BLOGS

Right to Speedy Trial in India

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Introduction

The Constitution serves as the cornerstone of justice in a democratic society, preserving people's fundamental rights. The Constitutional Right to a Speedy Trial is one such critical right. The right to a speedy trial guarantees that justice is delivered on time, avoiding excessive delays that might result in mental suffering and denial of justice.

This post investigates the causes that contribute to the increasing numbers of pending cases, the impact of delay on persons, the constitutional requirement of a prompt trial under **Article 21**, reformative methods, and some feasible remedies to avoid delays.

History of Right to Speedy Trial

The idea of a speedy trial has roots in ancient legal systems. For example, in ancient Rome, there were rules called the **Twelve Tables** that required cases to be resolved within a certain time.

In English Common Law, the right to a speedy trial became important. **The Magna Carta**, which was issued in 1215, stated that justice should not be denied, sold, or delayed. This emphasised the importance of quick justice and protection against unfair detention.

The right to a speedy trial is now recognized internationally. Documents like the **Universal Declaration of Human Rights** (1948), the **International Covenant on Civil and Political Rights** (1966), and regional agreements such as the **European Convention on Human Rights** (1950) and the **American Convention on Human Rights** (1969) all emphasise the significance of having a fair and prompt trial.

Factors leading to Pendency of Cases

Several factors contribute to the pending status of cases in India, resulting in a significant backlog in the legal system.

Inadequate number of judges: One of the key reasons for case adjudication delays is a judge shortage. When compared to worldwide norms, India's judge-to-population ratio is much lower. Due to the large number of ongoing cases and the restricted number of judges, courts are overwhelmed, resulting in lengthy trial wait times.

Procedural complexities: The Indian legal system's complicated and time-consuming procedures lead to case pending. Multiple phases, such as petition filing, notice service, evidence collection, and witness examination, may cause considerable delays. The situation is exacerbated further by procedural complexities and frequent adjournments.

Case backlog: The accumulation of outstanding cases over time produces a backlog that impedes the timely disposition of new cases. The backlog is due to the time-consuming nature of judicial processes, a lack of effective case management tools, and inadequate resources to handle the growing workload.

Administrative inefficiencies: Administrative inefficiencies within the court system may contribute to case pendency. Courts' efficiency is hampered by delays in the appointment of judges, limited infrastructure, and antiquated technology. Delays are exacerbated further by insufficient support workers and administrative processes.

Prolonged investigations: Prolonged investigations by law enforcement authorities, particularly in complicated cases, can result in delayed trials. Inefficiencies in the investigative process, such as inadequate or delayed evidence submission, can have a substantial influence on the case's development and lead to its protracted pendency.

Hearing adjournments and delays: Frequent adjournments and delays in hearing cases for a variety of reasons, including the absence of lawyers, witnesses, or judges, add to the pendency of cases. This causes a cascade effect in which instances are moved farther down the line, creating further delays for subsequent cases.

Impact of Delay on the Accused

Prolonged delays in the legal procedure can create severe mental pain and emotional misery for anyone engaged in a case. Whether victims seeking closure or accused persons awaiting trial, the

uncertainty and protracted wait for a resolution can result in increased stress, worry, and frustration.

Faith in the judicial system erodes: Delays in justice deteriorate public trust and confidence in the justice system. When people and communities believe that justice is being delayed or denied, it weakens their faith in the legal system's fairness and efficacy.

Social and economic consequences: Delayed justice has far-reaching social and economic ramifications. Individuals and corporations embroiled in legal disputes may face financial constraints when their capacity to move ahead, make informed decisions, or seek closure is hampered. Delays can also harm economic growth and the entire operation of markets, since firms rely on prompt settlement of legal issues to run efficiently.

Congestion in jails and human rights concerns: Delayed trials contribute to prison congestion by keeping people in pretrial custody for prolonged periods of time. Overcrowding in jails puts a burden on resources, creates difficult living circumstances, and jeopardises the dignity and rights of prisoners awaiting trial. Prolonged pretrial imprisonment might violate the assumption of innocence as well as the right to a fair and quick trial.