

The Right to Speedy Trial in India: An Analysis of Judicial Development, Causes of Delay, and Implications for Criminal Justice

Khushal Makwana¹ and Ms. Mansi Makwana²

¹Graduated BMS, Certified Trader in BSE and PG in LLB, Founder of Unfold Events Pvt. Ltd.

²BLS LL.B., LL.M. and Diploma in Cyber Laws, Assistant Professor

¹Dayanand Sagar University

²Vasantdada Patil Prathisthan's Law College.

Abstract: *The inclusion of the right to a speedy trial is one of the most important security measures within the criminal justice system. It can guarantee reasonable time of resolution of the criminal cases and securing the individual freedom. In India, the principle has evolved by the way courts have understood it to be a significant section of a fair procedure in Article 21 of the Constitution of India. This paper discusses the delays in court trial and its effect on the justice system. The paper gets to look at the laws, institutional reports, and court decisions, using a doctrinal approach in order to establish the key sources of delay. They are the sluggishness of the courts, issues with investigation and administrative issues. It also evaluates the effect of protracted trials in consideration of the right of defendants, victim needs, and trusts of the citizen in the justice system and necessitates modifications of the processes and institutions to ensure delivery of justice in good time.*

Keywords: the right to speedy trial in India: an analysis of judicial development, causes of delay, and implications for criminal Justice

I. INTRODUCTION

Bail under the Indian legal system is right to liberty i.e. one of the fundamental rights written in the Parts III and IV of the Constitution of India and reinforced by the Articles 22(2). One of the most important postulates of criminal jurisprudence is the assumption that an individual is presumed innocent until he is proven guilty (Dataram Singh v.). State of U.P. (2018))

High levels of investigation and trial delays in the Indian criminal justice system still persist to create high levels of impunity of the undertrial and high level of judicial backlog which is contrary to the constitutional endowment of the right to a speedy trial which is understood as implicit in the right to personal liberty in Article 21 of the Constitution of India (Hussainara Khatoun v.. State of Bihar (1979))

The paper presents an analytical research on delays in the criminal proceedings in the Indian criminal justice system. It explores the consequences that the delays during the procedures cause to individual freedom and to a fair procedure through the lenses of judicial evolution, procedural protection, and structural aspects that cause lengthy trials.

II. OBJECTIVES OF THE STUDY

1. To examine the judicial development of the right to a speedy trial in india.
2. To analyse the structural and procedural causes of delay in criminal trials,
3. To assess the implications of prolonged criminal proceedings on the rights of accused persons and the broader administration of justice.



III. RESEARCH METHODOLOGY

The research paper applies a doctrinal approach of legal research that relies on the discussion of primary and secondary legal sources. The study mainly uses statutory provisions, constitutional provisions and judicial decision that have been made by Supreme Court of India and other High Courts. The study is also based on secondary sources, such as books, journal articles, and institutional reports. These sources are useful in the analysis of structural and procedural reasons responsible in bringing about delays within criminal trials in the Indian criminal justice system.

IV. DEVELOPMENT OF THE RIGHT TO SPEEDY TRIALS IN INDIA

In India, the manner in which the right to a speedy trial has been formulated is primarily by judicial expression of Article 21 of the Constitution which provides the right to life and personal liberty. A speedy trial became one of the major rights that was admitted by the Supreme Court in the case *Hussainara Khatoon v. State of Bihar* (1979) Home Secretary. The Court found that an extended detention of untried detainees contravened the guarantee of the constitution that granted them the fair procedure. This has been increased in the *A.R. Antulay v. R.S. Nayak* (1992). The Court made it clear that the right to speed trial is applicable in every phase of the criminal process, such as inquiry, investigation, trial, and others.

appeal, and retrial. Then, in *P. Ramachandra Rao v. In the year 2002 State of Karnataka* re-affirm the significance of this right. It pointed out that there are no time constraints that can be fixed to trials that can be enforced everywhere and that the delay should be case-by-case. Speedy trial is a vital right that supports against lengthy pre-trial arrest, unjustified worry and interference with the capacity of the accused to adequately protect them self. In the Indian constitutional system such protection is based on Article 21 of the Constitution of India which authorizes that no citizen should be deprived of life or of personal liberty, other than in consequence of a procedure fixed by law. Courts in the interpretation of the law also have acknowledged that a fair, just and reasonable process constitutes that process which is inclusive of the right to a fair trial. This right to a speedy trial is unspoken in Article 21 which strengthens the fact of delay in a speedy trial as an obstacle to personal liberty.

V. STRUCTURAL AND PROCEDURAL CAUSES FOR DELAY IN CRIMINAL TRIALS

There are a number of structural and institutional deficiencies that have a big influence on the success of criminal investigations in India. One of the biggest issues is insufficiency in training and technical skills in the officers doing the investigations. This is particularly where the fields such as forensic science, investigation of crimes on cyberspace, and preservation of scientific evidence are involved. Such gaps tend to cause procedural errors, lack of proper documentation and the fact that evidence was improperly handled and this mitigate the strength of the prosecution. The problem is exacerbated by the harsh personnel and resource shortage in law enforcement agencies. Law and order, administrative, and criminal investigations duties are all combined to expect officers to juggle at a particular time.

