



Speedy Trial As A Fundamental Right: Challenges And Solutions

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Abstract

A speedy trial is an essential component of justice, ensuring fair adjudication within a reasonable time frame. Recognised under Article 21 of the Indian Constitution, it safeguards the right to life and personal liberty. However, judicial delays in India have left crores of cases pending, with undertrial prisoners languishing in prisons for years. Such delays harm the accused, victims, and society, undermining faith in the justice system. This paper highlights the significance of speedy trials, explores challenges within the judiciary, examines judicial interpretations, and suggests reforms such as e-courts and fast-track mechanisms to uphold this fundamental right.

Keywords: *speedy trial, Article 21, judiciary, human rights, legal reform*

1. Introduction

Speedy trial means a fair trial within a reasonable time. If the trial takes too long, justice becomes meaningless. The Supreme Court of India has held that a speedy trial is part of Article 21, which protects the right to life and personal liberty. A person cannot be punished without a fair and quick trial. Delay in justice affects the accused, the victim, and society.

In India, the delay in courts is a big problem. Crores of cases are pending in different levels of the judiciary. Many undertrial prisoners are waiting in jail for years without judgment. This is not only against human rights but also reduces faith in the justice system.

This topic is important because speedy trial is necessary for true justice. The paper will explain the meaning and importance of speedy trial, challenges in Indian courts, the role of the judiciary, and possible solutions.

A speedy trial also preserves people's dignity. Long-term incarceration results in social stigma, financial loss, and mental stress. Until the case is resolved, victims also experience trauma and uncertainty. Consequently, a trial delay hurts the entire legal system in addition to one individual. Furthermore, because the rule of law requires that justice be available, prompt, and equitable, a speedy trial is crucial in democracies. People lose faith in the legal system and may attempt to resolve conflicts unfairly if cases take ten to fifteen years to finish. This erodes trust in the legal system. To cut down on delays, the government has implemented digital hearings, e-courts, and fast-track courts in recent years. The outcomes are still not entirely satisfactory. The necessity Strengthening this right and making it feasible for all citizens is urgently needed. Because justice postponed is justice denied, a speedy trial is therefore both a legal and societal necessity.

2. Statement of Problem

Though speedy trial is recognised as a fundamental right, it is not working properly in practice. Courts are overloaded, judges are in short supply, and adjournments are common. Undertrial prisoners suffer in jail for years. Victims also wait long for justice.

The main problem is: How can India make the right to speedy trial a reality, when the system itself has so many delays?

In India, the problem of trial delays is not a minor one; rather, it is a serious one. The number of pending cases in courts is growing annually, amounting to crores. The constitutional right to a speedy trial is practically meaningless in practice because of the slow pace of the legal system.

The greatest victims are the impoverished. Wealthy and influential defendants frequently obtain

bail, retain top attorneys, or use their resources to prolong the case. However, impoverished inmates awaiting trial, who lack funds and appropriate legal representation, are kept behind bars for years before their case is resolved. Because of this, the criminal justice system is biased and unjust. Because they must wait interminably for the guilty to be punished or to receive relief, victims also feel abandoned. Society at large is also impacted by delay. Criminals become fearless, and victims become angry when they go unpunished for years. People begin to distrust the legal system and occasionally attempt to enact laws themselves. Democracy and the rule of law are at risk because of this.

Therefore, the primary issue is not just the backlog of cases but also the decline in public confidence in the legal system. Liberty and fair justice are guaranteed by the Constitution, but in practice, people endure protracted harassment, financial hardship, and psychological distress as a result of never-ending legal proceedings. The fundamental right to a speedy trial will only exist in theory and not in practice unless this gap between promise and reality is closed.

3. Objectives of the Study

- To study speedy trial as a part of Article 21.
- To find out the challenges in achieving a speedy trial.
- To study the approach of the judiciary in speedy trial cases.
- To suggest reforms and solutions for making justice faster.

This study's primary goal is to comprehend how the Indian legal system actually implements the right to a speedy trial, in addition to describing it as a legal right. The study intends to demonstrate the practical advantages and disadvantages of this right by establishing specific goals. Highlighting how the judiciary has interpreted Article 21 of the Constitution, which guarantees life and liberty, to include a speedy trial, is one of the main goals. Examining whether these interpretations have actually improved the circumstances of victims and undertrials or if they have remained confined to books and court rulings is another goal.

The study also attempts to draw attention to the actual difficulties facing courts, including the backlog of cases, frequent adjournments, and the lack of judges. By highlighting these issues, the study hopes to shed light on why the right to a speedy trial is still only partially successful. Understanding the judiciary's function in defending this right is another goal. Although courts have issued numerous directives, the study will examine the extent to which those directives are

adhered to. Comparing what the law states with what is actually occurring on the ground is the aim here.

