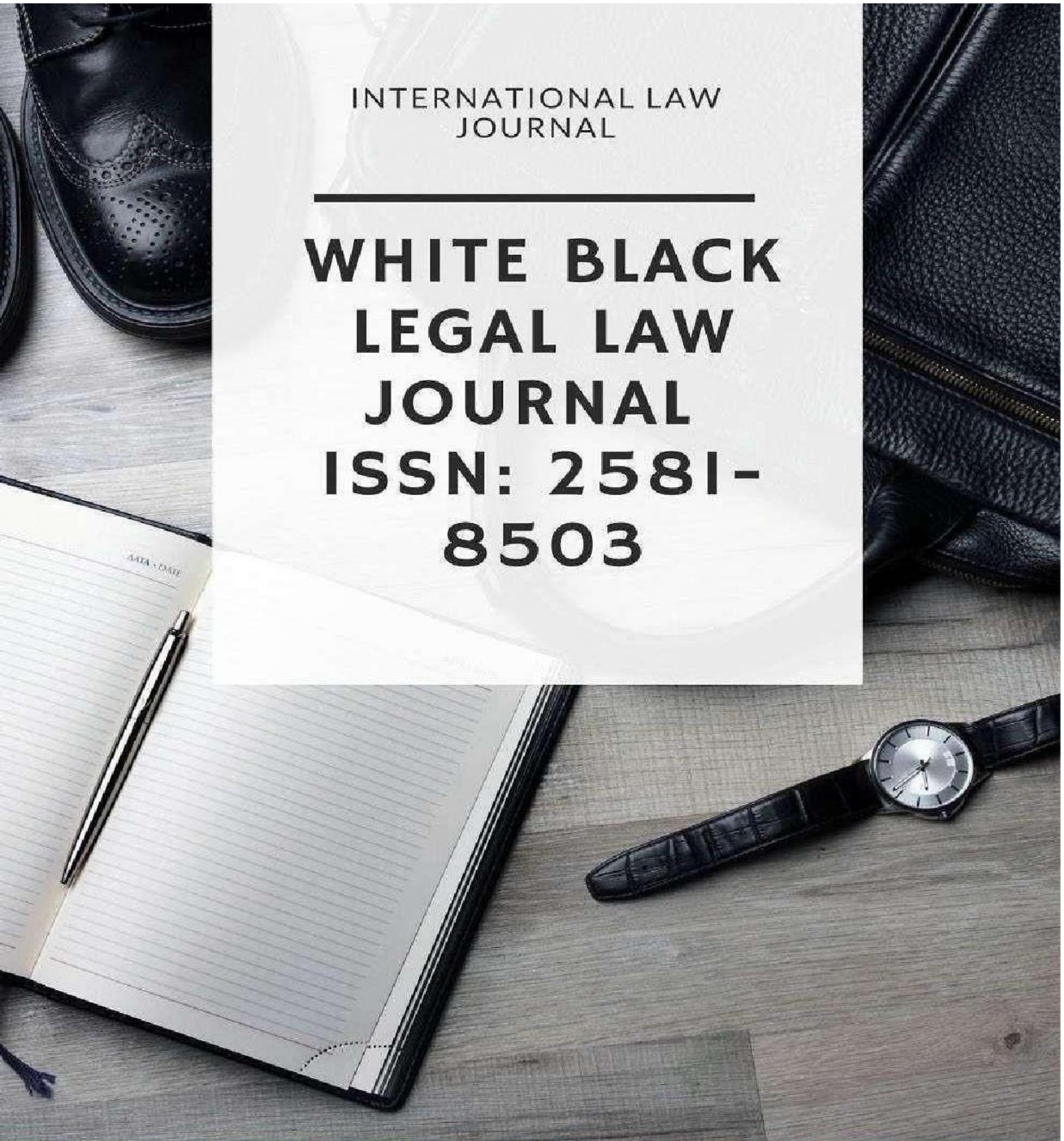




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RIGHT TO SPEEDY TRIAL IS A FUNDAMENTAL RIGHTS: AN ANALYTICAL STUDY

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ABSTRACT

Delay Defeat to justice means delay in justice is denied to justice. The justice should be time bound law. The justice must be proper time. delay in justice is more dangers for society. The supreme court of India declared that there are delay in justice there is defeated to justice. There are popular saying about Indian Judicial system "The Grand Father Files the suit and the Grandson get decision." There are delay in judicial Proceedings regularly defeated to justice. There is a great need of improvement in judicial system. There are many problems facing Indian judiciary like number of pending case and shortage of judges etc. The art 21 of the Indian constitution provides Right to Life and Personal Libert : No Person Shall be denied from his life and personal liberty Except Procedure Established by Law. There are used The Term Procedure means not a Simple Procedure or any Procedure. It means Procedure means a Procedure should be Fair, Just and reasonable and the procedure also should be followed due process of law. Deley in justice always spoil to justice. There are so many case laws decided by supreme court of India for speedy trial. The supreme court of India held that the speedy trial and free legal aid are fundamental rights inherent under art. 21 of constitution of India. this research is an analytical study of right to speedy trials with the help of leading case laws.

Keywords: *Fundamental Rights, speedy Trials, Delay defeat to justice. Legal Aid*

INTRODUCTION:

The article 21 of the constitution of India Provided “No Person shall be deprived of his life or personal liberty except according to procedure established by Law” it is very clear that there are delay in justice is violation of Right to life because the procedure established by law mean the due process of law -just fair and reasonable. When delay in any procedure of law then there is no due process of law. Delay in process of law slowly and slowly spoils the justice means justice should be time prompt justice. In the case of Hussainara khatun v. Home secretary state of Bihar (No.1)¹- The petitioner filed a writ of habeas carpus on the behalf of number of under trial prisoners those are detained in jail Bihar state Jail. The supreme court held that the Right to a speedy Trial” a Fundamental Rights implicit in the Guarantee of Right to life and Personal Liberty article 21 of constitution of India. the speedy trial is also essential of criminal justice. The supreme court of India also same provided in the Menka Gandhi v. union of India² that “No procedure which does not ensure a reasonable quick trial can be reasonable, fair and just. The same view observed by supreme court in the case of Hussainara khatun (No.1) and Hussainara khatun (No.2). in the significant judgment of A. R. Antule V. R.S. Nayak.