

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 8 | Issue 6

2025

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Right to Speedy Trial under Indian Constitution: An Analysis

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ABSTRACT

The Indian Constitution's Article 21 recognizes the right to a speedy trial as a basic right. A person's "Right to Life and Personal Liberty" is severely impacted by a delayed trial because, in a number of rulings, the Supreme Court ruled that a speedy trial is a component of Article 21 of the Constitution's "Right to Life and Personal Liberty." The purpose of each article was to broaden the range of rights that the preceding articles secured, not to restrict them. Many of the Fundamental Rights listed in Part III of the Constitution contained areas of exception, and no single item alone constituted a comprehensive framework. In this instance, the court determined that the golden triangle between Articles 14, 19, and 21 supports each other. However, the mandate of Article 21 can never be fulfilled by just prescribing a procedure. The legal process must be logical, fair, and just—not irrational, repressive, or capricious.

Keywords: Constitution, Liberty, Trial, Justice, Legal

I. INTRODUCTION

The Indian Constitution's Article 21 recognizes the right to a speedy trial as a basic right. A person's "Right to Life and Personal Liberty" is severely impacted by a delayed trial because, in a number of rulings, the Supreme Court ruled that a speedy trial is a component of Article 21 of the Constitution's "Right to Life and Personal Liberty." The purpose of each article was to broaden the range of rights that the preceding articles secured, not to restrict them. Many of the Fundamental Rights listed in Part III of the Constitution contained areas of exception, and no single item alone constituted a comprehensive framework. In this instance, the court determined that the golden triangle between Articles 14, 19, and 21 supports each other. However, the mandate of Article 21 can never be fulfilled by just prescribing a procedure. The legal process must be logical, fair, and just—not irrational, repressive, or capricious.

II. SIGNIFICANCE OF ARTICLE 21 OF INDIAN CONSTITUTION 1950

"Babu Singh and Ors v. The State of Uttar Pradesh,"³ In this instance, the court underlined that

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³ 1978 AIR 527

the denial of freedom or liberty is a matter of great concern due to the importance and scope of Article 21. It said that this kind of deprivation should only take place where the relevant legislation is just, equal, and consistent with the state's obligations as stated in Article 19 as well as the values of communal welfare. Reasonability necessitates thoughtful consideration and implies that denying bail serves the twin interests of justice for the offender and society at large, rather than being done for punitive purposes. It is important to recognize the substantial public costs associated with holding people when there is little threat of flight or disturbance. The appalling condition of our sub-jails, which is almost as bad as cruel circumstances. A policy favoring release becomes prudently logical since the unjustified harshness and expensive nature of needless confinement make the refusal of bail inappropriate. There are a number of other important considerations. The dual goals of public safety and personal rehabilitation along a route away from criminal behavior justify all limitations on liberty. The foundation of the entire bail law structure is the idea of public justice. Justice evasion must be outlawed, but the severity of punishment must be kept to a minimum.

Hussainara Khatoon v. Home Secretary⁴

He would have the right to enforce this fundamental right and obtain his release under Article 21. It goes without saying that a legal process for denying someone their freedom cannot be "reasonable, fair, or just" unless it guarantees a prompt trial to ascertain the individual's guilt. No process may be considered "reasonable, fair, or just" if it does not provide a fairly speedy trial; otherwise, it would violate Article 21. Therefore, there is no question that the fundamental right to life and liberty guaranteed by Article 21 includes a timely trial, which we define as a properly expedited trial. "As we held in our previous ruling on February 26, 1979, a speedy trial is a necessary component of the 'reasonable, fair, and just' process that Article 21 guarantees, and the State has a constitutional duty to design a procedure that would guarantee the accused a speedy trial."

"T.V. Vatheeswaran v. State of Tamil Nadu⁵

A prisoner who was sentenced to death more than eight years ago is now arguing that it is illegal to carry out his execution at this time. To put things in perspective, this prisoner was also a "prisoner under remand" for two years prior to receiving his death sentence. As a result, the prisoner contends that receiving ten years in prison—eight of which were spent in unapproved solitary confinement—and considering suicide constitute a grave violation of his fundamental

⁴ [1980] 1 S.C.R. 81,

⁵ MANU/SC/0383/1983: 1983CriL J481),

rights as guaranteed by Article 21 of the Indian Constitution. Let's examine this assertion closely. First, any preconceived biases should be eliminated.

