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Right To Speedy And Fair Trial: A Fundamental Pillar Of Justice

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Abstract

This places a great burden on the right to a speedy and fair trial — a fundamental human right, which is vital to the rule of law and access to justice. It is enshrined in, among others, Article 21 of the Constitution of India, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR) through different national and international legal orders. As the process of the trial is delayed, it becomes justice delayed for them, which leads to a distrust among the public also on the legal system.

Getting to trial quickly means that an accused person does not endure a lengthy detention, unnecessary harassment, or disproportionate financial and emotional strains. It also avoids witnesses forgetting facts, provides timely justice to victims and improves overall efficiency in the judicial process. Just as the right to a fair trial ensures impartiality before the law, representation by a qualified attorney, proper cross-examination of evidence, and due process — all rights of the accused and the victims.

Constitutional rights to a speedy and fair trial are regularly reaffirmed by the courts, but that hasn't solved India's long-standing problem of massive judicial backlogs, inefficient investigations and arcane procedural rules. A multitude of reasons including overworked courts, the shortage of judges, slow investigatory processes and use of legal provisions to indefinitely adjourn hearings, which lead to delayed trials, and ultimately, are alchemy to justice denial.

This article analyzes the constitutional provisions, judgments, and challenges in this direction. It discusses important case laws including Hussainara Khatoon v. State of Bihar (1979), Abdul Rehman Antulay v. R.S. Nayak (1992), and Raj Deo Sharma v. State of Bihar (1998), which give shape to the jurisprudence concerning the aforementioned right.

Moreover, the paper investigates what sort of reforms need to be developed to overcome current challenges namely court infrastructure development, technology e-courts, ADR, stricter time deadlines for procedure and legal awareness.

To sum up, though the right to speedy and fair trial is specially enshrined in the constitution and also in International Treaties and other documents yet, it has not been translated into practice simply due to the very nature of the legal business. Combating these issues will take many forms, such as reforms at the judicial level, policy changes and active stakeholder engagement in the justice system. Bold ensuring the timely and impartial administration of justice is essential for maintaining public trust in the judiciary, protecting human rights, and upholding the principles of democracy and the rule of law.

Introduction

One of the fundamental tenets of justice is the right to a speedy and fair trial. There are some legal frameworks in the world which point to right to privacy being a fundamental right including the Indian Constitution, international human rights conventions and landmark judicial pronouncements. A speedy trial is an important aspect of a fair trial because it helps to ensure justice is delivered promptly and that the accused is not subjected to lengthy pretrial detention, while a fair trial, on the other hand, is vital for the protection of the accused's rights and the integrity of the legal system.

The saying, "Justice delayed is justice denied" reflects the importance of timely court proceedings. Delay of trials can lead to the accused undergoing prolonged incarceration without conviction, victims being deprived of timely justice, and the public having decreasing confidence in the judiciary. But we cannot sacrifice justice in the name of expediency — justice must be served. A fair trial requires due process, in which no person is wrongly convicted of a crime they did not commit and all accused parties have a chance to make their case.

Separation of Powers Leading to Right to Fair Trial a Numerous International Instruments Emphasizes Right to Speedy Trial. Article 10 of the Universal Declaration of Human Rights (UDHR) and Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR) acknowledges that right of an individual to be heard by an independent and impartial tribunal and within a reasonable time. In India, public interest in speedy trial is guaranteed under Article 21 of the Constitution which as interpreted by the Supreme Court includes the right to a speedy trial. The Criminal Procedure Code (CrPC) in India along with judicial pronouncements emphasise the need for speed and fairness in the administration of justice.

There is legal protection, though one of the main problems is the delay in the justice system. The trial process has gone totally berserk where depending on the data will take years as to wide as decades in some cases, a backlog of cases, not enough judges, frequent adjournments, slow investigations and procedural loopholes. Such delays often lead to undertrial prisoners rotting in jails for years, vital evidence becoming irrelevant and the credibility of the legal system as a whole coming under suspicion. At the same time, corruption, political patronage, ideologies of no access to decent legal representation and legal processes based on historical, racial and class lines, in many instances have made a fair trial impossible, especially for marginalized communities.

This paper discusses the right to avoid long delays in legal proceedings, examining the legal provisions, landmark judgments, present status situation, and possible solutions and policy recommendations. In doing so, this discussion will chart the history of how that right was created: from its constitutional origins, through decades of interpretation in subsequent years by the courts, as well as practical issues that have confronted it in practice.

