

Speedy Trail in Criminal Justice System A (Review)

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ABSTRACT

The fundamental human right to seek speedy justice is influenced directly by the governing principles that regulate how the criminal justice system operates, such as the following:

“Justice delayed is justice denied, justice withheld is justice withdrawn, and justice should not only be done but should also appear to have been done”.

Justice is not a delayed justice that fails to achieve its aim; rather, justice is justice when it is dealt with in a reasonable amount of time. A competent legal system should not only provide just and proper resolutions, but it should also do so as quickly and consistently as a human activity allows. The expression “quick disposition of case” should not be interpreted to mean that cases should be settled quickly at the price of justice because hurried justice is buried justice. Delaying justice would be pointless while acting too quickly would be detrimental. In emphasizing the importance of prompt justice, Judge Anand noted astutely that “people want justice that is pure, uncontaminated, rapid, and affordable, and they have every right to receive the same”. Yet, the administration of justice is exceedingly slow in practice. According to a proverb, “if justice is not carried out quickly, mankind convinces them that there is no such thing as justice”. In other words, if justice is not delivered quickly, people will believe it does not exist.

INTRODUCTION

The country's constitution, which was accepted by the people, clearly declares that India is a democratic, rule-of-law-based society. The ‘rule of law’ notion holds that the law should take precedence over all other aspects of society. A just, open, and non-discriminatory judicial system that answers the public's interests and concerns safeguards the rule of law. The level of development of a country can be measured by assessing its economic and legal systems, as well as its residents' standard of living, which must include timely access to justice. The Constitution guarantees citizens of India fundamental rights, sometimes known as human rights which also expressly include the right to a speedy trial. The pursuit of the truth is the foundation of a justice system dedicated to defending and protecting the rule of law.

The administration of the criminal justice system is always changing as a result of changing socioeconomic situations. To begin with, it is the judiciary's responsibility to strike a balance between criminal law, which is concerned with social protection and establishes behavior standards that must be followed by all, and individual liberty, in addition to protecting social security and order, or public order. The judiciary is in charge of ensuring that the country is effectively governed, resolving personal problems, determining whether or not a person is guilty, and, even if it is not immediately clear, preserving the populace's rights.

The state, according to John Locke's social contract theory, was established to defend unassailable and inalienable rights such as the right to life, liberty, and property. The 17th century saw the growth of Locke's notion. But, in order for liberty to be consistent and meaningful, it must be defined logically and linked to the means of attaining it. This ensures that it can be effectively implemented even if it is violated. After that, liberty can only be meaningful and continuous. To put it another way, the concept of liberty is meaningless if there is no legal or judicial system. It has been proposed that a separate judicial system be established to ensure that these principles are incorporated into the texts or practices of the current constitutions.

MEANING OF FAIR TRIAL:

A just and democratic society must always protect all parties' fundamental right to a fair trial. It embodies the principle that when facing accusations or disputes, all individuals, regardless of their status, beliefs, or circumstances, are entitled

to a fair and impartial legal process. This principle was developed by the American Bar Association. The concept of a fair trial ensures that justice is administered in accordance with the rule of law, thereby protecting all parties involved in legal proceedings' rights and liberties. This is what an impartial trial entail.

To be considered fair, a trial must strictly adhere to several fundamental principles. Judges and other decision-makers must always maintain their independence and objectivity, free of any outside influences or preconceived notions that could cloud their judgement, according to the principle of impartiality. This objectivity requirement applies not only to judges, but also to jury members and all other participants in the judicial process.

Right of Speedy Trial in India

It is widely assumed that the existence of such a system demonstrates the widespread acceptance of constitutionalism because it protects against the state's ability to arbitrarily limit individual liberty. But the urgent question that arose was how to build a legal system in which people could have faith and bring their grievances with complete assurance that they would be heard. When developing such a system, it is critical to remember that justice should not only be done, but also be seen to have been done. But this seeing must be based on the public's respect and confidence in the organization charged with assigning equity. When people lose confidence and respect for an institution, it loses its perceived visibility because they would not voluntarily entrust this entity with the authority to determine their fate. Comparable people in positions of power could remain, but the legal position would no longer exist. To be carried out in the manner and for the purpose intended, the vindication of the judicial function must be such that it obtains the populace's confidence and respect. Respect and accessibility are two factors that contribute to an organization's success and are backed by public trust. These factors can also have an impact on how well the organization performs. In this sense, accessibility refers to access to justice, sometimes known as access to efficient forms of justice. Nonetheless, a number of hurdles were discovered and efforts were taken to remove them in order to develop and maintain a trustworthy adjudication system. For example, Garth and Cappelletti argue that the scanner was drawn to the lack of proper representation of economic minorities.

