

Speedy Trial as a Fundamental Right Under Article 21 of the Constitution of India

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Research Article

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Abstract

The right to a speedy trial has emerged as an essential component of Article 21 of the Constitution of India through progressive judicial interpretation. It ensures that justice is delivered within a reasonable time and protects individuals from prolonged detention, mental suffering and procedural injustice. Indian courts, particularly the Supreme Court, have emphasized that delayed justice undermines the rule of law and public confidence in the judicial system. This paper examines the constitutional basis, judicial developments, causes of delay and challenges in implementing the right to speedy trial while suggesting reforms for effective and timely justice delivery.

INTRODUCTION

The concept of a speedy trial refers to the right of an accused person to have legal proceedings conducted within a reasonable period without unnecessary delay. In every democratic legal system, timely justice is considered an essential element of fairness and equality before law. Delay in the disposal of criminal cases not only affects the accused but also weakens public confidence in the administration of justice. The famous legal maxim, "Justice delayed is justice denied," highlights the idea that delayed judicial proceedings often result in the denial of effective justice to both victims and accused persons.¹

A speedy trial plays a significant role in the criminal justice system because prolonged trials may lead to mental stress, social stigma, financial hardship and loss of personal liberty. Undertrial prisoners are often compelled to remain in custody for years before their guilt is determined. Such delays violate the principles of fairness and human dignity that form the foundation of constitutional governance. The right to a speedy trial is therefore closely connected with basic human rights and the protection of individual liberty recognized under international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR).

In India, the problem of judicial delay has become increasingly serious due to the growing pendency of cases in courts. Factors such as shortage of judges, procedural complexities, repeated adjournments, inadequate infrastructure and delay in investigation contribute to the slow functioning of the judicial system. As a result, millions of cases remain pending for years, affecting the efficiency and credibility of the justice delivery mechanism. Although the Constitution of India does not expressly mention the right to a speedy trial, the judiciary has interpreted it as an integral part of Article 21, which guarantees the right to life and personal liberty. Through various landmark judgments, the Supreme Court expanded the meaning of Article 21 and held that a fair, just and reasonable procedure includes the right to a speedy trial.²

CONCEPT OF SPEEDY TRIAL

The concept of speedy trial refers to the right of every accused person to have criminal proceedings conducted and concluded within a reasonable time without unnecessary delay. It is considered an essential element of a fair and effective criminal justice system. The principle is based on the idea that justice must be delivered promptly because prolonged delay in legal proceedings causes injustice not only to the accused but also to victims and society. The famous legal maxim “Justice delayed is justice denied” reflects the importance of timely justice in a democratic society governed by the rule of law.³

The Constitution of India does not expressly mention the right to a speedy trial as a separate fundamental right. However, the judiciary has interpreted it as an integral part of Article 21 of the Constitution, which guarantees the right to life and personal liberty. Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Initially, this provision was interpreted narrowly, but over time the Supreme Court expanded its scope to include various rights necessary for ensuring fairness, dignity and liberty. The right to speedy trial is closely connected with human dignity, fair trial and protection against arbitrary detention. Delayed proceedings may cause mental trauma, social stigma, economic hardship and prolonged imprisonment for accused persons. Undertrial prisoners are often the worst affected because they may remain in custody for years before guilt is determined. Therefore, speedy justice is necessary to protect the constitutional values of liberty, equality and fairness. The concept also reflects international human rights principles recognized under instruments such as the International Covenant on Civil and Political Rights (ICCPR), which guarantees trial within a reasonable time. Indian courts have frequently relied upon these international standards while interpreting Article 21.