Lastly, the study seeks to recommend workable reforms. In addition to criticising the system, the objective is to offer positive solutions, such as utilising technology, expediting the court system, and appointing judges to fill vacancies. In this sense, the study aims to offer modest but practical suggestions to improve the speed and equity of justice.

4. Research Hypotheses

Delay in the trial of cases in India violates the right to life and liberty of citizens, which is protected under Article 21.

This study's main hypothesis is that a trial delay directly infringes upon the right to life and liberty guaranteed by Article 21 of the Indian Constitution. A slow trial is a violation of fundamental rights because justice that is delayed is equivalent to a denial of justice. Another theory holds that the primary structural causes of India's failure to provide speedy trials are the backlog of cases and the lack of judges. Other reforms will only provide partial relief until these two issues are resolved.

The accused's socioeconomic standing is also thought to have a significant impact on how quickly or slowly their trial proceeds. By using bail, attorneys, or adjournments, wealthy and influential people can avoid lengthy incarceration. However, those who are impoverished and lack legal knowledge experience more delays and are imprisoned as undertrials. This demonstrates unequal access to the right to a speedy trial. Another theory is that although judicial activism has acknowledged a speedy trial as a fundamental right, actual implementation is still far from strong.

This discrepancy between the law and practice demonstrates that, absent appropriate administrative and legal reforms, court declarations are insufficient. Lastly, although they have not yet been fully implemented in India, it is believed that new solutions like technology, fast-track courts, and ADR (alternative dispute resolution) can greatly reduce delay. When used appropriately, they can contribute to ensuring that all citizens have a speedy trial.

5. Research Questions

This study attempts to address some significant issues related to the right to a speedy trial based

on the hypotheses. To help the research focus on the issues, these questions are presented in an easy-to-understand and straightforward manner.

1. How far is speedy trial a part of Article 21?
2. What are the main causes of delay in trial?
3. What steps can be taken to ensure speedy trial in India?
4. Constitutional Question: How has the right to a speedy trial been incorporated into Article 21 by the Supreme Court? How exactly does Indian law define this right?
5. Useful Question: Why do Indian courts typically fail to provide prompt trials? Is it due to adjournments, a lack of judges, inadequate infrastructure, or some other systemic problems?
6. Social Question: What effects do trial delays have on various populations? Do impoverished inmates who are awaiting trial, for instance, suffer more than affluent defendants?
- 7 Judicial Question: To what extent have court rulings improved the situation? Has the actual situation of swift justice changed as a result of rulings like Hussainara Khatoon and A.R. Antulay?
8. Reform Question: How can the Indian legal system cut down on delays? Can ADR techniques, fast-track courts, and technology have a greater impact?
9. Comparative Question: Can India learn anything from other nations that have effectively implemented speedy trials

6. Literature Review

Many scholars and judges have discussed speedy trials. The Supreme Court in Hussainara Khatoon v. State of Bihar (1979) first declared that the right to speedy trial is part of Article 21. Later in A.R. Antulay v. R.S. Nayak (1992), the Court explained that every accused has the right to be tried quickly.

Writers of criminal law have also written that a delay in trial destroys justice. Some have suggested reforms like more judges, the use of technology, and fast-track courts. Still, a big gap exists between theory and practice. Courts recognise the right, but cases continue to take many years.

Numerous academics, judges, and legal writers have debated the concept of a speedy trial. In a landmark ruling in Hussainara Khatoon v. State of Bihar (1979), the Indian Supreme Court ruled that Article 21 guarantees the right to a speedy trial. Because it resulted in the release of thousands of undertrial inmates who had been detained without a trial, this case was significant.

The definition of a speedy trial was further broadened by later cases like *A.R. Antulay v. R.S. Nayak* (1992) and *P. Ramachandra Rao v. State of Karnataka* (2002). These rulings demonstrate that although courts have acknowledged this right on numerous occasions, the issue is how to properly implement it on a local level.

According to Indian legal scholars like M.P. Jain and H.M. Seervai, Article 21's goal is to guarantee that every citizen receives fair justice. They contend that the credibility of the entire legal system is damaged if trials drag on for years. Additionally, researchers have noted that delayed trials disproportionately impact the poor and marginalised segments of society. Even for minor infractions, they are still incarcerated and have limited access to legal aid. This demonstrates the significant discrepancy between what the Constitution says and what actually occurs. For many writers, the gap itself is a major area of study.

