Preface

Delay in trial of cases is the paramount human rights issue of undertrials. Un-convicted accused or undertrials retain with all legality, the ‘presumption of innocence’ as a basic pre-requisite of fair trial. A procedure which does not provide trial and disposal within a reasonable period cannot said to be ‘just, fair and reasonable’. There are over lakhs of persons who are within prisons as undertrials are presumed to be ‘innocent in the eyes of the law’. Majority of these voiceless people remain in prison pending trial or conviction. Long detention of undertrials causes a number of problems to the other prisoners and to Prison organization as well. The Criminal Justice System fails the prisoners at every turn and often times the agencies of this system i.e. police, the judiciary and the prison authorities blame each other for non-performance and unaccountability.

As a natural corollary to this presumption, it is both necessary and desirable that such un-convicted offenders should not be denied of their right to ‘Speedy Trial’ unless it is unavoidable, indispensable and firmly set within the framework of legitimate restrictions. It was with this objective that the empirical study of ‘Speedy Trial of Undertrials: A Case Study in reference to Central Jails of Punjab’ was initiated by the researcher with reviewing at the background the status of undertrials under different aspects among selected four jails i.e. Amritsar, Gurdaspur, Jalandhar and Kapurthala jails of Punjab.

The study proceeds further with critically scrutinizing the roles of various functionaries of the Criminal Justice System i.e., investigating agencies, the police, the courts, judges, prosecution agency, defense lawyers and witnesses; and the prison departments by analyzing the data and the procedural complexities. It finds out and construes the causes of delay in trials in the background of latest changes required in law and legal practices in connection with the undertrials and the Criminal Justice System.

The present study moves forward with the intention of assisting all the various organs of the Criminal Justice system to make it more effective and efficacious. For this purpose, the opinions and suggestions have been taken from the various stakeholders concerning
speedy trials in the present study. The remedies suggested at the end of the study are practical and well within the realm of the possible actions. Most importantly, the suggestions in the present study will be beneficial to reduce the overcrowding in prisons and unfair incarceration of Undertrials and increase speedy trial in a short spell of time.

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