chabolkar is an acid test for the common man's patience for delay in justice. Inadequate number of judges is one of the reason behind delay in judicial process. Some colleges have become factory of distribution of law degree. Adjournment by the lawyers is another reason for delay.

Last but not the least, “INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE”.