

The Right to a Speedy and Impartial Trial: Safeguarding Justice

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KEYWORDS

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ABSTRACT

A fair and speedy trial is a key element to safeguarding human dignity, the rule of law and effective access to justice. This right is derived from Article 21 of the Indian Constitution and also has been supported by International Human Rights instruments like ICCPR, UDHR etc. Time frames ensure that accused persons are not held in custody for too long and can be released from financial and emotional distress, and that victims are able to receive justice before evidence is lost or memories fade.

This paper aims to analyse the constitutional principles, laws, and court rulings surrounding the concept of a speedy and fair trial in India, drawing on the provisions of the BNSS, 2023, and Cr.P.C., 1973. It examines the situation with regard to backlogs, vacancies, delayed investigations, repeated adjournments and misuse of procedures in courts, which hinders effective realization of this right. The need for fair hearings, good lawyers and consideration of evidence is also discussed.

The paper calls for better judicial infrastructure and effective case management, along with the expansion of e-courts, accessibility of legal aid and increased accountability to achieve lasting improvement. The implementation of a practical justice system is a prerequisite for ensuring speedy and fair justice, which requires the coordination between courts, investigating agencies, legal practitioners and policy makers.

Introduction

A key principle of justice is that everyone deserves a fair trial without unnecessary delay. This right is recognised in legal systems worldwide, including India's constitutional framework, and is affirmed by international human rights agreements and landmark judicial decisions. The speedy trial is one of the most critical components of the due process as it guarantees that there will be swift

administration of justice and the person accused will not be detained before the hearing. Also, due process is a very important component when it comes to ensuring that the rights of the accused are safeguarded. The saying, "Justice delayed is justice denied," highlights the need for timely judicial processes. The delay in cases may lead to the prolonged stay of an accused without conviction in prison, lack of justice to the victims and loss of

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faith in the judicial system among others. However, we cannot compromise justice for the sake of expediency because justice must be done. The doctrine of due process requires a correct procedure so that no one can be convicted of an offense that he/she never committed and every accused person can get the chance to tell his/her story. Separation of power gives rise to the right to a fair trial since many international documents recognize the right to speedy trial. Fairness and timely proceedings are central to criminal justice in India. Sec. 309 of the Cr.P.C., 1973 and the corresponding Sec. 346 of the BNSS, 2023, seek to prevent unnecessary delays by providing for day-to-day proceedings and regulating adjournments. Similarly, Sec. 436A of the Cr.P.C. and Sec. 479 of the BNSS provide safeguards against prolonged detention of undertrial prisoners, subject to their respective conditions and exceptions. Despite these safeguards, delays remain a serious concern. Heavy caseloads, shortages of judges, repeated adjournments, slow investigations and procedural hurdles can leave accused persons awaiting trial for years, sometimes in custody. As proceedings drag on, evidence may deteriorate, witnesses' memories may fade, and public confidence in the justice system can weaken. At the same time, corruption, political interference, lack of adequate and good quality legal assistance and historically entrenched procedures of racial, legal and class character have made it very difficult to make a case against any offender at all. This paper deals with the right against unnecessary delay of legal proceedings, analyzing legal provisions, judicial precedent, current status, possible ways out and policy

suggestions. Therefore, it is important that the existing legal framework be comprehensively understood and analyzed. The legal framework provides the rules for administering justice and the procedures that need to be followed in the process. In other words, the right to a speedy trial is an integral pillar of a well-founded legal framework as it ensures the protection of the rights of individuals.

Problem Statement

Though Art. 21 of the Constitution of India recognizes the right to speedy trial, yet the same is faced with significant problems arising out of legal delays, pendency of cases, and other inefficient procedures. This results in prolonged detention, legal delays, and decreased faith in the judicial process. This research will focus on the problems involved in this "fundamental right" and the possible reforms that may be done in India.

Literature Review

The Supreme Court recognized the right to a speedy and impartial trial in *H. Khatoun v. S. of Bihar*, 1979 SCC 575 (Orth. at 584), long ago when it characterized the right as a fundamental right under Art. 21 of the Constitution of India. Criteria for assessing undue and inordinate. The criteria for judging undue delay in criminal cases were outlined in the decision in *A. R. Antulay v. R.S. Nayak* (1992). In addition, the principle of avoiding substantial delay in the processing of criminal cases was outlined in *R. D. Sharma v. S. of Bihar* (1998). Further, the Supreme Court of India noted in the decision of *P. Ramachandra Rao v. S. of Karnataka* (2002) that strict time limits for the handling of cases should not be used universally. In addition, Report No. 245 (2014) of the Law Commission of

India studied the problem of judicial backlog and accumulation of pending cases.