These are the reasons why well understanding and analysis of the current system of laws that causes power justice or the streamlined process of law that can be followed is vital. To sum up, guarantees of the right to a fair and speedy trial are integral pillars of a fair legal system as they protect human rights, cultivate the rule of law, and promote public confidence in the judiciary.

Legal Framework for the Right to a Speedy and Fair Trial

The right to a speedy and fair trial is enshrined in modern jurisprudence and protects against the potential of years of proceedings without resolution, and to the importance of an impartial tribunal. Several constitutional provisions, statutory laws, and international conventions guarantee this right. HOWEVER, THE INDIAN CONSTITUTION DOES NOT SPECIALLY ALLOCATE THE RIGHT TO SPEEDY TRIAL, ALTHOUGH THE SUPREME COURT ADOPTED THE MERITS OF THE RIGHT TO SPEEDY TRIAL UNDER THE AMBIT OF ARTICLE 21 WHICH ENSHRINES THE RIGHT TO LIFE AND PERSONAL LIBERTY. Even in *Hussainara Khatoon v. State of Bihar* ((1979)), the apex court observed that unreasonable delay in trials amounts to a violation of Article 21. Further, Article 14, which guarantees equality before the law, prescribes that no trials must be biased or discriminatory. In addition, Article 39A of the Constitution guarantees free legal aid to persons, belonging to weaker sections of society, so that justice can not be denied to them because of economic inability.

The Criminal Procedure Code (CrPC) has been replaced, in the form of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS), 2023, to govern criminal procedures and bring legal processes in India up to date and speed. Many of BNSS provisions target to the timeliness and quality of trials. Before this section, Section 187 mandates that trials must be held without any unnecessary delay and in Section 187(6), it provides the stipulation that if an undertrial has continued to be in preventive detention for more than 60 days without the trial starting, the accused may be released on bail if the opposite side does not have a concrete reason that the accused is a flight risk. In addition, Section 187(2) has fixed the police custody limit at 40 days or 60 days depending on the offense involved which makes sure investigations should go on without dragging them. Another one's most important Section 193(2) gives the accused a right to default bail within 60 or 90 days, depending on the nature of the crime, if the investigation is not completed. Also, under Section 482 of the CrPC, High Courts have the power to quash cases under it, if the same are found to cause undue delay and hassle leading harassment due to prolonged trials.

Except for procedural laws, the provisions of the *Bharatiya Sakshya Adhiniyam*, 2023, which replaced the Indian Evidence Act, would come into play, which declares that only legally obtained, probative and relevant evidence would be admissible. This safeguards against obtaining coerced confessions and unreasonably prosecuting individuals thereby sustaining the principle of fair trial. The Legal Services Authorities Act, 1987 makes provisions for free legal services to ensure that no person belonging to weaker economic sections must be deprived to obtain justice due to economic inability.

Several treaties and conventions on the international front have also substantively enriched the right of accused to a speedy and fair trial. Article 10 of the Universal Declaration of Human Rights (UDHR), 1948 guarantees the right to a fair and public hearing by an independent tribunal "in the determination of his rights and obligations and of any criminal charge against him," whereas Article 11(1) strongly affirms the presumption of innocence until proven guilty. Likewise, the ICCPR imposes an obligation not to be tried except in due course of law under Article 14(3)(c) which provides that "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: To be tried without undue delay;" Article 14(1) guarantees that everyone shall be entitled to have his cause heard fairly and publicly. Article 6 of The European Convention on Human Rights (ECHR, 1953) also emphasises the right to have a trial within a reasonable time. Article 7 of the African Charter on Human and Peoples' Rights (ACHPR), 1981 further ensures the right to a fair and timely hearing.

Judicial pronouncements have clearly established the right to speedy and fair trial circumstantially in relation to India. In the *Hussainara Khatoon* case, the suffering of undertrial prisoners was exposed and it was decided that an excessive delay in trials violates Article 21. In *Abdul Rehman Antulay v. R.S. Nayak* (1992), the Supreme Court laid down the test for what an unreasonable delay is. 02:Another long delay in

the criminal proceeding merits acquittal and/or bail, gave a reminder to the exigency of fundamental rights (Raj Deo Sharma v. State of Bihar, (1998) 7 SCC 507).