Solutions have been proposed by committees and other authors. In various reports, the Law Commission of India has suggested creating fast-track courts, hiring more judges, and cutting down on adjournments. Technology such as digital records, video conferencing, and e-filing can also speed up the trial process, according to academics who write for legal journals. International researchers have also contrasted India with other nations, such as the USA, where the law imposes stringent time limits on speedy trials. However, due to the high volume of pending cases in India, such stringent timelines are challenging. The literature frequently cites this implementation gap as one of the primary causes of speedy trial's continued status as more of an ideal than a practical solution.

As a result, the literature makes three points very evident. First, courts have firmly recognised a speedy trial as a component of Article 21. Second, the majority of academics concur that delays pose a significant challenge to the administration of justice. Third, research on how to make court rulings practical is still lacking. Numerous solutions have been proposed, but their effectiveness hinges on judicial discipline, political will, and the right administration of justice. Thus, by relating constitutional promises to real-world difficulties and proposing reforms that can truly succeed in India, this paper attempts to close this gap.

7. Rationale of the Study

This study is important because India's justice system is under heavy pressure due to pendency. If a speedy trial is not ensured, then Article 21 loses meaning. It is necessary to study this right to understand both constitutional protection and real challenges. The research will help to suggest

solutions which can improve the justice system for future.

One of the most crucial elements of just justice is the right to a speedy trial. The Article 21 constitutional guarantee is rendered insufficient in the absence of this right. With crores of cases still pending, India's legal system is having trouble. Justice has become incredibly slow and, in many cases, pointless as a result. This study's justification is to emphasise that the entire goal of criminal law and human rights is undermined if trials are not held promptly. In addition to safeguarding the accused's rights, a speedy trial also helps to maintain public trust in the rule of law. Because of this, the study is crucial to the modern world.

The fact that the poor and common people suffer the most from delayed justice is another factor in the choice of this subject. Numerous inmates awaiting trial are detained for years, sometimes for lengths of time exceeding the maximum penalty for the offence they are charged with. Injustice is evident in this situation. Because innocent people may suffer for no fault of their own, it is not only a legal issue but also a moral and social one. Thus, it is crucial to comprehend how the government, legislature, and judiciary can collaborate to improve the feasibility and efficacy of speedy trials in India.

Last but not least, the study is significant because India is a democracy where the rule of law is paramount. People may turn to alternative dispute resolution methods if they lose faith in the legal system, which could be detrimental to social harmony and order. Because of this, a speedy trial is both a social and legal necessity. This research will attempt to offer some helpful suggestions for enhancing the justice delivery system by examining the issues and proposing changes. Therefore, the idea is to relate constitutional principles to actual issues and offer workable solutions that can effect change.

8. Research Methodology

The study is doctrinal in nature. It uses constitutional provisions, case laws, statutes, books and articles. The main method is library research and online sources. Since the topic is about constitutional rights, doctrinal method is suitable to analyse judgments and legal principles.

The doctrinal method is used in this study. The study of legal texts, including statutes, constitutional provisions, case laws, legal scholars' books, and commentaries, is the primary source of doctrinal research. The doctrinal approach is best suited for the topic of "Speedy Trial as a Fundamental Right," which is about constitutional interpretation and court rulings. It makes it possible to comprehend how courts have evolved the idea of a speedy trial and how Indian

constitutional law has expanded this right. The approach also aids in relating actual problems of justice system delays to legal provisions. As a result, the doctrinal method selection for this study is justified.

The primary sources used in this study include the Indian Constitution, criminal procedure laws, and significant rulings from the Supreme Court and High Court. To examine how courts have upheld the right to a speedy trial, examples include *Hussainara Khatoon v. State of Bihar* (1979), *A.R. Antulay v. R.S. Nayak* (1992), *P. Ramachandra Rao v. State of Karnataka* (2002), and *Kartar Singh v. State of Punjab* (1994). In addition to these, other statutes that contain provisions about fair trial and procedure, such as the Code of Criminal Procedure, are also cited. This paper is based on these primary sources.

Additionally, the study draws from secondary sources, including law journals, textbooks, commentaries, Law Commission of India reports, and articles from reliable online databases like Indian Kanoon and SCC Online. For constitutional interpretation, the writings of academics like M.P. Jain and H.M. Seervai have been consulted. Understanding the official recommendations for judicial reforms to cut down on delays can be greatly aided by reading Law Commission reports. By providing background information on the issue of pending cases and expert opinions, these secondary materials aid in broadening the research's scope.

To a certain degree, comparative analysis is also a part of the research methodology. The paper examines how other nations handle speedy trials, despite its primary focus on India. For instance, the Sixth Amendment of the US Constitution guarantees a particular right to a speedy trial with set deadlines. Attempts have also been made to expedite the resolution of cases in Australia and the United Kingdom. This study can indicate whether certain foreign practices can be modified to fit Indian conditions by contrasting these systems with India. This kind of comparative reference aids in determining India's shortcomings and areas for improvement.