Research Gap

In India there are many court judgements and law studies on the need for speedy and fair trial but there is a tremendous disconnect between the adjective elements of this right and its practical application. Existing literature tends to be more interested in legal aspects and precedent cases and not so much in the justice sector reforms, digital courts or the effectiveness of legal aid services.

Research Focus

The main aim of the study is to look into the basics of speedy trials and a fair trial, which is a fundamental right guaranteed by “Indian Constitution”. It examines important Jurisprudential maxims of the courts, the main causes of delay in legal proceedings and relevant legal principles.

Various factors such as pending cases, lack of judges, inefficiency in procedures is responsible for delay in Law. The success of the above in ensuring that quick and efficient justice is delivered has been reviewed.

Purpose of the Study

This study is designed to look into the right to a speedy and fair trial as a basic human right guaranteed under Art. 21 of the Constitution of India. The main objective of the study is to study the legal aspects related to this topic and the most important case laws on this topic. Besides, it also tries to find out the major reasons for delays in trials and how such delays affect the rights of the concerned individuals. This study further intends to study the judicial reforms that need to be

undertaken to ensure justice on time.

Research Objectives

1. To analyze the Constitutional and Legal basis of the Right to a Fair Trial within reasonable time in India.
2. To analyze important judgments in connection with the right to speedy trial as envisaged by Art. 21 of the Indian Constitution.
3. To study the factors that cause delays in the judicial process like backlog of cases, deficiency of judges, and inefficiency of procedures.
4. To understand the effect of delay in case proceedings on the rights of the accused and victims.

Research Questions

1. What is the naturally and ethically sanctioned speedy trial procedure in India?
2. How has the right to fast trial been unspoken and overhead by the Indian judiciary through Art. 21 of the Constitution of India?
3. What are the causes of judicial holdup in India?

Scope of the Study

The aim of this study is to analyse the right to speedy and fair trial in the Indian context in detail with its constitutional provision as mentioned in Art. 21 of the Indian Constitution. Secondly, the study will explore reasons for delays in legal proceedings, including the backlog of cases, limited judges, inefficiency of procedures and extended pre-trial detention.

Significance of the Study

This study is important as it highlights the

significance of right to speedy and fair trial, one of the basic rights which is guaranteed by the Art. 21 of the Constitution of India. This study will look at the main reasons for a slowdown in court proceedings and also what effects this slowdown has on the accused, the victim and society in general. In addition, it will highlight the urgent need for reforms in the legal system, effective case management, setting up digital court (e-court), and legal aid to provide justice as fast as possible.

Relevance of the Research

In the context of the current state of the Indian legal system, where the delay in court proceedings and the time required to resolve cases is a significant issue, this study is relevant. This study highlights the importance of the "Right to a speedy trial" which is enshrined under Art. 21 of the Indian Constitution. This research is in the direction of making people realize the problems the defendant and the victim suffer due to delayed justice. This study also emphasizes the need for appropriate legal changes, utilization of new technologies, legal assistance and efficient case management. The findings of this study will contribute to the understanding of students, scholars, lawyers and policy makers on the role of justice in protecting human rights, the rule of law and improving citizens' confidence in the judiciary.

Hypothesis

1. The right to a speedy and fair trial is of utmost importance and a fundamental human right.
2. The right to life and liberty is granted by the

Constitution's 21st Art.

3. To bring the trial speedily in order to prevent the lengthy pre-trial detention and to protect the liberty of the accused.
4. The right to a fair trial assures equality before the law and safeguards the legal rights of both the accused and the victims.

Legal Framework

The right to a speedy and fair trial is provided in modern legal statutes, ensuring that the possibility of legal proceedings taking several years does not occur and making sure that the necessity of a fair court exists. The right to a speedy and fair trial is granted through various constitutional Art.s, statutory laws, and international treaties. The Constitution of India, however, does not provide any explicit right to a speedy trial; yet, the Supreme Court has identified all the important aspects of the right under Art. 21, which gives the right to life and liberty. Moreover, in the case of *H. Khatoun v. State of Bihar* (1979), the Supreme Court ruled that the delay in conducting legal proceedings was in breach of Art. 21. Art. 14 provides the guarantee of equality before the law and states that there shall not be any selectivity or discrimination in the process of conducting legal proceedings. Besides, Art. 39A of the Constitution provides free legal aid to people from the disadvantaged segments of the society so that they cannot be denied justice because of their poor financial condition.