Speedy Trial in Indian Judiciary

This, they believe, is the problem. Attempts to correct erroneous representation, however, did not solve the problem; rather, they established another barrier to the system's already dispersed interest. Rather than revealing a problem area that prevents the general public from having meaningful access to justice efforts, rendering the means for the vindication of rights meaningless, remedies should be thoughtfully devised. As a result, when avenues of redress fail, it jeopardizes not just the integrity of the court system as a whole, but also represents a waste of individual liberty. One of the factors that have contributed to the issue's complexity is the inability to complete tasks on time.

When deficiencies in the system prevent swift justice from being administered, particularly in criminal procedures, the accused face considerable and ongoing hardships. On the other hand, because they frequently entrust the state with the responsibility of wrapping them in a cloak of justice, victims are subjected to secondary victimization at the hands of the delayed legal system. As a result, delayed equity is effectively denied equity. When justice is not provided, both the law and liberty lose meaning; this puts into question the basic reason for the establishment of the state. According to a clause in several US constitutions, justice must always be rendered quickly and in public. The concept of natural law is included in this sentence. The fundamental right to liberty is protected under Article 21 of the Indian Constitution, which was heavily influenced by the United States Constitution. But, once again, a variety of overt and hidden obstructions prohibit its proper implementation in order to offer prompt justice. This stumbling block cannot be overcome. The purpose of this dissertation is to demonstrate how court system backlogs and delays contribute to a lack of justice for victims and accused people.

The court procedures in the Indian legal system are notoriously protracted and unnecessarily delayed, resulting in a substantial backlog of cases. Article 21 of the Indian Constitution, which guarantees the preservation of life and personal liberty, includes a provision stating that an individual has the right to a speedy trial. Despite this, obtaining expeditious justice in India has proven challenging for a variety of reasons.

Concerns have been raised regarding the effectiveness of India's judicial system, as well as marginalised members of society's access to justice and the general rule of law. Delays in having cases tried in court can have severe consequences, including the accused being incarcerated for a longer period of time, victims enduring more suffering for a longer period of time, and people losing faith in the judicial system.

IMPORTANCE OF SPEEDY TRIAL IN ENSURING JUSTICE

When it comes to ensuring that justice is served, it is impossible to overstate the significance of conducting trials as quickly as feasible. First, it protects fundamental rights, which are guaranteed by legal systems worldwide, including the Constitution of the Indian Republic. A trial that is conducted in a timely manner protects both the rights of the accused and the victims by expediting the resolution of cases. It ensures that individuals are not detained arbitrarily for extended periods of time, which can cause undue stress and anxiety, particularly in the absence of a fair assessment of their culpability.

INTERNATIONAL STANDARDS AND LEGAL PROVISIONS REGARDING SPEEDY TRIAL

To achieve justice and protect the legal rights of those accused of wrongdoing, international standards and legal provisions requiring a speedy trial must be in place. The goal of these guidelines is to ensure that fundamental human rights and the rule of law are consistently upheld around the world. Several international treaties and conventions outline the right to a speedy trial, emphasizing the significance of timely and impartial legal proceedings.

9 SPEEDY TRIAL AS A FUNDAMENTAL RIGHT

The right to a speedy trial is regarded as a fundamental aspect of the criminal justice system and a fundamental human right in several countries. It is based on the principles of equity, justice, and individual rights protection. The right to a speedy trial ensures that people accused of crimes do not face unnecessary and protracted delays in the legal process, protecting their constitutional and human rights. This right also protects individuals from lengthy delays in the legal process.