Thus, the concept of speedy trial under Article 21 represents an important constitutional safeguard against judicial delay and abuse of legal process. It ensures that criminal justice is administered fairly, efficiently and in accordance with the principles of human dignity and rule of law.⁴

CONSTITUTIONAL FRAMEWORK

The constitutional foundation of the right to a speedy trial in India is primarily derived from Article 21 of the Constitution of India. Article 21 states that, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Initially, the expression “procedure established by law” was interpreted narrowly, meaning that any procedure enacted by a valid law would satisfy the constitutional requirement, even if such procedure was harsh or unreasonable. However, with the evolution of constitutional jurisprudence, the judiciary adopted a broader and more humanistic interpretation of Article 21.⁵

A major transformation occurred through the landmark judgment in *Maneka Gandhi v. Union of India*. In this case, the Supreme Court held that the procedure established by law must not be arbitrary, unfair, or unreasonable. The Court emphasized that any law affecting life or personal liberty must satisfy the principles of fairness, justice and reasonableness. This decision expanded the scope of Article 21 and

converted it into a source of various substantive and procedural rights essential for protecting human dignity.

After the Maneka Gandhi judgment, Article 21 was interpreted liberally to include several rights necessary for ensuring a meaningful life and fair legal process. The judiciary recognized that the right to life does not merely mean physical existence but includes the right to live with dignity, respect and freedom from arbitrary state action. Consequently, rights such as fair trial, legal aid, humane treatment of prisoners, privacy, livelihood and speedy justice were gradually brought within the ambit of Article 21.⁶

The concept of a fair trial became an essential element of constitutional protection under Article 21. The Supreme Court repeatedly observed that fairness in criminal proceedings is indispensable to the administration of justice. A fair trial ensures equality before law, proper opportunity to defend oneself, impartial adjudication and protection against abuse of legal procedures. In order to make the right to fair trial meaningful, the Court also recognized free legal aid as a constitutional obligation of the State, especially for economically weaker sections who are unable to secure legal representation.

The judiciary further expanded Article 21 by emphasizing the importance of human dignity in criminal justice administration. The constitutional guarantee of dignity applies equally to prisoners, undertrial detainees and accused persons. The Supreme Court held that prolonged detention, unnecessary delay in trial, custodial violence and inhuman prison conditions violate the dignity and liberty guaranteed under Article 21.⁷

Within this expanded constitutional framework, the right to a speedy trial emerged as an important safeguard against arbitrary and prolonged deprivation of liberty. In *Hussainara Khatoon v. State of Bihar*, the Supreme Court declared that speedy trial is an essential and integral part of fair, just and reasonable procedure under Article 21. The Court recognized that delayed trials subject accused persons to mental agony, financial hardship and social humiliation, particularly in cases involving undertrial prisoners who remain in jail for long periods without conviction. Thus, the judiciary transformed Article 21 into a dynamic constitutional provision aimed at ensuring substantive justice and protection of individual rights within the criminal justice system.

CAUSES OF DELAY IN INDIAN JUDICIARY

Delay in the Indian judicial system has become one of the most serious challenges affecting the administration of justice. The increasing backlog of cases and prolonged trials not only burden the courts but also weaken public confidence in the legal system. Several structural, procedural and administrative factors contribute to delays in the disposal of cases in India.

One of the major causes of judicial delay is the shortage of judges. Indian courts face a significant gap between the number of pending cases and the available judicial officers. The judge-to-population ratio in India remains considerably lower than the requirement needed for efficient justice delivery. Vacancies in

subordinate courts, High Courts and even the Supreme Court often remain unfilled for long periods, increasing the workload on existing judges and slowing down the disposal process.⁸

Another important factor is the culture of frequent adjournments. In many cases, hearings are repeatedly postponed due to requests made by lawyers, absence of parties, non-appearance of witnesses, or administrative reasons. Excessive adjournments prolong litigation unnecessarily and encourage delay tactics. Although procedural laws discourage unnecessary postponements, adjournments continue to be commonly granted in practice, affecting the efficiency of court proceedings.⁹

Procedural complexity also contributes significantly to delay. The Indian legal system follows detailed procedural requirements involving filing, documentation, examination of witnesses, recording of evidence and multiple stages of appeal and revision. While these procedures are intended to ensure fairness, they often result in lengthy trials and technical delays. Complex procedural formalities particularly affect criminal cases, where investigations, evidence collection and trial procedures consume substantial time.