Additionally, this study has some analytical components. In addition to gathering legal materials, it also evaluates them to determine their applicability. For instance, the Supreme Court has ruled that a speedy trial is a fundamental right, but an analysis reveals that, despite this ruling, crores of cases remain unresolved after 40 years. The study highlights the true difficulty in delivering justice in India by examining this discrepancy between the law and practice. As a result, the research highlights the system's successes as well as its shortcomings and is both descriptive and critical.

The methodology acknowledges its limitations as well. Due to time and resource limitations, this paper does not rely on empirical research such as surveys or interviews. It mostly relies on the

available legal resources. Nonetheless, where feasible, empirical research conducted by other scholars and governmental organisations has been cited. By admitting these shortcomings, the study maintains its objectivity and realism. Because it focuses on the constitutional and legal recognition of a speedy trial as a fundamental right, the doctrinal method is still the most appropriate for this research.

Finally, the chosen methodology aims to make the study reliable and structured. By depending on constitutional provisions, case laws, reports, and respected scholarly works, the research ensures authenticity. The structure of the methodology – starting from primary sources, adding secondary sources, including some comparative elements, and applying analytical thinking – gives a complete framework. This will help in answering the research questions clearly. Thus, the methodology is well-suited to achieve the objectives of the study and provide practical suggestions for strengthening the right to speedy trial in India.

9. Scope and Limitations

The study is limited to India and its legal system. It mainly focuses on the constitutional and judicial aspects of speedy trial. Foreign practices are not studied in detail. Also, due to limited time and resources, empirical study like interviews or surveys is not done.

The scope of this research is mainly within the constitutional and legal framework of India. It focuses on how the Supreme Court and High Courts have interpreted Article 21 to include the right to a speedy trial. The research looks at important judgments where this right was explained and applied. The study also covers how the Code of Criminal Procedure and other related laws support or fail to support speedy justice. The idea is to connect constitutional promises with practical realities of the Indian judiciary. Therefore, the scope is not only legal in theory but also practical in terms of how the courts function and what reforms are required.

The social aspects of a speedy trial are also covered in the study. Trial delays impact not just the accused but also the victims and society at large. The impact on undertrial inmates, who frequently come from underprivileged and marginalised communities, is attempted to be included in the study. However, it also takes into account the suffering endured by victims and their families when cases drag on for decades. As a result, the scope goes beyond a legal analysis to include the social repercussions of delayed justice. Justice is not just about courts and laws; it also involves how they affect people's lives and democratic trust, which is why this broader scope is required.

There are other limitations to the study. No in-depth fieldwork has been conducted in other nations; the focus is solely on India. The paper does not thoroughly analyse foreign systems, despite the use of some comparative references. The rationale is that the goal is to thoroughly examine the Indian context, where backlog and pendency issues are particularly prevalent. Conditions in India differ from those in other nations due to its population, socioeconomic diversity, and overworked judiciary. As a result, the focus is still on India, and very few examples from other countries are used to offer context and potential lessons.

Another limitation is that the research is doctrinal in nature. It does not include empirical methods like interviews of judges, lawyers, or prisoners, nor does it use statistical surveys from courts. Such empirical work would require more time and resources. However, this limitation is balanced by using reliable secondary sources like Law Commission reports, government data, and published articles that already contain factual studies on pendency and delays. Therefore, even though the research does not collect primary empirical data, it still gains useful insights from existing studies. The scope is therefore doctrinal, analytical, and partially comparative in nature.

Additionally, there is a time limit on the research. The current state of the Indian judiciary is the main focus, particularly in the last few decades, when the backlog problem has gotten much worse. Since the main focus is on the operation of a speedy trial as a fundamental right following the adoption of the Constitution, a detailed discussion of the history of trials during colonial times or before independence is not included. Since a speedy trial was initially associated with Article 21 in *Maneka Gandhi v. Union of India* and *Hussainara Khatoon v. State of Bihar*, the scope primarily encompasses the post-1978 era.

Regarding solutions, there is also a practical restriction. Although the study makes recommendations for reforms like technology, fast-track courts, and additional judges, it cannot ensure that these changes will be carried out in practice. Political will, financial resources, and inter-institutional collaboration are necessary for the actual implementation. This paper cannot guarantee enforcement; it can only offer analysis and recommendations. As a result, if lawmakers and the judiciary do nothing about the recommendations, they may remain theoretical. However, the study thinks that in order to show potential paths forward, reforms must be proposed.