³ The Supreme Court issued detailed guidelines to ensure speedy trials within the criminal justice system. The Court stated that every accused person has a right to a speedy trial under Article 21 of the Constitution, which encompasses the following aspects: 1. The period of pre-conviction detention should be minimized. 2. The anxiety, distress, expense, and disruption to the accused's livelihood and peace of mind caused by unnecessary investigation, interrogation, and trial proceedings should be kept to a minimum; and 3. Undue delay can adversely affect the accused's ability to mount a defense, whether caused by the death, disappearance, or unavailability of witnesses, or for any other reason. There is free legal aid is also included as a fundamental right. The supreme court has declared that the free legal aid is not a gift by state but it is duty of state to provide free legal aid.

JUSTICE DELAYED IS JUSTICE DENIED

There is a Latin saying: "Justice delayed is justice denied." Timely justice is a fundamental principle of law; a failure to deliver justice on time amounts to a denial of justice. Delays in the judicial process pose a serious danger to Indian society. The principle of natural justice dictates that justice must not only be done but must also be seen to be done. There are so many reasons

¹ AIR 1979 SC 1360

² AIR 1978 SC 597

³ AIR 1992 SC 170

for delaying in justice:- 1. Pendency of cases 2. Shortages Judges 3. Increasing Crime rates. 4. Lake of technical expertise 5. Lake of Legal Knowledge in society A vast number of cases are pending in Indian courts. In late 2025, the Chief Justice of India (CJI) called for a comprehensive national judicial policy to address the issue of case pendency. By 2025, over 50 million (5 crore) cases were pending across all tiers of the Indian judiciary: district courts (44 million), High Courts (approximately 6 million), and the Supreme Court (approximately 80,000). The CJI emphasized the need for systemic reforms rather than piecemeal measures—such as filling judicial vacancies (India has about 21 judges per million people—one of the lowest ratios globally—whereas the recommended figure is 50), adopting AI-based case management systems, expanding Alternative Dispute Resolution (ADR) mechanisms (including ‘Lok Adalats’ and mediation), and strengthening fast-track courts for serious crimes, cases involving women, and POCSO-related matters. The CJI also highlighted **the e-Courts Mission Mode Project** (Phase III) as a key initiative for digital transformation. A national judicial policy would establish frameworks for timelines, resource allocation, and accountability across all levels of the judiciary. Specifically, regarding Rajasthan, the Rajasthan High Court (comprising the Jodhpur and Jaipur benches) faces a significant backlog of cases, while the state's network of **Gram Nyayalayas** (village courts) and **Lok Adalats** plays a crucial role in delivering justice to rural are.⁴

There are so many problems are facing by Indian judicial system like Shortage of judges, pendency of cases, and lake of new technical trainings. So, our judiciary is over loaded by pending cases and the speed of working for justice is very slow. There should be appointed trained judicial officers. There should be organize technical session for speedy Trials.

