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SPEEDY TRIAL AS A FUNDAMENTAL RIGHT- CHALLENGES AND SOLUTIONS

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Abstract

The right to a speedy trial is one of the most important aspects of a fair criminal justice system. It safeguards personal liberty and human dignity by ensuring that an accused person is not subjected to undue delay in investigation, trial or appeal. speedy trial is not directly mentioned in the Constitution of India but, by interpretation, the Supreme Court has held that Article 21, the right to life and personal liberty, includes the vital right to a quick trial. Landmark rulings include *Hussainara Khatoon v. State of Bihar*, *A.R. Antulay v. R.S.P. and Nayak*.¹ In *Ramachandra Rao v. State of Karnataka*², the judiciary has reiterated that justice should be not only just but also speedy.

Despite constitutional recognition, the Indian criminal justice system is still facing major obstacles. The fast delivery of justice has been hampered by judicial vacancies, poor infrastructure, procedural delays, frequent adjournments, lack of judges, delayed investigations, increased pendency of cases and inadequate technical support. Millions of criminal cases are ongoing before courts and vast number of undertrial convicts continue to be languishing in prison for years on end without the conclusion of their trials. Such delays infringes fundamental rights and erodes public faith in justice delivery system.

The article addresses the constitutional basis of the right to a swift trial, its historical development, judicial interpretation, obstacles to its execution, and legislative and institutional improvements. It also puts the Indian legal system within the framework of international norms and gives concrete suggestions for successful implementation of this basic right.

¹ *Hussainara Khatoon (IV) v. State of Bihar*, (1980) 1 SCC 98; *A.R. Antulay v. R.S. Nayak*, (1992) 1 SCC 225.

² *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578; Constitution of India, art. 21.

Introduction:

Justice is the bedrock of any democratic society. The efficacy of any legal system rests not only on the quality of decisions given by courts, but also on the timeliness with which justice is dispensed. Justice delayed is justice denied. It undermines the rule of law and chips away at public confidence in the judicial institutions. This principle is captured in the classic judicial phrase, "Justice delayed is justice denied."

The right to speedy trial is not explicitly provided as one of the Fundamental Rights in the Constitution of India. But the extent of Article 21 of the Constitution that says that no individual shall be deprived of his life or personal liberty unless according to procedure prescribed by law, has been widened considerably by judicial interpretation. *Maneka Gandhi v. Union of India* (1978) was a major ruling that led to a huge expansion of Article 21 which was initially construed narrowly. The Supreme Court concluded that any mechanism by which a person is deprived of his liberty must be fair, just and reasonable. This interpretation led to the recognition of a number of implied rights including the right to legal aid, fair trial, dignity, privacy and fast justice.

In today's India, with the huge backlog of cases, the significance of swift justice has become even more important. Courts in the country are facing mounting litigation, shortage of judges, poor infrastructure, procedural difficulties and delays in investigation. Official judicial data show that millions of cases are pending before different courts generating major difficulties in the administration of justice. Such delays have harmful effects not just on accused persons but also victims, witnesses, prosecutors and society in general.

The criminal justice system today must balance two equally vital goals: ensuring that criminal processes are fair and ensuring that they are completed in a reasonable time. An over-emphasis on speed, to the detriment of fairness, can lead to unjust convictions; too many procedural delays nullify the purpose of justice. So the concept of quick trial attempts to find a proper balance between expedition and fairness.³

³ National Judicial Data Grid (NJDG), *Case Statistics*, available at: <https://njdg.ecourts.gov.in> (last visited Aug. 4, 2026).

Meaning of Speedy Trial and Concept

The “Speedy Trial” is the constitutional and legal right of every individual accused of a crime to have his or her criminal case resolved within a reasonable amount of time and not be subjected to needless or unwarranted delay. The idea does not demand that all criminal cases be completed within a certain number of days or months. This means that all stages of criminal procedures must be conducted expeditiously, effectively and without undue delay.

A rapid trial is not only a courtroom trial. It covers the whole process of criminal justice i.e. investigation by police authorities, filing of charge sheet, formulation of charges, recording of evidence, examination of witnesses, arguments, verdict, appeals, revisions and retrials if necessary. The Supreme Court has held that delay in any of these stages may amount to infringement of constitutional protection under Article 21.

There are several facets to the topic. First of all, it protects the accused from protracted periods of detention before conviction. Undertrial imprisonment often results in irreparable injury to the liberty of an individual who has not yet been declared guilty. Secondly, it relieves worry, psychological stress, social stigma and financial difficulty coming from extended criminal processes. Third, fast trials maintain the quality of evidence because memories fade, witnesses become unavailable and documentary evidence may be lost over time. Fourth, expeditious dispensation of justice enhances public confidence in the judiciary and strengthens respect for the rule of law.