Explanation: India has established through various laws, the right to speedy and fair trial, however due to plethora of challenges, this right is continuously under siege. There are several issues like judicial backlog where over five crore cases are pending which leads to considerable delay in the justice delivery system. Singh brought up one more key contention that tells our judiciary that is its lack of judges, as India has alarming low judge to population ratio and thus judiciary is overloaded. Frequent adjournments — often abused by lawyers — also contribute to the protracted nature of cases. Moreover, slow police investigations and poor forensic infrastructure contribute to lengthening trials. Among the most wretched and helpless are the undertrial prisoners who have waited in custody, some for years, for a trial that never arrives, as procedural sloth and legal system dysfunction wears them down.

At the very least, several positives of this Bill are overshadowed by existing systemic inefficiencies that continue to act as barriers to the effective practical implementation of this Bill. If India is to continue to adhere to the basic right of a fair trial within a reasonable time, it must also address judicial reforms that include tech-enabled case management, a greater emphasis on ADR mechanisms, control over adjournments and improved legal aid facilities. Without these steps, the criminal justice system cannot guarantee that justice is not delayed and not denied.”

Judicial Interpretation and Landmark Cases on the Right to Speedy and Fair Trial

The need for a speedy and fair trial has been a topic of much judicial interpretation in India, where courts have always reiterated the importance of the same under Article 21 of the Constitution. The judiciary has been a bulwark against unreasonable delay that would subject people to harassment, unnecessary detention, and wrongful conviction. In *Hussainara Khatoon v. State of Bihar* (1979), the Supreme Court acknowledged for the first time that a speedy trial is a fundamental right, ordering the release of hundreds of undertrial prisoners who had been sitting in jail for longer than the punishment for their alleged crimes. This was a landmark ruling laying the groundwork for subsequent pronouncements by the (judiciary) that justice must not only be done but must be seen to be done and that, too, within a reasonable time.

In the landmark case of *Abdul Rehman Antulay v. R.S. Nayak* (1992), the Supreme Court expounded the contours of a right to speedy trial, noting that while it is not possible to prescribe a fixed time frame within which a trial must be completed, any unreasonable delay in completion of a trial would be violative of constitutional rights. To assess undue delay, the court set down factors including the nature of the offense, the facts behind the delays, the comportment of the prosecution and defense, and systemic limitations of the judiciary. In a similar vein, in the case of *Raj Deo Sharma v. State of Bihar* (1998), the Supreme Court held that if there is a long delay without sound justification, the accused may be granted bail or even the proceedings quashed, as a protracted judicial process is in essence a punishment, albeit an implicit one.

A significant judgement came in *P. Ramachandra Rao v. State of Karnataka* (2002) wherein, the Supreme Court provided that the concept of time-limits in the conduct of a trial cannot be applied as an absolute rigid principle while the exercise of discretion by the court must ensure that the proceedings are not delayed unreasonably. “Neither justice can be rushed, nor can unnecessary procedural rigmaroles and adjournments subserve virtual defiance of the object of a timely adjudication,” the court said. It is also a principle reiterated in *Imtiyaz Ahmad v. State of Uttar Pradesh* [2012] where the Supreme Court directed the government to enhance the number of judges and upgrade judicial infrastructure to tackle case backlog, acknowledging that the system itself when burdened plays an important role in savage delays in the process of giving justice.

It was cases such as *Sheela Barse v. Union of India* (1986) and *Kadra Pahadiya v. State of Bihar* (1983) noted that special attention should be paid to cases involving women, children and undertrial prisoners so

that such vulnerable groups do not suffer on account of administrative inefficiencies. In *Shaheen Welfare Association v. Union of India* (1996), the Supreme Court similarly observed that even with serious offenses, including those relating to terrorism, the accused cannot be held in detention indefinitely pending trial. In its judgement delivered in *Vakil Prasad Singh v. State of Bihar* (2009), the Court reiterated that criminal proceedings would be quashed if the delay was inordinate and without any justifiable grounds making it clear that the right to fair and speedy trial is not a mere formality but an essential part of the opportunity of a fair and just hearing.

One of the implications of this expanding approach is a court's perceived speediness, especially relevant for defendants (who would subsequently be incarcerated for long periods of time) and the speedy trial provisions in law. Time and again, courts have stepped in to safeguard against the procedural morass distorting justice. Reformative measures like the fast track court, digital case management and alternative dispute resolution mechanisms along with various Criminal Laws (like the *Bharatiya Nyaya Sanhita* (BNSS), 2023) being introduced to the legal system, traffic is hopefully headed for an upgrade with better enforcement and much-needed structure in the form of the Judicial System for time-bound litigation. Yet, a truly speedy and fair trial cannot be achieved by judicial intervention alone, but the same needs to be backed up by administrative measures, legislative changes and overall accountability in the justice delivery system. The import of these words transcends the legal sphere; the right to a speedy trial speaks to our beliefs in liberty, a fair trial and the merits of the truth; that we are not unjustly punished, nor held to account for crimes not yet committed.

