INTRODUCTION
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The cardinal principle of natural justice is that 'justice should not only be done but it should seen to have been done' which means that those who receive justice must feel it has been done with them. Delay defeats not only equity but justice also and if the delay in relation to criminal justice system it defeats justice more pervasively.

It is not only important that the machinery of justice works effectively and efficiently but it should also work timely in the sense that the trial should be as speedy as is possible. There is an old adage that 'justice delayed is justice denied; which means that justice should be dispensed with within a reasonable period of time. However, another doctrine associated with the disposal of cases is that 'justice hurried is justice buried', meaning thereby that the hasty trials entail injustice and consequently affect the quality of justice.

It is therefore, crucial that the dispensation of justice must be not only timely but also include quality. If a case is not decided timely or an unreasonable time is exhausted in disposal of a particular cases i.e. nothing but a kind of injustice disguised in the form of justice. In fact the most fundamental aspect in speedy trial is a person accused of some offence must get results in the court of law without any unreasonable delay. Prevention of unreasonable delay is, therefore, the pivot on which the concept of speedy trial and effective criminal justice system revolves.

Justice in one sense means grant of expeditious and inexpensive relief to person who approached the court with legal problems, if such persons do not get justice on time that could be interpreted as injustice or denial of justice to them. Prolonged proceedings cause not only financial burden but also mental torture to the litigants, consequently eroding their faith in the system of administration of justice. Delay in the disposal of the
cases is the most prominent drawback of the administration of justice in India in general and criminal justice system in particular.

It may not be out of place here to quote Prof. Amaratya Sen who says that:

"to secure a social order without a perfect justice system is impossibility, what is required is to prevent manifest injustices prevalent in our social order. One of the most prominent manifest injustices prevalent in the Indian society is delay in dispensation of justice which invites speedy trial as the essential aspect of justice system in our country in general and in the criminal justice system in particular."

The concept of speedy trial is not new, it is quite an old concept existing both at the National and International levels. At the International level the genesis of speedy trial is found in the concept of modern democratic governments and their Constitutions. The Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966, European Convention on Human Rights.1950 and Sixth Amendment to the Constitution of United States mention the concept of speedy trial as a part and partial of their system.

In the National perspective it is found that the Constitution of India reflects the quest of Indian people for justice in all spheres of life such as social, economic and political. The Preamble to the Constitution of India solemnly affirms justice in social economic and political spheres for all and especially those who suffered physical, mental or economic disabilities so that justice could be done with them. Percolating from this philosophy of justice in all forms as mentioned in the Preamble is the obligation that justice should not only been promptly delivered but should also be inexpensive and bearable, so as to bring fairness, equality and impartiality ultimately helping to achieve the noble ideal of egalitarian society.
There is no doubt that the courts in India are held in high esteem not only by developing nation but also by developed nations of the west. There is wide spread praise for quality of judgements delivered in India. However, the huge pendency of cases in different court of India is a long over due problem which has not been removed from the system though a lot of steps have been taken in the past to come out of the ugly tentacles of delayed justice.

The concept of speedy trial was not explicitly provided in any provision of the Constitution of India which led to delay in incorporating this noble concept into the Indian legal system for a long time. There are certain provisions in Indian Criminal Procedure Code, 1973 which mentions some aspects of speedy trial such as sections 309, 258 and 468. However, nothing concrete could be done towards ensuring speedy trial in latter and sprit until the judgement of Honourable Supreme Court in Husainara Khatoon V. Home Secretary State of Bihar in which the Supreme Court unequivocally established that the speedy trial is a part and partial of life and personal liberty as provided under Article 21 of the Constitution.

The judgement of Supreme Court in Husainara Khatoon’s case is the greatest tribute to the concept of speedy trial preventing delay and disposal of cases and the consequent pains and suffering associated with such delay in disposal. After the Husainara Khatoon’s case there have been a number of few other cases which have given strength to the concept of speedy trial in India raising the expectations and faith of the people of India in general and of the poor and indigent people in particular.

This new jurisprudence which has been evolved by the judiciary is the result of a case to case development. Speedy trial is the most important basic human right in the field of criminal jurisprudence. It has been evolved by the judiciary, through a process of creative interpretation.

2. AIR 1979, SC 1369
Speedy trial though not a specifically enumerated fundamental right in the Constitution as in the United States of America (U.S.A.)\(^3\) The principle of Speedy trial propounded in Maneka Gandhi’s case, nurtured in Haskot’s case,\(^4\) and came of the age in Hussainara’s case with a judicial bang.

In *Hussainara Khatoon (No. 1) vs. Home Secretary State of Bihar*,\(^5\) it was brought to the notice of the Apex Court that an alarming large number of men, women and children were kept in prisons for years awaiting trial in courts of law. The offences with which they were charged were trivial and if proved would not have warranted punishment for more than a few months, perhaps for a year or two. But, they were deprived of their freedom for period ranging for three to ten years, without their trial having yet commenced. The Apex Court took a serious note of the situation and observed that it was a crying shame on the judicial system which permitted incarceration of men and women for such long period of time without trials. These persons were denied human rights and were languishing in jails for years for offences which perhaps they might ultimately be found not to have committed.