FREE LEGAL AID

The primary objective of the Preamble to the Indian Constitution is to secure social, economic, and political justice for the people of India. Justice P.N. Bhagwati rightly observed that legal aid implies establishing a system within society that makes the machinery of justice easily accessible to those who need it to enforce their legal rights.⁵ The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to

⁴ <https://aspirant.academy/en/current-affairs/d4bcbb6c-6c8d-59a8-b71e-6395378c87e6>

⁵ <https://www.legalservicesindia.com/article/1176/Right-to-Free-Legal-Aid.html>

ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.⁶ Nobody can be deprived from justice because he is Poor. Art. 14 of Indian constitution right to equality and equal protection of Law. It means a person who is not capable to hire advocate because of poverty and other reason then shall be discrimination and violation of art 14 of the constitution. The justice P.N. Bhagwati and Justice Krishna Iyer also held that the door of justice not only for rich people. The door of justice should be opened for all persons.

Legal aid and speedy trial

A speedy trial and legal aid are now considered fundamental rights for all prisoners under Article 21 of the Constitution of India, enforceable by the courts. It is the responsibility of the State to provide a lawyer to an indigent person and to pay the lawyer's fees as determined by the court⁷. **In the case of center of legal research V. State of Kerala**⁸, The Supreme Court has stated that under Article 39-A of the Indian Constitution, the State should encourage and support the participation of voluntary organizations or social action groups in running legal aid programs. A legal aid program signifies a program of social justice for the people; it cannot remain confined merely to traditional or litigation-oriented initiatives but must also take into account the country's socio-economic conditions. Voluntary organizations should be involved in and supported during the implementation of legal aid programs, and they must remain free from government control.

LEGAL SERVICE AUTHORITY ACT 1987 AND SPEEDY TRIAL

The parliament has been passed the legal service authority act 1987 the act plays an Important Role for delivering Speedy Justice. The act Established Lok Adalat and legal services authorities such authorities very supportive for legal aid and speedy Trials there are the act provided established legal aid service authorities 1. National Legal Aid service authority 2. State legal service authority and 3. District legal Aid Service authority. The Justice P.N. Bhagwati tolled that the Justice should be speedy and free of cost. **The objective of the Legal Services Authorities Act, 1987, is to achieve several interconnected goals:**

1. Ensuring that the legal system promotes justice on the basis of equal opportunity
2. Providing free and efficient legal services to the weaker sections of society.

⁶ Art. 39A constitutional Law of India

⁷ M.H. Haskot V. state of Maharashtra AIR 1978 SC 1548

⁸ AIR 1986 SC 1322

3. Organizing Lok Adalat to resolve disputes through mutual consent.
4. Spreading legal literacy and legal awareness among the public.
5. Reducing the burden on regular courts by promoting alternative dispute resolution methods.

A. National Legal Aid service authority(NALSA)⁹- the authority constitution as follows:-

1. The Chief Justice of India serves as the Patron-in-Chief.
2. A serving or retired Judge of the Supreme Court acts as the Executive Chairman.
3. Other members are nominated in consultation with the Chief Justice of India.
4. A Member-Secretary handles administrative and executive functions¹⁰.

Function of NALSA¹¹- NALSA performs policy-making, supervisory, and coordinating functions, including:

- Laying down policies and principles for legal aid programmes.
- Framing effective and economical schemes for legal services.
- Allocating funds to State and District Legal Services Authorities.
- Promoting social justice litigation in areas affecting weaker sections.
- Organising legal aid camps and awareness programmes.
- Encouraging alternative dispute resolution methods such as mediation, negotiation, and conciliation.
- Coordinating legal services activities across institutions and monitoring implementation.

B. State Legal Services Authorities¹²

At the state level, the Act mandates the establishment of State Legal Services Authorities. These bodies are responsible for implementing NALSA's policies and programmes within their respective States.