What is a ‘reasonable time’ relies on a variety of criteria, including the complexity of the case, the conduct of the parties, the availability of evidence, and the workload of courts. Courts have so traditionally been reluctant to impose fixed deadlines applicable to all criminal proceedings.

Constitutional Foundation: Article 21

Article 21 of the Indian Constitution reads,

“No person should be deprived of his life or of his personal liberty except according to procedure prescribed by law”

This provision was narrowly interpreted at the commencement of the Constitution. In *A.K. Gopalan v. State of Madras* (1950), the Supreme Court stated that Article 21 would be satisfied by any procedure imposed by law irrespective of the fact whether it is fair or reasonable.

The important judgment in *Maneka Gandhi v. Union of India* (1978) dramatically shifted this limited approach. The Supreme Court concluded that the word ‘process established by law’ must mean a system which is fair, just and reasonable and not arbitrary, repressive or fantastical. This ruling has made Article 21 as one of the most liberal clauses of the Constitution.

After the *Maneka Gandhi* case, the Supreme Court has recognised other implied rights under Article 21, such as:

- Right to legal assistance.
- Right to a fair trial.
- Right to privacy.
- Right to dignity
- Right to means of living.
- Right to clean environment.
- The right to housing.
- Right to education (explicitly acknowledged subsequently under Article 21A).
- Right to a timely trial.

Hence the constitutional right to a timely trial is rooted in the more general right to personal liberty. The liberty is immediately affected by the criminal proceedings and any delay in investigation or trial which is unjustified is a breach of Article 21.

The Judiciary has been consistently observing that the State has a fundamental obligation to arrange its judicial machinery in such a way that justice is administered without delay. Prolonged suspension of personal liberty cannot be justified by lack of infrastructure, paucity of judges or administrative ineptitude.

Moreover, fast trial is a supplement to other constitutional provisions including equality before law under Article 14 and freedom from arbitrary arrest under Article 22. These laws together enable the fair and open administration of criminal justice in conformity with constitutional principles.⁴

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

Judicial Response

The Indian judiciary has played the most significant role in transforming the concept of speedy trial into an enforceable constitutional guarantee. Through judicial activism, the Supreme Court expanded the scope of Article 21 and established that unreasonable delay in criminal proceedings amounts to a violation of the fundamental right to life and personal liberty.

The landmark decision in **Hussainara Khatoon v. State of Bihar (1979)** marked the beginning of this constitutional development. The Court directed the release of numerous undertrial prisoners who had remained incarcerated for periods exceeding the maximum punishment prescribed for their alleged offences. Justice P. N. Bhagwati emphasized that the State has a constitutional obligation to ensure expeditious criminal proceedings.⁵

Subsequent decisions further strengthened this jurisprudence:

- **Sheela Barse v. Union of India (1986):** The Supreme Court emphasized speedy investigation and early production of arrested persons before magistrates.
- **A.R. Antulay v. R.S. Nayak (1992):** The Court held that speedy trial includes investigation, inquiry, trial, appeal, revision, and retrial. It rejected rigid time limits and adopted a balancing test considering the facts of each case.
- **Common Cause v. Union of India (1996):** The Court issued directions for discharge or acquittal in certain categories of delayed criminal cases.
- **Raj Deo Sharma v. State of Bihar (1998):** Time limits for criminal trials were suggested, though these were later reconsidered.
- **P. Ramachandra Rao v. State of Karnataka (2002):** A Constitution Bench clarified that courts cannot prescribe universal time limits for criminal proceedings and reaffirmed the balancing approach established in *A.R. Antulay*.

These decisions demonstrate that the judiciary has consistently treated speedy trial as an essential safeguard against arbitrary deprivation of liberty.

Legislative Framework

The right to rapid trial has been enshrined in the Constitution in Article 21. However, many statutory provisions have also been made to facilitate speedy disposition of criminal cases.

⁵ The expansion of Article 21 through judicial interpretation, making it the constitutional basis for the right to a speedy trial.

The Code of Criminal Procedure, 1973 (CrPC) — now completely replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) — does have measures to eliminate procedural delays and improve the efficiency of criminal procedures.⁶

Significant Legislative Actions

The legislature has adopted many mechanisms such;

- Time bound investigation for certain categories of offenses.
- Summary trials for small offences.
- Plea bargaining to promote early disposal.
- Where appropriate, daily trials.
- Restrictions on adjournments that are not needed.
- Electronic service of summons and warrants
- Greater use of digital technologies in criminal procedure.