The crimes were, in fact, horrible and horrific. There was no pity shown to the victims by the appellant and his companions. However, after careful thought, we must remember that neither eradicating the human spirit nor pursuing Shylock's pound of flesh are our goals. As part of our quest for justice, we also want to see the offender treated with some tenderness. Of course, when the situation calls for it, we cannot avoid applying the death penalty. However, the main question in this background is whether it is within the jurisdiction of an appellate court or a court exercising writ jurisdiction, in a proper legal proceeding, to take note of these circumstances when they are brought to its attention and provide relief as deemed appropriate, in cases where an accused person, after receiving a death sentence, is subjected to painful and humiliating treatment, or where the execution of the sentence is indefinitely postponed, causing the accused to endure intense physical and emotional suffering.

III. RIGHT TO SPEEDY TRIAL

Both a "fair trial" and a "speedy trial" for a person accused of a crime are essential elements of Article 21 of the Indian Constitution, according to the ruling in *Mohd. Hussain @ Julfikar Ali v. the State (Government of NCT of Delhi)* case, which followed extensive discussion of the subject and dozens of legal precedents. There is a crucial difference between the accused's right to an unbiased trial and the right to a timely trial. The accused's capacity to defend themselves is not always compromised by the denial of the right to a rapid trial, in contrast to the right to an impartial trial. By its very nature, the right to a speedy trial is a relative one that depends on a number of factors. The particular facts and circumstances of each case requiring a delay in the conclusion of a criminal trial must be taken into consideration. Just because a few years have passed since the prosecution began does not mean that the case should be dropped or the indictment dismissed.

It is essential to strike a balance between the impact of the crime on society and the public's trust in the legal system and the accused's right to a rapid trial. While protecting the accused's rights requires a rapid trial, this must be balanced with the rights of public justice, acknowledging that prompt criminal case resolution is essential to preserving public confidence in the legal system. Alongside the accused's right to a quick trial, consideration should be given to the type and seriousness of the offense, the parties involved, the ramifications for society, and the requirements of the community. A protracted delay in the conclusion of a criminal trial should not lead to the prosecution's termination in a particular case if the public interest and

justice are on the side. On the other hand, the prosecution may end if the accused is favoured by their rights, the circumstances of the case, and the demands of the circumstance.

*Satender Kumar Antil Vs. Central Bureau of Investigation and Ors*⁶ The fundamental problems with the bail system used by the Indian court and legal system are largely to blame for its ongoing inability to provide justice to those who are economically disadvantaged. This system is based on a property-centric approach, mistakenly presuming that the only deterrent against absconding legal procedures is the possibility of financial harm. The "Code of Criminal Procedure" has undergone updates, but the current framework continues to adopt the same antiquated viewpoint as its predecessor from the previous century. In this system, the law requires that a financial responsibility be included in the bond before an accused person can be released on their own. If the accused does not show up for the trial, they will be required to pay a certain sum. Furthermore, courts frequently require the accused to produce sureties who attest to their credibility, which exacerbates the difficulties faced by those from lower-income backgrounds. In turn, these sureties have to show that they have the resources to pay the bail sum in the event that the accused fails to show up as scheduled.

The severity of this bail system is especially high for persons with low incomes, since the majority of those who can use it to obtain their release are not impoverished. Even in cases when sureties are not required, securing bail for those who are economically disadvantaged is a difficult task. Economically disadvantaged people find it nearly impossible to prove their financial stability to the police or the magistrate because bail sums set by the courts are frequently unreasonably high. This practice makes it harder for those who can't pay such large bail amounts, which leads to a system that disproportionately impacts the poor and maintains inequalities in access to the legal system. Finding people who are financially stable enough to serve as sureties becomes an extremely difficult challenge for the poor when bail with sureties is required, which is frequently the norm. The upshot is that these individuals are often exploited by the police, revenue officials, or unscrupulous intermediaries and professional sureties. In certain instances, individuals are forced to accrue debt in order to obtain their freedom, or they are unable to secure their release and are held in custody until their cases are tried. There are serious repercussions to this circumstance.