Composition

- The Chief Justice of the State High Court is the Patron-in-Chief.
- A serving or retired High Court Judge acts as the Executive Chairman.

⁹ Sec. 3 THE LEGAL SERVICES AUTHORITIES ACT, 1987

¹⁰ <https://lawbhoomi.com/legal-services-authorities-act-1987>

¹¹ Sec. 4 THE LEGAL SERVICES AUTHORITIES ACT, 1987

¹² Section 6 THE LEGAL SERVICES AUTHORITIES ACT, 1987

- Members are appointed in consultation with the Chief Justice.
- A judicial officer serves as the Member-Secretary.

Functions

State Legal Services Authorities:

- Provide legal services to eligible persons.
- Conduct Lok Adalats including those related to High Court cases.
- Undertake preventive and strategic legal aid programmes.
- Coordinate with government departments, NGOs, and legal institutions.

C. District Legal Services Authorities¹³

District Legal Services Authorities operate at the district level and perform functions delegated by the State Authority. These bodies ensure that legal aid reaches people at the grassroots level.

Composition and Role

The District Judge functions as the Chairman.

Judicial officers serve as Secretaries.

Responsibilities include coordinating legal services activities, organising district-level Lok Adalats, and overseeing Taluk Legal Services Committees.

D. Lok Adalats under the Legal Services Authorities Act, 1987¹⁴

One of the most distinctive features of the Legal Services Authorities Act is its emphasis on Lok Adalats serve as people-centric dispute resolution forums focusing on settlement and compromise rather than adjudication.

The Legal service act 1987 is plays an Greate role in given speedy justice. There many cases resolved by mediation and lok Adalat. the lok Adalat is a platform whrere both parties comes and agree with mutual consent. As of September 30, 2015, more than 15.14 lakh Lok Adalats have been organized in the country since the inception of the system. Over 8.25 crore cases have been settled through this mechanism so far¹⁵.

¹³ Sec. 9 THE LEGAL SERVICES AUTHORITIES ACT, 1987

¹⁴ Sec 22 THE LEGAL SERVICES AUTHORITIES ACT, 1987

¹⁵ <https://nalsa.gov.in/lok-adalats>

RIGHT TO LIFE AND RIGHT TO SPEEDY TRIAL

Right to Life and Personal Liberty is a fundamental Right which is Guaranteed under Part III of Indian Constitution. There are so many Rights under constitution of India one of special Right is Right to Life and Personal Right: - “No Person shall be deprived of his life or personal liberty except according to procedure established by Law”¹⁶ there is a long and lengthiest criteria of Right to Life and Liberty. The supreme court observed that right to life means not a simple or animal life but the human life must be human dignity. In the case of **Menka Gandhi V. union of India**¹⁷ The supreme court Established New dimension and said that Right to Life means not a physical life or physical existence but there are Human Life and Human Life must be with human dignity. The Court declared that the procedure of law should be fair, Just and reasonable. In the case of Hussainara khatun v. Home secretary state of Bihar (No.1)¹⁸- The petitioner filed a writ of habeas corpus on the behalf of number of under trial prisoners those are detained in jail Bihar state Jail. The supreme court held that the Right to a speedy Trial” a **Fundamental Rights implicit in the Guarantee of Right to life and Personal Liberty article 21 of constitution of India.** the speedy trial is also essential of criminal justice.

Conclusion:

The part -III of the constitution of India Provided fundamental Rights one of significant right is right to life and personal liberty the supreme court of India has been decided in many cases that right to life means not a simple life. There is life term used under art 21 of constitution of India mean a human life with human dignity. The supreme court of India has declared that Right to speedy trial is fundamental rights protected under article 21 part -III of constitution. The delay in justice is defeated to justice. The delay in justice is more pain full. So, the supreme court of India has been decided that speedy trial is fundamental right. But over judiciary is facing so many problems one of them pendency of cases. There are over 50 million (5 crore) cases were pending across all tiers of the Indian judiciary: district courts (44 million), High Courts (approximately 6 million), and the Supreme Court (approximately 80,000). So, there should be some Legal awareness program should be organized and number of cases should be resolve through Lok Adalat. There is youngest trained judicial officer should be appointed and Fastrack court is best option for speedy Trial.

¹⁶ Art. 21 of constitution of India

¹⁷ AIR 1978

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