The BNSS also focuses on digitization, video conferencing, electronic recordkeeping, forensic investigation in significant offences, and advanced case management systems. The revisions aim to reduce delays in procedures and improve openness and efficiency.

Institutional response

Fast Track Courts

Fast Track Courts were set up for speedy disposal of long pending criminal matters especially relating to:

- Sexual offenses
- Offences against women.
- Kids.
- Elderly citizens.
- Heinous crimes.

These courts are aimed at reducing pendency by giving priority to sensitive and serious cases.

Specialized Courts

Special Courts have been set up under several statutes viz.

⁶ *The Code of Criminal Procedure, 1973* (Act No. 2 of 1974), now repealed and replaced by *The Bharatiya Nagarik Suraksha Sanhita, 2023* (Act No. 46 of 2023).

- Prevention of Corruption Act 1988.
- Protection of Children from Sexual Offences (POCSO) Act 2012.
- Narcotic Drugs and Psychotropic Substances Act 1985.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

The specialization allows judges to become experts in certain kinds of offences, which leads to more efficient and consistent adjudication.

Infrastructure Development:

A number of steps have been taken by the Central and State Governments to upgrade judicial infrastructure, such as:

- Further construction of court buildings.
- Judges' living quarters,
- Computerization of the courts.
- Digital records management
- Video-conferencing facilities.

Modern infrastructure reduces administrative bottlenecks and helps in faster disposal of matters.

Law Commission, India

Judicial delay has been identified by the Law Commission over and over again as one of the biggest concerns plaguing the justice delivery system in India.

77th Report (1978)

It is advisable to increase the number of judges and to improve the administration of justice.⁷

79th Report (1979)

It recommended administrative reforms, with an emphasis on delays and arrears in trial courts.⁸

230th Report (2009)

Suggested:

- Appointment of Additional judges.
- Less procedural delay.
- Improved case management.
- Extend court hours if needed.

⁷ Law Commission of India, *77th Report on Delay and Arrears in Trial Courts* (1978).

⁸ Law Commission of India, *79th Report on Delay and Arrears in High Courts and Other Appellate Courts* (1979).

- Better judicial infrastructure.
- Increased accountability in judicial administration.

The Commission has repeatedly pointed to the paucity of judges as one of the main reasons for the delay in delivering justice.⁹

NALSA - National Legal Services Authority

The National Legal Services Authority (NALSA) is a statutory body established under the Legal Services Authorities Act, 1987. It was constituted on 5 December 1995 to provide free and competent legal services to eligible sections of society and to promote access to justice for all. “National Legal Services Authority (NALSA) has an important role to play in promoting access to justice.

Among its initiatives are:

- Free Legal aid.
- Legal awareness programs.
- People’s courts.
- Lok adalat, permanent.
- Legal clinics.
- Assistance for under-trial prisoners.

Good legal counsel reduces unnecessary adjournments and disposal of matters at the right time.¹⁰

E-Courts Project

The E-Courts Project is a nationwide initiative of the Judiciary of India, implemented by the Department of Justice, Ministry of Law and Justice, to modernize the Indian judicial system through the use of Information and Communication Technology (ICT). It aims to make courts more efficient, transparent, and accessible to citizens. The e-Courts Mission Mode Project is one of the biggest technical improvements in the judicial system of India.

Key features include:

- E-filing (electronic filing).
- Virtual hearings.
- Electronic case files.

⁹ Law Commission of India, **230th Report on Reforms in the Judiciary—Some Suggestions** (2009).

¹⁰ National Legal Services Authority (NALSA), *Legal Services Authorities Act, 1987* and NALSA Schemes for Free Legal Aid, Lok Adalat, Legal Aid Clinics and Undertrial Review Committees.

- Pay your court expenses online.
- Electronic Summons;
- Case Information System (CIS)
- Online Cause Lists
- Digital Judgements
- National Judicial Data Grid (NJDG)

The COVID-19 pandemic has sped up the use of virtual courts and has shown how technology can guarantee ongoing access to justice.¹¹

National Judicial Data Grid (NJDG)

The National Judicial Data Grid provides real time information about pending and disposed cases in all courts in India.

Its aims are as follows:

- Monitoring of pending cases in real time.
- Court Wise Statistics.
- Disposal rates – judge-wise.
- Pendency analysis age wise.
- Performance appraisal

This database helps policymakers identify bottlenecks and allocate judicial resources more efficiently.¹²

Challenges Despite Institutional Efforts

Despite extensive reforms, significant problems continue to persist:

- Large judicial vacancies.
- Inadequate courtrooms.
- Insufficient prosecutors.
- Frequent adjournments.
- Delay in forensic reports.
- Poor witness protection.
- Low police-investigation capacity.