Inadequate judicial infrastructure further weakens the functioning of courts. Many courts in India suffer from insufficient courtroom facilities, lack of staff, poor record management systems and limited technological support. Rural and lower courts are especially affected by inadequate infrastructure, which hampers the smooth conduct of proceedings and case management.

Delay in police investigation is another major reason for prolonged criminal trials. In several cases, investigation agencies take excessive time to collect evidence, record statements and submit charge sheets. Shortage of trained personnel, heavy workload, lack of forensic support and political interference sometimes reduce the effectiveness of investigations. Weak or delayed investigations often result in repeated hearings and extended detention of accused persons.¹⁰

Witness hostility and non-cooperation also slow down the judicial process. Witnesses frequently turn hostile due to fear, intimidation, social pressure, or lack of protection. In criminal trials, the absence or unreliability of witnesses can lead to repeated summons, adjournments and retrials. The lack of an effective witness protection mechanism continues to remain a serious concern in India.

The growing pendency of cases is itself both a cause and consequence of judicial delay. Millions of civil and criminal cases remain pending across various courts in India for several years. As new cases continue to be filed, courts struggle to dispose of old matters efficiently. This creates a cycle where excessive pendency further increases delays in justice delivery.¹¹

Another challenge is the lack of complete digitalization and modern case-management systems. Although steps have been taken toward e-courts and virtual hearings, many courts still depend heavily on manual procedures and physical documentation. Delays in record maintenance, file tracing and communication between departments affect the speed of proceedings. Limited technological awareness and uneven implementation of digital systems also reduce efficiency.

Overcrowded prisons are closely connected with judicial delays, particularly in criminal cases. A large number of undertrial prisoners remain in jail for years awaiting completion of investigation or trial. Delayed proceedings increase prison populations and create serious concerns regarding human rights and prison administration. In many instances, undertrial prisoners spend more time in custody than the maximum punishment prescribed for the offence alleged against them.¹²

Thus, judicial delay in India is not caused by a single factor but by a combination of institutional weaknesses, procedural inefficiencies, administrative shortcomings and infrastructural limitations. Addressing these issues requires comprehensive judicial reforms, improved infrastructure, technological modernization and effective implementation of legal procedures to ensure timely and accessible justice.

IMPACT OF DELAY

Delay in the administration of justice has far-reaching consequences for accused persons, victims and society as a whole. A prolonged judicial process affects not only the efficiency of the legal system but also the constitutional promise of fair and timely justice. When cases remain pending for years, the objectives of criminal justice are seriously undermined, resulting in psychological, social and institutional harm.¹³

• Impact on the Accused

One of the most severe consequences of delayed trials is the mental trauma suffered by accused persons. Continuous court proceedings, uncertainty regarding the outcome of the case and prolonged legal battles often create anxiety, stress and emotional instability. Even before guilt is established, an accused person may experience fear, humiliation and loss of peace due to the lengthy criminal process.¹⁴

Judicial delay also leads to social stigma. In many cases, accused persons are viewed negatively by society merely because criminal proceedings are pending against them. Their reputation, social relationships and public image may be damaged irrespective of whether they are ultimately convicted or acquitted. Such stigma often affects family life, education and future opportunities.

Prolonged incarceration is another serious consequence, particularly for undertrial prisoners. Many individuals remain in prison for years awaiting completion of investigation or trial. In some instances, the duration of detention exceeds the maximum punishment prescribed for the alleged offence. This not only violates personal liberty but also raises concerns regarding human dignity and constitutional protection under Article 21.¹⁵

Economic hardship is equally significant. Long-pending cases require repeated court appearances, legal expenses, travel costs and loss of employment opportunities. Accused persons and their families often

face financial instability due to the burden of litigation. Poor and economically weaker individuals suffer the most because they lack sufficient resources to sustain prolonged legal proceedings.

• Impact on Victims

Delay in justice delivery also adversely affects victims of crime. One major consequence is the loss of faith in the justice system. When victims are forced to wait for years for the conclusion of a case, they may begin to feel that the legal system is ineffective and incapable of providing justice. Such dissatisfaction weakens confidence in the rule of law and discourages individuals from seeking legal remedies.¹⁶

Delayed compensation and relief further intensify the suffering of victims. In criminal cases involving injury, violence, or financial loss, victims often depend on judicial outcomes for compensation or rehabilitation. Prolonged proceedings delay these remedies and prevent victims from rebuilding their lives.