The Cr.P.C. has been superseded by another statute named BNSS enacted in 2023, which is intended to bring into regulation criminal procedures so that the legal procedures can be

made contemporary and effective. The many provisions of BNSS aim at making the process of conducting cases timely and proper. For example, Sec. 187 provides that the case must not unnecessarily be delayed. According to sub-sec. 187(6), the accused who is held under detention before hearing the case for a period over 60 days, shall be released on bail unless there is enough evidence to suspect that he/she will flee. Moreover, according to Sec. 187(2), there is a time limit for police custody either 40 days or 60 days based on the kind of offense. Another important Sec. is Sec. 193(2), which provides an accused person the right to be released on bail ('default bail') if the investigation is not completed within 60 or 90 days based on the kind of offense. As per Sec. 187(2) of the Criminal Procedure Code, the police custody can be extended for a maximum period of 40 days or 60 days as the case may be. Another important Sec. in the code is Sec. 193(2) which enables an accused to walk out of jail on bail if investigation is not conducted within 60/90 days as the case may be. Similarly, Sec. 482 of the code enables the High Court to dismiss/annul any number of pending cases if such are causing avoidable, inordinate and causing harassment to parties and thus ensures that the rule of fair trials prevails. According to the Legal Services Authorities Act, 1987, legal services are provided freely in order to protect any individual from the poorer economic background from being denied justice because of lack of money. There have been numerous international agreements that have helped to bolster the rights of the accused to a speedy and fair trial. Lastly, Art. 7 of the

African Charter on Human and Peoples' Rights (1981) grants the right to a fair hearing without undue delay. The decisions of the courts in India have made it clear that there is a right to a speedy and fair trial. The situation of the accused who has not been tried in the case of H. Khatoon has been highlighted, and the decision has been taken that any undue delay in the legal process infringes upon Art. 21. In the case of A. R. Antulay v. R.S. Nayak (1992), the criteria for the definition of undue delay have been laid down. Moreover, in cases where there is undue delay in the criminal process, the accused is entitled to be released on bail. Reason: Even though there are many ways through which India has been able to ensure the right to a speedy and fair trial, there are many obstacles which come in the way of exercising such a right. Some of the major problems include the huge backlog of cases totaling more than five million. Singh has pointed out yet another major problem within the judicial system of India: that is, the lack of judges. There is a very poor ratio of judges in relation to the total population of India. Also, slow police investigations and poor infrastructure for the conduct of trial contribute to the backlog problem. Some of the most vulnerable and underprivileged people are those kept in pre-trial custody – sometimes even for years – awaiting trials that will never come because of the lethargy of the process and inefficiencies of the system?

In conclusion, all the virtues of the Bill seem overshadowed by the inefficiencies of the system, which serve as barriers to its implementation. In order for India to ensure the basic principle of the

right to a timely and fair trial, there must also be judicial reforms, which include the adoption of technology-based case management, increased reliance on alternative dispute resolution methods, the control of case adjournments, and improved legal aid. Otherwise, the criminal justice system will not be able to ensure that justice is neither delayed nor denied.

Judicial Interpretation and Landmark Cases

The Courts in the country have always laid emphasis on expeditious and fair trial under Art. 21 of the Constitution. The judiciary has been a bulwark against undue delays that can cause suffering to individuals, unnecessary incarceration and unlawful convictions. The right to a speedy trial was recognized by the Supreme Court for the first time in *H. Khatoun v. State of Bihar* (1979) as a fundamental right and released hundreds of pretrial detainees who had spent more time behind bars than the maximum sentence for the offenses of which they were accused. This was an extremely significant decision that laid the foundation for subsequent court rulings. It emphasized that not only must justice be done, but it must also be seen to be done; furthermore, justice should be delivered in a timely manner.

The Supreme Court in the landmark case *A. R. Antulay v. R.S. Nayak* (1992) had given the clarification on the scope of the right to speedy trial. The Court noted that it was impractical to fix a precise date for a trial to end but undue delay would be a violation of the constitutional rights. The court considered a number of factors in deciding whether there was undue delay, such as the nature of the case, the circumstances

surrounding delay and conduct of the prosecution and the defence. And the shortcomings of the legal system. Likewise, in '*R.D. Sharma v. S. of Bihar*' (1998), Supreme Court held that if the delay is inordinate and no explanation is offered, then the accused may be granted bail or the case may be dropped as a long pending case is a form of punishment despite not being a legally imposed punishment.