¹¹ National Judicial Data Grid (NJDG), e-Committee, Supreme Court of India, available at <https://njdg.ecourts.gov.in> (last visited Aug. 4, 2026).

¹² National Judicial Data Grid (NJDG), e-Committee, Supreme Court of India, available at <https://njdg.ecourts.gov.in>

- Overburdened judges.
- Increasing criminal litigation.
- Limited awareness regarding procedural reforms.

These challenges reduce the effectiveness of institutional initiatives and continue to contribute to judicial delays.¹³

Suggestions and Reforms

To ensure meaningful realization of the right to a speedy trial, comprehensive reforms are required across the criminal justice system.

Appointment More Judges

The first goal should be to quickly fill judicial vacancies.

The judicial strength should be strengthened in the following areas:

- Population growth
- Number of cases pending
- Trends in litigation

Judicial Infrastructure Strengthening

Governments should invest in:

- Additional court buildings.
- Modern technology.
- Digital record management.
- Better courtroom facilities.
- Video conferencing infrastructure.

Case Management

Courts should use scientific ways to manage cases.

These are:

- Advance planning.
- Close supervision.
- Old cases take precedence.
- Digital calendars.

¹³ Law Commission of India, *230th Report on Reforms in the Judiciary—Some Suggestions* (2009).

- Automatic reminders.

Case management has been used successfully in a number of international jurisdictions to reduce delay.

Restricting Adjournments

Adjournments should only be granted on bona fide grounds.

Impose actual fees for unwarranted postponements to discourage dilatory methods.

Reforms In Police

To improve police investigation we need:

- Better training.
- New equipment.
- Increased manpower.
- Research scientific.
- More responsibility.

Professional investigation greatly decreases trial delays.¹⁴

Strengthening the Prosecution

Public prosecution services shall be given:

- Additional public prosecutors.
- Special training.
- More technological support.
- Adequate financial resources

Technology Expansion

Technology can transform criminal justice by:

- E-filing.
- Virtual hearings.
- Artificial Intelligence Scheduling.
- Digital Evidence Management
- Summons online.
- Electronic records.

¹⁴ *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

Technology reduces administrative delays and increases transparency.

Witness Protection

A good witness protection program should include:

- Physical protection.
- Confidentiality of identity.
- Financial support.
- Psychosocial Support

Protected witnesses are more likely to co-operate in criminal trials.

Legal Assistance

Quality legal aid guarantees:

- Fair representation.
- Reduced adjournments.
- Speedy disposal.
- Protection of constitutional rights.

Legal aid should focus on disadvantaged areas of the economy and undertrial convicts.

Public Awareness:

Citizens should be taught about:

- Legal rights.
- Court procedure.
- Alternative dispute resolution.
- Importance of quick cooperation with the investigation.

Legal literacy is a necessary tool for the more efficient justice delivery.¹⁵

Conclusion

The right to a timely trial is one of the most essential protections accessible to individuals in a constitutional democracy. Though this right is not directly guaranteed by the Constitution of India, it has been firmly established via judicial interpretation as an essential ingredient of the fundamental right to life and personal liberty under Article 21. The Supreme Court has often held that “justice delayed is justice denied,” and that inordinate delay in criminal proceedings

¹⁵ *Mahender Chawla v. Union of India*, (2019) 14 SCC 615 (approving the Witness Protection Scheme, 2018).

is a violation of constitutional safeguards.

The court, legislature, and executive have each taken important steps to resolve these issues. Judicial activism has expanded Article 21, criminal process has been updated through legislative reforms, and institutional initiatives like Fast Track Courts, the e-Courts Project and the National Judicial Data Grid have fortified administration of justice. However, tangible benefits are dependent on continued implementation and proper budget allocation.

The future of quick justice in India lies in an all-inclusive and a well-coordinated plan. A responsive criminal justice system depends on the timely appointment of judges, the modernization of infrastructure, scientific research, the strengthening of prosecution services, effective case management, a better use of technology, effective legal assistance, and a larger public awareness.

The right to a fast trial is ultimately not only a procedural safeguard but also an expression of the constitutional principles of liberty, equality, dignity and the rule of law. A court system that renders decisions impartially and within a reasonable period safeguards individual rights, promotes public confidence, and strengthens democratic governance. Thus, the prompt administration of justice is essential for the achievement of the constitutional pledge of justice for all.¹⁶

¹⁶ *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578; Law Commission of India, **230th Report on Reforms in the Judiciary—Some Suggestions** (2009); e-Committee, Supreme Court of India, *e-Courts Mission Mode Project – Phase III* (2023).