In summary, the study's scope is sufficiently wide to encompass legal, social, and practical aspects, but it is constrained in terms of geography, methodology, and execution. It examines judicial responses, examines the social effects of delays, and studies Indian law and cases. However, it is restricted to doctrinal research, focuses on India, and relies on secondary data to

provide useful insights. The research stays realistic and makes it clear what it covers and what it doesn't by defining its scope and limitations. This keeps the study academically sound and well-structured.

10. Chapter I – Constitutional Basis of Speedy Trial

The Constitution of India under Article 21 protects life and personal liberty. The Supreme Court has read into it the right to a speedy trial. In *Maneka Gandhi v. Union of India* (1978), the Court said that procedure under Article 21 must be fair, just and reasonable. Later, in the *Hussainara Khatoon* case, it was made clear that a speedy trial is a fundamental right.

This right means that investigation, trial, appeal and retrial must be done within a reasonable time. It protects the accused from long mental stress and also helps victims to get justice. It is now firmly part of Indian constitutional law.

The Indian Constitution does not directly mention the term “speedy trial,” but the Supreme Court has included it within the scope of Article 21¹, which guarantees the right to life and personal liberty. In the landmark case of *Maneka Gandhi v. Union of India* (1978)² The Court held that any procedure which restricts personal liberty must be “fair, just and reasonable.” This judgment gave a new life to Article 21 and made it the source of many rights, including a speedy trial. The Court said that justice should not only be fair but also quick, because long delays in trials are unfair to both the accused and the victims. This was the starting point of recognising speedy trial as a fundamental right.

In *Hussainara Khatoon v. State of Bihar* (1979)³ Thousands of undertrial inmates suffered for years in jail without a trial, highlighting the importance of a speedy trial. According to the Supreme Court, this kind of delay was a clear violation of Article 21, which states that no one should be deprived of their freedom without a prompt, equitable process. Numerous inmates awaiting trial were ordered to be released by the court. This case made it clear that everyone in

India has the fundamental right to a speedy trial, regardless of whether it is a policy issue or not. It also demonstrated how a delay can sabotage the administration of justice and subject impoverished inmates who are powerless to defend themselves to needless suffering.

The Supreme Court went into great detail later in *A.R. Antulay v. R.S. Nayak* (1992)⁴ To clarify

¹ Constitution of India 1950, art 21.

² *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

³ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

⁴ *A.R. Antulay v. R.S. Nayak*, AIR 1992 SC 1701

the extent of this right. The Court ruled that the right to a speedy trial extends beyond the trial itself to include the investigation, inquiry, appeal, and retrial. This implies that the entire criminal procedure needs to be finished within a fair amount of time. The Court also emphasized how delays erode the rule of law and that justice postponed is justice denied. The underlying idea here is that justice shouldn't be postponed for too long because it impacts not just the accused but also the public's confidence in the legal system.

Thus, Article 21 serves as the solid foundation for the constitutional guarantee of a speedy trial. It has been acknowledged as a component of the right to life and liberty through judicial interpretation. According to the Supreme Court, if trials are continuously postponed, the Constitution's guarantee of life and liberty would be nullified. Therefore, the concept of fair procedure naturally leads to a speedy trial. It safeguards people's dignity, avoids needless incarceration, and guarantees victims prompt justice. Therefore, despite the fact that the term is not specifically mentioned in the Constitution, judicial ingenuity has made sure that a speedy trial is now a fundamental right that is both enforceable and fundamental in India.

In addition to Article 21, the Directive Principles of State Policy and Fundamental Duties are linked to a speedy trial. To guarantee that justice is not withheld due to poverty, Article 39A requires the State to provide equal justice and free legal aid. This directive becomes useless if a trial is postponed for many years. In a similar vein, every citizen is required by Article 51A to uphold the Constitution and its principles. However, this respect can only be upheld if justice is served by the legal system promptly. Therefore, although Article 21 primarily supports a speedy trial, it is also backed by more general constitutional principles that emphasise equality, justice, and fairness.

Indian courts have also been influenced by international law to recognise the right to a speedy trial. Everyone has the right to a fair trial, according to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights (ICCPR). The Supreme Court has frequently stated that international human rights standards can be incorporated into our constitutional framework, and India is a signatory to these instruments. Courts have strengthened the argument that a speedy trial is both a domestic and international human rights standard by bringing Indian law into compliance with international human rights law. This reaffirms India's constitutional foundation for a speedy trial.