Moreover, old-fashioned forensic laboratories and the inability to access the latest investigatory equipment are impediments to the effectiveness of the investigation (Government of India, 2014). There are also institutional issues, such as political influence, corruption, and bureaucrats, which damage the integrity of the investigation procedure. Powerful people may also put the pressure on the investigators to alter or postpone investigations and engage in bending of evidence or changing the witness accounts. The delay in the process of registering of First Information Reports (FIR) is detrimental to the cases since the valuable evidences may be lost in spite of the Supreme Court urging the prompt registration of the cases in the *Lalita Kumari v. Government of Uttar Pradesh* (2013). Moreover, poor use of evidence, intimidation of witnesses, and unaccountability, insufficient technology, are still affecting the quality of investigations. The combination of them leads to the delayed trials and the decrease of popularity of the criminal justice system among the population, which demonstrates the necessity of structural changes and higher standards of investigation (Malimath Committee, 2003).



VI. IMPLICATIONS OF PROLONGED CRIMINAL PROCEEDINGS ON THE RIGHTS OF ACCUSED PERSONS AND THE BROADER ADMINISTRATION OF JUSTICE

The long-term nature of criminal procedures has direct implications on the individual liberty and socio-economic well being of criminal suspects especially those languishing in the criminal undertrials.

The delay in the investigation and trial may often result into a long pre-trial detention whereby persons spend years in jail before their guilt is concluded. Most of the population of Indian jail is comprised of the undertrial prisoners and here too, a number of prisoners stay longer in jail than the maximum punishment stipulated against the crime they purport to have committed. This causes loss of employment, family life disturbance, psychological distress as well as social stigma due to such prolonged detention. The economic less privileged are overburdened by judicial delays because they lack resources to pledge bail or to embark on long litigation processes thus defeating the equality before law principle.

The criminal proceedings delays also demoralize the overall administration of justice and efficiency of criminal justice system. In long-term trials, witnesses are likely to forget valuable information, become antagonistic as a result of intimidation and exhaustion or be inaccessible altogether and this undermines the virtues of prosecutions by evidence. Institutional studies, as do the figures of the Vidhi Centre for Legal Policy on the number of cases pending and the research by Tata Trusts-sponsored India Justice Report, the sheer presence of cases pending in the courts decreases the number of people served. Trusts in judges and erodes the discouraging effect of criminal law. The delayed closure and the long uncertainty also affect the victims and use up the resources of the law enforcement agencies on the unresolved case. In turn, the long criminal proceedings do not only endanger the rights of the accused individuals but also undermine the effectiveness, validity and integrity of the system of justice delivery.

REFERENCES

BOOKS

1. Malimath, V.S. (2003). Report of the Committee on reforms of the criminal justice system. Government of India.
2. Sathe, S.P. (2002). Judicial activism in India: Transgressing borders and enforcing limits. Oxford University Press.
3. Basu, D.D. (2018). Introduction to the Constitution of India (23rd ed.). Lexis Nexis.

ACADEMIC ARTICLES

1. Dam, S. (2007). Justicedelayed: An empirical study of criminal case backlog in India. *Journal of Asian Public Policy*, 1(2), 101–119.
2. Galanter, M., & Krishnan, J. (2004). Bread for the poor: Access to justice and the rights of the needy in India. *Hastings Law Journal*, 55(4), 789–834.
4. Singh, M. (2019). Judicial delay and access to justice in India. *Indian Journal of Public Administration*, 65(2), 324–338.
5. Aithala, V., Sudheer, R., & Sengupta, N. J. Justicedelayed: A district-wise empirical study on the Indian judiciary.
6. Dixit, N., & Yadav, J. An analytical study of bail jurisprudence and the discretionary power of courts relating to bail in India. Amity University, Lucknow.

REPORTS

1. Law Commission of India. (2014). Arrears and backlog: Creating additional judicial (wo)manpower (Report No. 245).
2. National Crime Records Bureau. (2022). Prison statistics India 2021. Ministry of Home Affairs, Government of India.
3. Tata Trusts & Centre for Social Justice. (2022). India justice report 2022.
4. Vidhi Centre for Legal Policy. (2018). State of the Indian judiciary: A report on case pendency and judicial infrastructure.



LEGALJUDGMENTS

1. HussainaraKhatoonv.HomeSecretary,StateofBihar,AIR1979SC1360.
2. A.R.Antulayv.R.S.Nayak, (1992) 1SCC225.
3. P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578.
LalitaKumariv.GovernmentofUttarPradesh,(2014)2SCC1. Dataram Singh v. State of Uttar Pradesh, (2018) 3 SCC 22.
4. ONLINESOURCEs
5. NationalJudicialDataGrid. (2023). StatisticsoncasependencyinIndiancourts. <https://njdg.ecourts.gov.in>
6. SupremeCourtofIndia.(n.d.). Courtstatisticsandcasestatus.<https://main.sci.gov.in>National Crime Records Bureau. (2022). Prison statistics India. <https://ncrb.gov.in>