Victims also undergo emotional suffering due to repeated hearings and continuous engagement with traumatic events. Reliving painful experiences during investigation and trial can create emotional exhaustion, frustration and psychological distress. Delayed justice prolongs this suffering and prevents closure for victims and their families.¹⁷

• Impact on Society

Judicial delay weakens the rule of law by reducing the effectiveness of legal institutions. Laws can achieve their purpose only when they are enforced promptly and fairly. Excessive delays create an impression that legal remedies are uncertain and ineffective, encouraging disregard for legal processes and weakening constitutional governance.

Another important impact is the decline in public confidence in the judiciary. Courts are expected to provide timely and impartial justice. However, when cases remain unresolved for long periods, public trust in the judicial system gradually diminishes. This affects the credibility of democratic institutions and the overall legitimacy of the justice delivery mechanism.¹⁸

Prison overcrowding is also closely linked to delayed trials. A large proportion of prison populations in India consists of undertrial prisoners who remain detained because their cases are pending. Overcrowded prisons create poor living conditions, increase administrative pressure and raise serious human rights concerns. Delayed disposal of cases therefore affects not only individuals but also the broader prison administration system.

Thus, delay in the judicial process produces harmful consequences at multiple levels. It affects the liberty and dignity of accused persons, prolongs the suffering of victims and undermines public trust in

the justice system. Ensuring speedy justice is therefore essential for maintaining fairness, accountability and the effective functioning of the rule of law in a democratic society.¹⁹

INTERNATIONAL PERSPECTIVE

The right to a speedy trial is recognized not only in India but also in various international legal systems and human rights instruments. Democratic countries and international conventions consider timely justice an essential safeguard for protecting personal liberty, human dignity and fair judicial procedure. The recognition of this right at the global level has influenced constitutional interpretation and judicial reforms in many countries, including India.

In the United States, the right to a speedy trial is expressly guaranteed under the Sixth Amendment of the U.S. Constitution. The amendment provides that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. The purpose of this protection is to prevent unnecessary and oppressive imprisonment before conviction, reduce anxiety faced by accused persons and protect the ability of the accused to present an effective defence. American courts have emphasized that unreasonable delay may violate constitutional rights and lead to dismissal of charges in appropriate cases. The U.S. legal system therefore treats speedy trial as an important procedural safeguard against abuse of state power.²⁰

At the international level, the right to speedy justice is recognized under Article 14 of the International Covenant on Civil and Political Rights (ICCPR). Article 14 states that every person is entitled to a fair and public hearing within a reasonable time by a competent, independent and impartial tribunal established by law. The ICCPR aims to ensure fairness in criminal proceedings and prevent prolonged detention without trial. India is a party to the ICCPR and the principles contained in the Covenant have significantly influenced Indian constitutional jurisprudence relating to Article 21. Indian courts have often referred to international human rights standards while interpreting the scope of personal liberty and fair procedure.²¹

Similarly, the European Convention on Human Rights (ECHR) recognizes the right to a fair and speedy trial under Article 6 of the Convention. It guarantees that every individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. The European Court of Human Rights has consistently held that excessive delay in judicial proceedings violates human rights and undermines public confidence in the justice system. The Court examines factors such as complexity of the case, conduct of authorities and prejudice caused to the parties while determining whether the delay is unreasonable.

A comparison of these international standards shows that the right to speedy trial is universally regarded as an essential component of fair justice. Although the Indian Constitution does not explicitly mention this right, the Supreme Court has interpreted Article 21 broadly to include it within the guarantee of life

and personal liberty. Indian judicial decisions closely reflect the principles recognized under international human rights law and comparative constitutional systems.