The connection between the natural justice principle and a speedy trial is another significant feature of the constitutional foundation. According to natural justice, no one should be punished without first receiving a fair hearing, which must also be promptly conducted. Even if the hearing

is fair, it is unfair if someone must wait decades to receive a verdict because of the delay. The Supreme Court has frequently reinforced Article 21 using the ideas of natural justice. As a result, a speedy trial is not a stand-alone right but rather a component of a larger constitutional philosophy that encompasses justice, equality, and fairness. It demonstrates how Indian constitutional law has developed dynamically to provide practical protection for individual rights.

11. Chapter II – Challenges in Ensuring Speedy Trial

There are many challenges in achieving speedy trials in India:

- Huge backlog of cases: More than 5 crore cases are pending in courts.
- Shortage of judges: India has a very poor judge-to-population ratio.
- Frequent adjournments: Lawyers and parties take unnecessary adjournments.
- Undertrial prisoners: Many remain in jail for years.
- Poor infrastructure: Lack of proper courtrooms, staff, and technology.
- Delays in investigation: Police often take a long time to complete the investigation.

All these challenges make the promise of a speedy trial very weak in reality.

The enormous backlog of cases in India is one of the main obstacles to a speedy trial. Over five crore cases are still pending in the nation's various courts as of right now. Trials cannot proceed swiftly due to this significant pendency. The burden is increased each year as more cases are filed than are resolved. One of the most significant issues facing the judiciary is delay, as acknowledged by the Supreme Court and the High Courts. Even cases that could be resolved quickly take years because of this pendency. Thus, the first and most significant obstacle to the constitutional guarantee of a speedy trial is the backlog.

The lack of judges and judicial staff is another significant issue. India's judge-to-population ratio is among the lowest globally. There are vacancies in many courts that go unfilled for years. Judges must manage thousands of cases concurrently as a result of this shortage. Even if judges wish to provide prompt justice in such a scenario, it is nearly impossible. The infrastructure and personnel of the court are also inadequate. The delay is increased by inadequate record-keeping, small courtrooms, and a shortage of stenographers. Thus, a major barrier to speedy and equitable trials is the lack of human resources and inadequate support networks.

Another major cause of delay is the issue of frequent adjournments. Adjournments are frequently taken by attorneys for preparation, absence, or occasionally as a strategy to prolong the case. Additionally, courts permit numerous adjournments, which causes trials to drag on for years. Although needless adjournments are discouraged by the Code of Civil Procedure and the Code

of Criminal Procedure, they are actually quite common. In addition to wasting court time, this raises expenses and causes harassment for all parties. Poor litigants and undertrial inmates who cannot afford to wait indefinitely are particularly harmed by frequent adjournments. The right to a speedy trial is directly weakened by this adjournment culture.

The high number of inmates awaiting trial in Indian prisons is another significant issue. Nearly 70% of Indian prisoners are awaiting trial and have not yet been found guilty, according to official reports. For minor infractions, many of us are imprisoned for years without being allowed to defend ourselves. Since the majority of undertrials are impoverished and unable to pay for attorneys or bail, this is not only a violation of Article 21 but also a social injustice. Their suffering is exacerbated by delays in the investigation and trial. Decades ago, the Hussainara Khatoon case brought attention to this issue, but it still persists today. One of the main obstacles to a speedy trial in India is still the undertrial situation.

Courts' antiquated and inadequate infrastructure further contributes to delays. Many courts continue to use outdated processes and manual records. While some areas have begun to digitise, the majority of lower courts have not yet embraced contemporary techniques. Listing and hearing cases are needlessly delayed by inadequate facilities, a lack of courtrooms, and inadequate use of technology. Although their reach is still restricted, the COVID-19 pandemic demonstrated the significance of digital filing and online hearings. In a nation as big and diverse as India, it is very difficult to implement a speedy trial without the right infrastructure and modernisation.

The delays in the investigation and prosecution present another difficulty. Police frequently take a long time to gather evidence, file charge sheets, and finish investigations. The lack of forensic facilities and police personnel is partially to blame for this. Files between the police, the prosecution, and the courts frequently move very slowly. The lengthy time between the crime and the trial causes witnesses to become hostile or to forget facts. This causes more delay and erodes the case. If the investigation and prosecution are slowed down from the beginning, the trial will not proceed swiftly. Therefore, a lacklustre investigation directly hinders a speedy trial. The issue of a lack of awareness and accountability comes last. Many citizens are unaware that they have a fundamental right to a speedy trial. They do not make a strong demand for it as a result. However, when a case takes too long, judges, attorneys, or officials are not held to strict accountability. Delays can go unchecked because of this lack of accountability. A speedy trial will only be a theoretical idea in the absence of a clear accountability framework. As a result, the problem is both structural and cultural. If India is to live up to the constitutional right to a speedy trial, the attitude of delay must change.