Overcoming Obstacles in Realizing the Right to Speedy and Fair Trial

Being not only a constitutional mandate but also a right recognized by the judiciary, there are too many hurdles in providing and securing a speedy and fair trial for people in India. One key area is the chokepoints in our judicial system — a backlog of pending cases has caused delays in the system. With millions of cases pending in various levels of the judiciary, courts are unable to dispose of cases in a reasonable time. Coupled with the shortage of judges, lack of infrastructure and procedural inefficiencies, this backlog makes the timely adjudication of cases extremely difficult.

The second major contributor to redundant litigation is the deliberate delay strategy adopted by lawyers and litigants, including constant adjournments, filing frivolous appeals and abuse of procedural loopholes. These strategies delay the trial process and diminish the impact of legal action as a result. In many cases, it is the more powerful accused persons or influential parties that apply legal strategies to delay justice, forcing the weaker party by means of lengthy litigation into a state of submission. Moreover, absence of accountability with respect to investigating agencies and prosecution authorities leads to incomplete investigation, missing evidence and delays in filing of charge sheet, resulting in protracted trials.

One major barrier to the right to a speedy trial is the underfunding and inefficiency of the legal aid system, especially for poor and marginalized communities. This leads to avoidable delays in justice delivery, as large sections of people, particularly those from the economically weaker section, are unaware of their right to legal representation. The prison system is also overcrowded with undertrial prisoners, many of whom spend years behind bars without a conviction because of procedural delay. It is an infringement of their basic rights and a reflection of the system's inability to provide a fair trial.

The new criminal laws like the *Bharatiya Nyaya Sanhita* (BNSS), 2023 are seeking to minimise some of these issues through provisions like digital case management, fast-track courts, alternative dispute resolution mechanisms etc. More than legislative changes, the challenge is sustained implementation of these frameworks as complex structural issues cannot be solved by passing laws alone. In addition, the disjointed nature of the judiciary, executive, and law enforcement agencies makes it difficult to streamline the criminal justice process. Ineffective forensic system, obsolete policing techniques, and poor technological adoption in courts only aggregates the delay in the trials rising.

Moreover, the need for a speedy process needs to be balanced against the need for a fair process. There is always the risk in seeking to hasten proceedings of taking due process, procedural fairness and the like to be neither due nor fair. However in specific high-profile cases or politically sensitive context, hasty trials can result in quite a lot of convictions or a dis-allowance of a proper defense. Media influence is also a challenge as media trials can prevent fair judicial process.

While swift trials and fair trials are mandates of rule of law and the protection of human rights in terms of the administration of justice, it is evident that the same will never be easy to implement because of systemic, procedural and infrastructural hurdles. Some of these problems require more judicial reforms, others more technology, more funding, and more accountability from having the time to get it all right. Until such changes are made, the saying that justice delayed is justice denied will sadly hold true for countless numbers of justice seekers.

Conclusion

Rapid and fair trials are the essence of any justice system, shielding people from denial of justice or delayed justice. While the renealed judiciary of India has built this right through canons of historic judgments and constitutional interpretation, the realization of this is an intensely complex task — beset by debilitating ailments ranging from systemic inertia to procedural paralysis and infrastructural deprivation. Long drawn trials often resulting in miscarriages of justice are the by-product of overburdened judiciary, judicial vacancies, misuse of legal provisions, and, no technological integration.

Though there have been legislative efforts such as the Bharatiya Nyaya Sanhita (BNSS), 2023 and attempts such as fast-track courts and digital case management, the gap between law and practice remains wide. But a speedy and fair trial cannot be just an issue of process, it needs holistic judicial reforms, including about case backlogs, legal aid services, availability of forensic and mechanisms for solving disputes. Also, defined balancing when to Judges need to take care not to hurry, because they will affect the fairness of process, may lead to wrongful convictions.

However, upholding the principles of natural justice and rule of law, for poor citizens, by collectively working together as a government, judiciary, law enforcement agencies and legal professionals effort in bringing efficiency to criminal procedures, ensure transparency and judicial motivation is the spirit of law. Absent such effort, the legal adage that “justice delayed is justice denied” will fail to restore public faith in the justice system. Therefore, effective, ethical, accessible, and just legal practices is not merely a necessity, but a, if not the, responsibility of a truly democratic and socially equitable system.

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