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# **DELAY IN CRIMINAL TRIALS AND THE RIGHT TO SPEEDY JUSTICE: A CRITICAL ANALYSIS OF THE INDIAN CRIMINAL JUSTICE SYSTEM**

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## **Abstract**

The right to speedy justice is a fundamental component of a fair criminal justice system. Delays in criminal proceedings have become a persistent challenge in India, affecting accused persons, victims, witnesses, and society as a whole. Although the Supreme Court has recognized speedy trial as an integral part of Article 21 of the Constitution of India, practical implementation remains inadequate. This paper critically examines the constitutional foundations, statutory framework, judicial developments, causes of delay, and their consequences. It further evaluates international standards and proposes reforms aimed at improving efficiency and protecting fundamental rights. The study argues that timely justice is not merely an administrative objective but a constitutional necessity essential for maintaining public confidence in the rule of law.

**Keywords:** Speedy Trial, Criminal Justice, Article 21, Judicial Delay, Fair Trial, Constitutional Rights, Criminal Procedure.

## **Introduction**

A criminal justice system derives legitimacy from its ability to deliver justice fairly and within a reasonable time. Excessive delays undermine the effectiveness of legal institutions and weaken public confidence in the rule of law. In India, criminal courts continue to face enormous backlogs, resulting in prolonged trials and delayed adjudication. Such delays adversely affect not only accused persons but also victims, witnesses, and society at large.

The principle that 'justice delayed is justice denied' reflects the belief that justice loses its value when delivered after unreasonable delay. Criminal proceedings are particularly sensitive because they involve liberty, reputation, and fundamental rights. Therefore, the right to speedy justice has emerged as an essential aspect of modern constitutional governance.

## Research Objectives

1. To examine the concept of speedy justice.
2. To analyse the constitutional basis of the right to speedy trial.
3. To identify major causes responsible for delay in criminal proceedings.
4. To evaluate the impact of delay on accused persons, victims, and society.
5. To analyse judicial approaches adopted by Indian courts.
6. To suggest reforms for ensuring effective and timely criminal adjudication.

## Research Methodology

The study adopts a doctrinal and analytical approach. It relies primarily on constitutional provisions, criminal procedure laws, judicial decisions, academic literature, and international human rights instruments. The research is descriptive as well as critical in nature and seeks to evaluate both legal principles and practical realities.

## Constitutional Foundation of Speedy Trial

The Constitution of India does not explicitly mention the right to speedy trial. However, Article 21 guarantees that no person shall be deprived of life or personal liberty except according to a procedure established by law. Through progressive judicial interpretation, the Supreme Court has expanded Article 21 to include procedural fairness and timely adjudication.

In *Maneka Gandhi v. Union of India*, the Court held that any procedure affecting liberty must be fair, just, and reasonable. This landmark decision paved the way for the recognition of several procedural rights. Subsequently, in *Hussainara Khatoon v. State of Bihar*, the Court expressly recognized speedy trial as a fundamental right. Later, *A.R. Antulay v. R.S. Nayak* clarified that the right extends to every stage of criminal proceedings.

## Statutory Framework

The *Bharatiya Nagarik Suraksha Sanhita, 2023* and earlier provisions of the Code of Criminal Procedure contain mechanisms intended to reduce delays. These include provisions concerning investigation, filing of charges, bail, summary trials, plea bargaining, and regulation of adjournments. Despite these provisions, implementation challenges continue to hinder effective realization of speedy justice.

## **Major Causes of Delay in Criminal Trials**

The causes of delay are multidimensional. Judicial vacancies remain one of the most significant factors. Courts frequently operate with inadequate judicial strength compared to the volume of cases.

Another major cause is delay in investigation. Police agencies often face resource constraints, shortage of personnel, and lack of forensic support. Frequent adjournments also contribute significantly to delay. Witness non-appearance, transfer of judicial officers, procedural complexity, and misuse of procedural tactics further prolong proceedings.

In addition, inadequate infrastructure, limited technological integration, and poor coordination between investigative and prosecutorial agencies create institutional inefficiencies that affect the timely disposal of cases.

### **Impact on the Accused**

Prolonged criminal proceedings can impose severe hardships on accused persons. Long periods of uncertainty, social stigma, financial burden, and psychological stress may persist even before guilt is established. Undertrial prisoners often spend extended periods in custody awaiting trial, raising concerns regarding personal liberty and constitutional protections.

Delay may also weaken the defence because evidence deteriorates over time, witnesses become unavailable, and memories fade. Consequently, the fairness of the trial itself may be compromised.

### **Impact on Victims and Witnesses**

Victims approach the justice system seeking accountability and closure. Delayed proceedings frequently result in frustration, emotional distress, and declining faith in legal institutions. Witnesses may lose interest, become hostile, or face practical difficulties in attending court repeatedly. These developments negatively affect the quality of evidence and the effectiveness of criminal adjudication.

### **Impact on Society and Rule of Law**

Judicial delay affects society beyond individual cases. It weakens deterrence, reduces confidence in legal institutions, and creates a perception that justice is ineffective. Where legal

remedies appear inaccessible or excessively delayed, individuals may become reluctant to seek judicial intervention. Therefore, speedy justice is closely linked to democratic governance and public trust.

### **International Perspective**

The right to speedy trial is recognized globally. Article 14(3)(c) of the International Covenant on Civil and Political Rights provides that every person charged with a criminal offence shall be tried without undue delay. Several jurisdictions have adopted case management systems, statutory timelines, and technological solutions to improve efficiency.

Comparative experiences demonstrate that institutional reform, adequate funding, and judicial accountability play crucial roles in ensuring timely justice.

### **Judicial Remedies and Approaches**

Indian courts have developed several remedies to address excessive delay. These include granting bail, ordering expedited hearings, reducing sentences in appropriate cases, and in exceptional situations quashing proceedings. Courts have consistently emphasized that the right to speedy trial is an essential element of fair procedure.

Nevertheless, judicial remedies are often reactive rather than preventive. Structural reforms remain necessary to address the root causes of delay.

### **Suggestions and Reforms**

The appointment of additional judges and filling judicial vacancies should be prioritized. Courts require improved infrastructure and modern technological systems for case management. Digital filing, virtual hearings, and automated scheduling can enhance efficiency.

Witness protection mechanisms should be strengthened to improve participation. Investigative agencies require better forensic facilities and training. Strict regulation of adjournments, enhanced legal aid, and improved coordination among stakeholders are also essential.

Long-term reform requires sustained institutional commitment and adequate allocation of resources.

## Findings

The study finds that delay in criminal trials is both a constitutional and institutional problem. Although the judiciary has recognized speedy trial as a fundamental right, implementation remains inadequate due to structural deficiencies. Delays adversely affect all stakeholders and undermine public confidence in the justice system. Effective reforms must combine legal, technological, and administrative measures.

## Conclusion

The right to speedy justice represents a cornerstone of constitutional governance and fair criminal procedure. Delays in criminal trials undermine liberty, weaken evidence, frustrate victims, and diminish public trust. Judicial recognition of the right to speedy trial has strengthened constitutional protections; however, persistent systemic challenges continue to obstruct effective implementation.

A comprehensive strategy involving judicial reforms, technological modernization, improved investigation, and stronger institutional capacity is necessary. Only through timely and efficient adjudication can the criminal justice system fulfill its constitutional obligation and preserve faith in the rule of law.

## References

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