12. Chapter III – Judicial Response and Case Laws

The judiciary has played an active role in protecting this right:

- *Hussainara Khatoon v. State of Bihar* (1979): The Court held that a speedy trial is a part of Article 21. Many undertrial prisoners were released.
- *A.R. Antulay v. R.S. Nayak* (1992): Court explained that the right to speedy trial is available at all stages – investigation, inquiry, trial, and appeal.
- *Kartar Singh v. State of Punjab* (1994): The Court said even in terrorism-related cases, speedy trial must be ensured.
- *P. Ramachandra Rao v. State of Karnataka* (2002): The Court held that there cannot be a fixed time limit for all cases, but the trial must be reasonable.

The Indian judiciary has been instrumental in establishing a speedy trial as a fundamental right. Although this right isn't stated explicitly in the Constitution, courts have interpreted it to be part of Article 21. According to the Supreme Court, a fair trial without needless delay is part of the right to life and liberty. In India, this interpretation has altered what justice means. The notion that justice postponed is justice denied has been given life by the judiciary through seminal cases. Additionally, the courts have attempted to strike a balance between the rights of the accused and the interests of society and victims. Thus, the main force behind India's quick trials has been judicial activism.

Hussainara Khatoon v. State of Bihar (1979)⁵ It is the most well-known case on this topic. In this instance, a public interest lawsuit was filed, demonstrating that thousands of prisoners awaiting trial had languished in Bihar jails for many years. This human rights violation shocked the Supreme Court. According to Justice P.N. Bhagwati, Article 21 guarantees a speedy trial. Many undertrials who had been held longer than the maximum penalty for their offence were released by his order. Because it formally established the right to a speedy trial as a fundamental right, this case altered the course of Indian criminal law.

A.R. Antulay v. R.S. Nayak (1992)⁶ is another significant case. The Supreme Court clarified in this case that a speedy trial does not merely refer to the prompt conclusion of the court case. Investigation, inquiry, appeal, and retrial are also included. The entire criminal justice process must be reasonable in terms of time, according to the Court. The accused's rights will be violated if the government or courts postpone any part of the process. The ruling also clarified that a speedy trial is a tangible right rather than a theoretical one. By extending the right to a speedy

⁵ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

⁶ *A.R. Antulay v. R.S. Nayak*, AIR 1992 SC 1701.

trial to all phases of the criminal process, this case expanded the application of Article 21.

The issue in **Kartar Singh v. State of Punjab (1994)**⁷ Concerned with the TADA law's requirement for a speedy trial in cases involving terrorism. The Supreme Court ruled that a speedy trial cannot be disregarded, even in cases this serious. The Court emphasised that, regardless of how serious the charges are, the accused has a right to a fair trial. This case is significant because it demonstrates that, despite dealing with terrorism and national security, the judiciary did not compromise on fundamental rights. It reinforced the notion that everyone has the right to a speedy trial in all types of cases.

In **P. Ramachandra Rao v. State of Karnataka (2002)**⁸ The Supreme Court revisited this right. The issue in this instance was whether trials should have a set time limit. Due to variations in complexity, the Court rejected the notion of strict deadlines for every case. It did, however, state that unjustified delays would be against Article 21. The Court mandated that cases be resolved as quickly as feasible. This ruling demonstrated the real-world challenges of implementing a speedy trial. The Court acknowledged that there is no one-size-fits-all solution, despite its strong support for the right. However, it maintained the constitutional guarantee of a speedy trial.

In many other cases, like **Common Cause v. Union of India (1996)**⁹ and **Raj Deo Sharma v. State of Bihar (1998)**¹⁰ The courts have also given instructions. In these cases, the Court said that cases that had been waiting for a long time without going to trial should be thrown out, or the accused should be let go on bail. These decisions showed how serious the Court was about lowering the number of pending cases. At the same time, they sparked debate because some people thought that letting people go without a trial could hurt the victims. So, the courts have always tried to find a middle ground between different interests, but they have made it clear that long delays are not allowed under Article 21.

To sum up, the courts have done the most to protect the right to a quick trial. Courts have said many times that delaying a trial violates basic rights, from Hussainara Khatoon to P. Ramachandra Rao. They have let people out of jail, dropped cases, and told the government what to do. But there is still a gap between what the courts say and what is actually happening. The judiciary can only interpret and give orders. For real change to happen, there needs to be better management, more judges, and changes to the way things are set up. However, without judicial intervention, the right to a speedy trial would not even exist in India. So, the courts have set the

⁷ Kartar Singh v. State of Punjab, AIR 1994 SC 102.

⁸ P. Ramachandra Rao v. State of Karnataka, AIR 2002 SC 1856.

⁹ Common Cause v. Union of India, AIR 1996 SC 1619.