Several international human rights instruments recognize the right to a fair and timely trial. According to Article 10 of the 1948 Universal Declaration of Human Rights (UDHR), which was approved by the United Nations General Assembly, "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge brought against him." According to Article 9 of the International Covenant on Civil and Political Rights (ICCPR), "anyone arrested or detained on a criminal charge shall be promptly brought before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release." To put it another way, anyone arrested or detained on a criminal charge must be brought immediately before a judge or other officer authorized by law to.

SPEEDY TRIAL UNDER ARTICLE 21

Criminal trials in India can last for years, if not decades, and civil actions take far longer. We can tell how horrible the situation is when we look at it. A speedy trial is required to avoid injustice, unfair incarceration, and a miscarriage of justice. This also ensures that justice is given equally and fairly to all inhabitants. Following 75 years of independence, the courts gave little weight to how long a prisoner had been held without charge; however, they did require proof from the prosecution to warrant the undertrial's continued custody. Nonetheless, after the emergency situation was resolved, the Supreme Court of India recognized a number of basic rights that were not clearly listed in the Indian Constitution in order to ensure that.

A petition for a writ of habeas corpus was filed in the 1979 case *Hussainara Khatoon v. Home Secretary, State of Bihar* on behalf of numerous individuals, including women and children, who had been incarcerated for an extended period of time in anticipation of their trials. Even if the allegations were proven, the petition stated that the violations would result in more than the required months in jail. The Supreme Court of India declared in this case that the "right to a speedy trial" is a fundamental right that is incorporated in the right to life and personal liberty guaranteed by Article 21 of the Indian Constitution. The court's decision called for a more humane standard of living, more access to bail, and a significant reduction in the period between arrest and trial. According to the court's interpretation of the *Maneka Gandhi* case, no system can be considered reasonable, fair, or equitable if it does not guarantee a timely trial. The Bihar government was compelled to release the detainees on bail.

USE OF TECHNOLOGY IN JUSTICE DELIVERY

The use of technology in justice delivery has revolutionized the way legal proceedings are conducted and has significantly contributed to enhancing access to justice, efficiency, transparency, and the overall effectiveness of the justice system. Here is an analysis of the several technological approaches which is employed in justice delivery:

4.7.1 E-Filing and Case Management Systems:

Systems for case management and electronic filing have been one of the major contributors to the people's access to fair and un-delayed justice. These technical innovations have not only been successful in getting the judicial system to operate at its best but also have made the whole process of court cases change. The uses of electronic filing and case management systems in relation to expedited justice have brought issues to the fore and these issues are briefly discussed below:

Advantages:

1. **Time Efficiency:** One of the most important advantages of video and virtual hearings is the saving of time that those types of hearings bring along with them as they completely eliminate the need for in-person court attendance. Participants might want to select a virtual way of attendance not simply in order to save their time and money but also the transportation and waiting for their cases to be heard. Apart from the better use of judicial time, this is generally a justice event at a quicker pace.

2. **Better Access to Justice:** Court sessions in the virtual mode make the judicial system accessible from distances that were a barrier to attending court. Members of the court can go to the hearing from any place, no matter how far and a remote area, in this way without taking a long trip. In addition, accessibility that exists between the parties gives the

court a chance to expedite the adjudication of conflicts as an equal chance for a fair hearing is granted by them and they get justice.

Benefits:

Time Efficiency: A major advantage of picturing the evidence is through an electronic means is quite a time saving for the practical part of the workflow in the court. By dispensing with the need for manual distribution and cutting down on the physical handling of papers, electronic documents and multimedia may be displayed and shared at the same time quite easily. This speeds up the process of witness cross-examination and examination, thus enabling court efficiency and finishing of cases in less time.

CONCLUSION

Better Accessibility: The use of the EEP would result in programmable electronic evidence database, which is more accessible, less time-consuming, and easier to use. Besides, judges, lawyers, or any other parties who are remote can access, check, and interact with digital files, audios, or videos, or any other forms of evidence. Physical handling is a thing of the past. Moreover, by the time the record is digital, there is no need to perform time-consuming procedures such as storage, retrieval, or transportation.

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