The international perspective demonstrates that timely justice is not merely a procedural requirement but a fundamental human right necessary for maintaining rule of law and democratic governance. The experiences of countries such as the United States and the standards established under the ICCPR and the European Convention provide useful guidance for strengthening judicial reforms in India. Effective implementation of speedy trial rights is therefore essential for ensuring fairness, protecting human dignity and preserving public trust in the administration of justice.²²

JUDICIAL AND LEGISLATIVE REFORMS WITH LANDMARK JUDGMENTS

The recognition of speedy trial as a fundamental right under Article 21 of the Constitution has led to significant judicial developments and reform-oriented discussions in India. The Supreme Court, through various landmark judgments, emphasized that delayed justice violates personal liberty and weakens public confidence in the legal system. Alongside judicial interpretation, several legislative and administrative reforms have been suggested to ensure effective implementation of the right to speedy justice.²³

The foundation of this right was laid in *Hussainara Khatoon v. State of Bihar*²⁴, where the Supreme Court highlighted the miserable condition of undertrial prisoners who had remained in jail for years without trial. The Court declared that speedy trial is an essential part of fair, just and reasonable procedure under Article 21. This judgment recognized that prolonged detention without trial violates the constitutional guarantee of personal liberty and human dignity.

The principles governing speedy trial were further clarified in *Abdul Rehman Antulay v. R.S. Nayak*²⁵. The Supreme Court held that no fixed time limit can be prescribed for criminal proceedings because each case differs in nature and complexity. The Court introduced the “balancing test,” under which factors such as the nature of offence, reasons for delay and prejudice caused to the accused must be considered. It also clarified that the right to speedy trial applies to every stage of criminal proceedings, including investigation, inquiry, trial, appeal, revision and retrial.

In *Sheela Barse v. Union of India*²⁶, the Court focused on the rights of prisoners and juveniles. It observed that unnecessary delay in trial may justify quashing of proceedings in certain cases and emphasized humane treatment of persons in custody. Similarly, *P. Ramachandra Rao v. State of Karnataka*²⁷ rejected the idea of rigid timelines for concluding criminal trials while reaffirming the principles laid down in the *Antulay* case. In *Kartar Singh v. State of Punjab*, the Court held that the right to speedy trial extends from the stage of arrest until the final appeal.

To address judicial delay, several reforms have been suggested. Increasing the strength of judges and filling judicial vacancies can reduce pendency and improve case disposal rates. The establishment of fast-track courts for sensitive and long-pending matters can ensure quicker justice. Digital courts, e-filing systems and virtual hearings may improve efficiency and reduce procedural delays.²⁸

Stricter rules regarding adjournments are necessary to prevent unnecessary postponements during trials. Plea bargaining can help in the speedy disposal of minor criminal cases and reduce the burden on courts. Prison reforms, including regular review of undertrial cases and improved legal aid services, are essential to protect personal liberty.

Alternative Dispute Resolution mechanisms such as mediation and Lok Adalats can reduce pressure on courts by resolving disputes outside traditional litigation. Effective witness protection programs are also necessary to prevent intimidation and ensure smooth conduct of trials. In addition, police reforms aimed at improving investigation quality, forensic support and accountability can significantly reduce delays in criminal proceedings. Together, these reforms can strengthen the constitutional promise of speedy justice and improve the efficiency of the Indian judicial system.²⁹

CONCLUSION

The right to a speedy trial has emerged as an essential component of Article 21 of the Constitution of India through progressive judicial interpretation. The Supreme Court has consistently emphasized that delayed justice violates personal liberty, human dignity and the principles of fair procedure. Judicial delays not only affect accused persons and victims but also weaken public confidence in the legal system. Landmark judgments have played a crucial role in recognizing and expanding this constitutional protection. However, challenges such as judicial backlog, shortage of judges, procedural delays and weak infrastructure continue to hinder effective implementation of this right. Therefore, comprehensive judicial and legislative reforms, including technological modernization, police reforms, fast-track courts and witness protection mechanisms, are necessary to ensure timely and accessible justice. A strong and efficient justice delivery system is essential for preserving the rule of law and strengthening constitutional democracy in India.

Declarations

Author Contribution

Pragti wrote the main the manuscript text.

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I would like to thank my husband and family, who helped me and always guided me to move forward.

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