¹⁰ Raj Deo Sharma v. State of Bihar, AIR 1998 SC 3281.

stage for this right, even though it hasn't been fully put into effect yet.

These cases show that the judiciary has strongly protected speedy trials, but practical results are still slow.

13. Chapter IV – Solutions and Reforms

Some steps can help to make a speedy trial a reality:

1. Add more judges. India has one of the lowest numbers of judges compared to its population. Filling open positions and hiring more judges will make courts less busy. This will speed up trials and make justice more accessible.
2. Courts on the Fast Track For sensitive cases like rape, corruption, and crimes against children, special courts can be set up. These courts can only work on certain cases so that they can be resolved quickly. These kinds of courts have been successful at lowering the number of cases that are still open.
3. Using technology, adding e-filing, online case tracking, and video conferencing will help people save time. Technology cuts down on paperwork and makes processes clear. Digital courts can be very helpful, especially in places that are hard to reach.
4. Minimise Adjournments. Rules should be strictly adhered to by courts to prevent needless adjournments. By requesting multiple dates, attorneys and parties frequently postpone cases. Trials can be finished sooner if the maximum number of adjournments is set.
5. Make Legal Aid Stronger Due to a lack of attorneys, poor inmates awaiting trial frequently suffer. It is necessary to strengthen and improve the effectiveness of legal aid services. Unnecessary detention can be decreased with prompt legal assistance.
6. Enhance Police Inquiry. The investigation itself is where the delay begins. Modern equipment, forensic assistance, and improved training are all necessary for police. Courts will be able to finish trials on schedule with the support of a more robust investigation system.
7. Expand the Infrastructure. Many courts are understaffed and have subpar facilities. Workload will be decreased by constructing new courtrooms and employing qualified personnel. Trials will proceed more smoothly with improved infrastructure.
8. ADR, or alternative dispute resolution, Techniques like Lok Adalats, arbitration, and mediation ease the strain on the legal system. Smaller disputes can be resolved out of court. Judges will have more time to concentrate on serious criminal trials as a result.
9. Reforms to Bail Inmates awaiting trial must not be held in custody for longer than necessary. Unnecessary detention can be avoided with simple and equitable bail regulations. This will safeguard the right to a speedy trial and decrease the number of inmates.

10. Accountability of the Judiciary. It is also necessary to hold attorneys and judges accountable for delays. Discipline will be brought about by an accountability and performance review system. This will make completing trials as soon as possible more serious.

11. Citizen Awareness A speedy trial is a fundamental right, but many people are unaware of this. Citizens can demand their rights with the aid of awareness campaigns. Institutions are under pressure to change when people speak up.

12. Increase the number of judges and fill vacancies quickly.

13. Fast Track Courts for certain cases like rape and corruption.

14. Use of technology: Virtual hearings, e-filing, and digital records.

15. Limit adjournments by strict rules.

16. Strengthen legal aid so poor people can get justice fast.

17. Alternative Dispute Resolution (ADR): Mediation and arbitration to reduce case load.

These reforms, if applied properly, can improve the justice system and secure the constitutional right of speedy trial.

14. Conclusion

Speedy trial is not only a fundamental right but also the backbone of fair justice. Without it, Article 21 is incomplete. The judiciary has declared it as a basic part of life and liberty, but still, the ground reality is disappointing. Courts are overloaded, and people suffer due to delay.

This study found that the main causes of delay are a shortage of judges, a backlog of cases, and weak infrastructure. The judiciary has given many judgments, but implementation is weak.

Therefore, strong reforms are needed. Appointment of more judges, modernisation of courts, a better investigation system, and strict control on adjournments are required. If these reforms are taken, then speedy trial can truly become a reality in India.

Nowadays, Article 21 of the Indian Constitution is inextricably linked to the right to a speedy trial. The Supreme Court has ruled through judicial interpretation that a fair trial must also be a speedy trial, particularly in cases like Hussainara Khatoon, A.R. Antulay, and P. Ramachandra Rao. This development demonstrates how the Indian judiciary has broadened the definition of fundamental rights to encompass protection from needless delay as well as theoretical liberty. Therefore, a speedy trial is guaranteed by the Constitution and not a luxury. Even though this right is well-established in law, the numerous issues with the legal system mean that it is not yet completely effective in practice.

According to the study, India's massive backlog of cases is the main obstacle to a speedy trial.

Justice is proceeding very slowly because there are over five crore cases that are still pending in various courts. The issue is made worse by a lack of judges, frequent adjournments, inadequate infrastructure, and sluggish investigations. Because many of them are imprisoned for years without being given a chance to defend themselves, the situation of undertrial inmates



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