The Supreme Court has, in *P. Ramachandra Rao v. S. of Karnataka* (2002), issued an important order that has ruled that the time-limit in proceedings before the court cannot be treated as a hard and fast rule, but rather, the court must exercise its discretion so that there is no avoidable delay. The court said: "Undue haste should not be resorted to in the judicial process but at the same time, the onerous burden of unnecessary procedural steps and frequent adjournments must not be permitted to build up to the extent of delaying the object of the judicial process of speedy disposal." In '*Imtiaz Ahmed v. State of U.P.* (2012)', the Supreme Court reiterated this principle and told the government to increase the court strength and also made effort to enhance the infrastructure of the judiciary to decongest the pending cases. It has been recognised that the system, when overstrained, becomes a major impediment to speedy administration of justice.

Judges ruled in cases like '*Sheela Barse v. U. of India*' (1986) and '*Kadra Pahadiya v. S. of Bihar*' (1983) that issues relating to women, children and people lodged in police custody be treated in a special manner so that they are not adversely affected due to administrative weaknesses. In the

case of 'Shaheen Welfare Association v. U. of India' (1996), the Supreme Court had also held that no accused, even for very serious offences such as terrorism, could be held in jail for a longer period of time while awaiting trial. In *Vakil Prasad Singh v. S. of Bihar* (2009) the court held that in a criminal case if there is a delay which is not justified by any reason then the proceedings can be quashed.

This clarified that the right to a fair and speedy trial is not merely a formality, but an essential component of ensuring a proper and impartial hearing.

This is one of the causes of this increasing trend. There has been increased focus on quickening court procedures which is particularly relevant for the defendant (who would otherwise be detained for too long) considering the fact that there is provision in law for "speedy trials." Several times in the past, the courts have stepped in to stop the procedural violations which would otherwise jeopardize the process of justice. With the help of reformist approaches, such as fast-track courts, digital management of cases, dispute resolution mechanism and enactment of new laws BNSS, 2023, the idea is that improvements will be made in the legal system through implementation and infrastructure required for a time-bound judicial process. But obtaining a speedy and fair trial can't be achieved by legal intervention alone. Administrative and legislative changes are needed along with full dedication to justice from the justice delivery system. These concepts are significant not only in the field of law but also because the right to a speedy trial is related to our

fundamental values of liberty and the process of finding truth.

We are not being punished unjustly, and that we are not being considered guilty of committing a crime that hasn't even happened yet.

Breaking Barriers to the Fulfillment of Speedy and Fair Trial Rights

While an expeditious and fair trial not only forms a part of the constitution but also a judicially recognized right, there are many hurdles when it comes to providing and ensuring the availability of these trials for the citizens of India. One major hurdle exists in the judicial system itself: the backlog of cases leads to inevitable delays in case proceedings. With millions of cases waiting for adjudication on different judicial levels, it becomes impossible for the judiciary to conduct hearings of cases in time.

The other important factor that causes prolonged litigation is the delaying strategy used by the lawyers and litigants such as making frequent applications for adjournment, submitting frivolous petitions, and taking advantage of technicalities of law. Such delaying strategies hinder the process of law and thus reduce the efficacy of legal actions. In most cases, the powerful accused and influential groups exploit the process of law to cause delay in justice delivery, and through this process, they compel the weaker party to yield under the stress of protracted litigation. The third reason is the absence of accountability on the part of the investigation and prosecution agencies, which causes incomplete investigations and delays in filing of charges.

The inability of the right to speedy trial is caused

by the absence of funds and inefficiency of the legal aid service especially in poor and underprivileged areas. As a result, there are delays in the delivery of justice because a significant part of the population does not know about its right to be represented in court especially when people come from poor families. There is an overload of prisons with the pre-trial detainees who spend several years in jail and never get their trial because of procedural delays.

With the introduction of laws such as the BNSS in 2023, an effort to address the above challenges through innovations including digital case management, fast track court process, and dispute resolution has been made. However, besides making changes in law, the major difficulty comes with the proper implementation of such laws because structural challenges cannot be sorted out simply by introducing new laws. Another problem is lack of coordination between the judicial, administrative, and legal institutions which leads to difficulties in streamlining the process of criminal justice process.

However, the need for efficiency in this process must be balanced against the requirement for due process. There is an inherent risk that in an attempt to accelerate the pace, essential elements such as proper procedure and fairness in the process might be compromised, potentially leading to an incorrect or unjust outcome. In certain high-profile or politically sensitive cases, pressure to reach a hasty verdict can lead to the conviction of an innocent person or deny them a fair opportunity to present their defense. The influence of the media also poses a challenge, as

press coverage can interfere with the proper course of the judicial process.