Arnab Manoranjan Goswami v. State of Maharashtra⁷

The court recognizes that human liberty is regulated by law and highlights its importance as a

⁶ AIR2022SC3386

⁷ MANU/SC/0902/2020: (2021) 2 SCC 427,

valued constitutional value. Citizens are therefore required to follow criminal laws and procedures. Section 482 acknowledges the High Court's inherent authority to make orders that guarantee adherence to the "Code of Criminal Procedure," stop abuses of the legal system, or ensure justice. High Courts must exercise this competence carefully and in accordance with this Court's rulings. The court stresses the responsible use of this power, which is based on the idea that the accused's strategies and maneuvers shouldn't obstruct the effective execution of the criminal law. The High Court's inherent authority, which is an essential part of the spectrum, must be carefully used to protect the public interest in thorough criminal investigations. Section 482's acknowledgement that the High Court's inherent authority provides a useful safeguard against the abuse of the legal system, guaranteeing justice and preserving individual liberty, is also noteworthy.

"Human liberty is an invaluable constitutional asset that is definitely susceptible to control by lawfully passed laws. As a result, the citizen is bound by the rules of criminal procedure and legislation. Section 482 acknowledges the innate authority of the High court has the authority to issue orders that are required to implement the Code of Criminal Procedure's requirements "or prevent abuse of the process of any court or otherwise to secure the ends of justice." This Court's rulings mandate that the High Courts use caution when carrying out the authority granted to them by Section 482. The rulings of this Court are based on the fundamental idea that the accused should not use tactics and artifices to thwart the proper application of the criminal law, underscoring the need for the High Court to use this authority with moderation. Making sure that the High Court's inherent authority is used carefully serves to safeguard the public interest in ensuring that crimes are properly investigated. Making sure that the High Court's inherent authority is used carefully serves to safeguard the public interest in ensuring that crimes are properly investigated. That is, in fact, one end of the spectrum, and a very important one. The other extreme is just as significant: Section 482's acknowledgement of the High Court's inherent authority to stop procedural abuse or to uphold the goals of justice is a crucial protection for preserving liberty.

Jahir Hak Vs. The State of Rajasthan⁸

In this particular instance, formal charges have been prepared and a charge sheet has been submitted against the appellant. Only six witnesses have been questioned thus far during the appellant's nearly eight years in jail.

The impugned ruling refused the appellant's plea for release under Section 439 of the Code of

⁸ MANU/SC/0459/2022 Equivalent Citation: AIR2022SC3047

Criminal Procedure, despite the fact that the proceedings were still in their early stages and that the prosecution intended to question 109 witnesses in all. But the Supreme Court stepped in and ordered that bail be given to the appellant. This decision is founded on the understanding that it would be unfair to continue denying bail given the extended time of incarceration and the slow progress made in witness examination. The court has ordered that the appellant be released on bail, subject to certain requirements that the trial court must impose. This ruling strikes a compromise between the appellant's right to liberty and the purposes of justice.

IV. CONCLUSION

In conclusion, it is clear from a number of court rulings that India does not adequately implement the right to a speedy trial, and that delays are now a common problem in the legal system. The aim of obtaining speedy trials is still unattainable despite a number of court rulings and other government initiatives. The right to a speedy trial is undoubtedly recognized as a fundamental right under the golden rule of interpretation of Article 21, even if it is not stated explicitly in the Indian Constitution. Furthermore, the right to a rapid trial is expressly guaranteed under clauses in the Code of Criminal Procedure. By highlighting the significance of prompt justice within the legal system, the judiciary has been instrumental in advancing this right to a fundamental position. The Constitution's protection of individual rights and the larger ideals of justice are thought to be inextricably linked to the right to a quick trial. It is regrettable that people cannot anticipate receiving justice in a timely manner. Criminal case proceedings frequently last for several years, and in certain cases, even decades. This continues even though the judicial system firmly upholds the idea of expedited trials.