Providing swift and impartial justice is crucial for upholding the rule of law and protecting human rights within the judicial system; however, systemic, procedural, and infrastructural constraints make this difficult to achieve.

Addressing these issues requires further judicial reform, greater investment in technology, increased financial support, and enhanced accountability—all of which take time to implement. Until such reforms are realized, the adage that "justice delayed is justice denied" will remain a sad reality for many people seeking justice.

Result

Studies have shown that the right to speedy and fair trial is an important part of the Indian justice system and that the right to speedy trial is guaranteed by Art. 21 of the Constitution of India. It has been found out that there are adverse effects of the delay in criminal proceedings on personal liberty, access to justice, and confidence in the justice system. While the constitutional law, the statutes, and judicial interpretation recognize this right, its effective enforcement has posed some problems. Some cases have made clear the important role of the courts in protecting this right. The speedy trial of a person is now recognized as a basic right of a citizen under Art. 21 of the Constitution in *H. Khatun v. S. of Bihar* (1979). In the case of *A. R. Antulay vs R.S. Nayak* (1992), the court has stated that delay in a criminal trial would have to be decided in each particular case. *R. D. Sharma v. S. of Bihar* (1998)

has stressed upon the importance of avoiding any delay in criminal proceedings. These sentences illustrate the dedication of the justice system to provide justice.

Findings

1. Research shows that lack of speedy justice is due to a combination of factors including legal loopholes, lack of judges, adjournments, slow investigations and procedural inefficiencies.
2. Effect on persons in pre-trial detention: "Long criminal procedures may result in a long pre-trial detention, which is a matter of great concern in terms of the right to personal liberty and freedom of fundamental rights of the persons involved.
3. Necessity of legal reform: "Digital case management, expediting court procedures, better infrastructure, alternative dispute resolution methods and strong legal services – all these are seen as necessary steps to minimize delays.
4. Access to justice is not equitable: People at the extremes of economic vulnerability and marginalisation are dealing with more difficulties, as a result of lack of awareness of the law and court procedures and lack of access to effective legal assistance.

Conclusion

Efficient and fair trial is a basic principle of any legal system, which guarantees protection from being denied or unreasonably delayed of justice. Although the Indian judiciary has enshrined this principle in terms of important judicial precedents and interpretations of the constitution, its

implementation is a complicated task, burdened with problems from systemic inefficiencies and procedural flaws to lack of infrastructure. Prolonged litigation, which may result in miscarriage of justice, occurs due to an overloaded judiciary, judicial vacancies, abuse of laws and their provisions, and lack of technological integration.

Though there have been some legislative measures to address the problem, such as the introduction of BNSS, 2023 along with the use of fast-track courts and electronic case management systems, there is still a gap between the existing legislation and its implementation in practice. However, the process of ensuring expeditious and fair trials cannot be just left at a procedural level because it involves a need for complete judicial reforms in terms of clearing out backlogged cases, improved legal aid services, and provision of investigative procedures as well as alternative means of resolving disputes. Moreover, it is also recognized that the courts must be cautious and refrain from rushing into decisions as it may affect the fairness of the trial and result in injustice to the litigant.

It should be noted that in order to ensure adherence to the concept of natural justice and the rule of law, especially on behalf of vulnerable citizens, a cooperative effort is needed from all the government institutions, judiciary, law enforcement agencies, and legal practitioners.

Suggestions

On the basis of research done on the right to speedy and fair trial in India, the following recommendations have been made for improving

the performance of the judiciary and ensuring the protection of fundamental rights.

1. Prevent Needless Adjournment: The courts must prevent needless adjournments and ensure that the hearing is carried out in accordance with a proper timetable.
2. Enhance Investigation Procedure: The investigation procedure should be done in an efficient manner and reports should be provided on time. Forensic laboratories and scientific investigation methods should be upgraded.
3. Advocacy for the Digitalization of the Courts: Digital case processing, electronic filing of documents, and online hearing should be encouraged. Case details can also be accessed through the internet.
4. Improvement in Legal Aid System: Legal aid must become more available to the poorer and marginalized strata of society, which is done for free. Legal awareness programs should make people aware of their rights and remedies.
5. making sure the laws are implemented efficiently: The current laws as well as judicial decisions concerning speedy justice need to be implemented efficiently.

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