The court referred to the Six Amendment to the US Constitution 1791, which provides “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial”. It is thus a constitutionally guaranteed right in the United States. Article 3 of the European Convention on Human Rights provides that “everyone arrested or detained shall be entitled to trial within a reasonable time or a release pending trial”. Though, the right to speedy trial has not been specifically enumerated as a fundamental right in our Constitution, but the court held that “it is implicit in the broad sweep and content of Article 21 as

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3. The Sixth Amendment in the American Constitution guarantees that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.
5. AIR 1979 SC 1360.
interpreted by the Apex Court in *Maneka Gandhi vs. Union of India*. The Supreme Court thus observed:

“No procedure, which does not ensure a reasonably quick trial, can be regarded as reasonable, fair or just and it would fall foul of Article 21 of the Constitution”.

Therefore, the long delay has the effect of defeating justice in quite a number of cases. As a result of such delay, the possibility cannot be ruled out of loss of important evidence, because of fading of memory or death of witnesses. The consequences thus would be that a party with even a strong case may lose it, not because of any fault of its own, but because of the tardy judicial process, entailing disillusionment to all those who at one time, set high hopes in courts. The delay in disposal of cases has affected not only the ordinary type of cases but also those which by their very nature, call for early relief. Thus, if the problem of delay and huge arrears not tackled in time, there is fear that the whole system would get crushed under its weight.

There is a complaint (empirically founded or unfounded, verified or unverified) against the Indian legal system that it suffers from crisis. The Chief factors of crisis are inherent in that India has no legal system of its own. It is the legacy of Common Law - a foreign legal system imported into the country. It has been clearly observed that modern Indian law is “inspite of its foreign roots and origin unmistakably Indian in its outlook and operation”. Obviously, the justice system suffers from crisis of adversarial processes, deterioration in its prestige, maximisation of quantity and minimisation of quality, corruption, delay, etc. The menace of delay not only discerns justice denied, but is now vision as justice circumvented, justice mocked, and the system of justice undermined. Delayed justice culminates a sense of injustice, long periods of denial

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6. AIR 1978 SC 597
7. Seetalvad, M.C. (1965) - “The Role of English Law in India”.
emanates a sense of injustice long periods of denial emanates uncertainty. The problem of delayed dispensation of justice seems to have reached such a climax of notoriety that one can hardly escape from its vice.

The vice of judicial delay has affected the criminal process involve, investigation process, court process, adversarial procedure i.e. procedural bottlenecks suffering from technicalities; delivery of judgment; and time consumed therein. All these processes cause delay, thus making the entire process a riddle wrapped in a mystery inside an enigma. The problem of delay has developed into an open hostility in as much as criminal justice system has become a focal point of dissatisfaction.

In order to overcome this sort of dissatisfaction, various reports of committees (i.e. Justice Malimath Committee and Law Commission Reports) have prescribed various ways to expedite criminal justice system, either to minimise or ameliorate the malady of delay. The judicial response in this perspective is also vital. However, diagnostic measures to cure this ailment have left no remarkable reduction, and the problematic - delay - disease continues to survive. It may not be wrong to say about the delay: what was true then (yesterday) concerning the complaint on delay is true now (today) and may/shall be true tomorrow (future) if some adequate or sufficient as well as efficient measures are not taken to minimise the delay.

I. **Statement of the Problem**

Generally, man by nature wants to live in peace and harmony, not only with fellow human beings and other creatures but also with the nature. This inherent human nature gave birth to natural justice and to the need for an efficient, equitable and expeditious justice delivery system. It is evident from history that a legal system, which has easy access to justice can only, ensures security, fraternity, amity, peace and harmony in the society. Justice that comes too late has no meaning to the person it is meant for. During a prolonged and unending trial, the priorities of an accused person towards life change along with the circumstances.
The person can also lose everything on account of the pending proceedings.

Administration of criminal justice is facing serious problems nowadays. Although access to justice should normally mean taking recourse to an affordable, fair, speedy and satisfactory. Settlement of dispute through a court of law, yet the agony associated with it is so unending and prolonged that the number of people who resort to litigation is much less, than those who prefer to forgo their claim, howsoever genuine their claims might be, for the sake of maintaining peace in their life. After all, no person would like a major part of his life to be consumed in unending litigation. In cases, where the accused is the head of a family and is the only bread earner, his responsibility is also towards the large family left behind him. It is not only the accused but also his other members of the family who suffer because of delays in trial.

As far back as in 1978, K.F. Rustamji, Member of the National Police Commission, observed that compassionately in his report on under trials that prisons are “a system which is slowly grinding thousands of people into dust”. He found hundreds of under trials to be “dumb, simple persons, caught in the web of law, unable to comprehend as to what has happened, what the charge against them is, or why they have been sent to jail. These are the people without a calendar or a clock, only a date in a court diary, extended hearing. There are many charged with ticket less travel, possession of weapons, or illicit liquor or some minor infraction of the law”. He found to his dismay that “several of them have been under trials for more than five years”.

Human hope has its limits and waiting endlessly is not possible in the current life-style. The consumer of justice wants unpolluted, expeditious and fair justice. In absence of it, instead of taking recourse to law, he may be tempted to take law in his own hands. This is what the judicial system shall have to guard against so that people do not take
recourse to extra-judicial methods to settle scores and seek redress of their grievance. If such tendency develops, it would be a sad day for the Constitutional democracy to which we are all wedded. The lack of a speedy dispute settlement mechanism has a direct impact on the level or lawlessness in our society.

Tens of thousands of deprived men and women are trapped in jails throughout the country, often for many years, without trial or conviction, separated from their families, exiled from hope. The predicaments of these "under-trials" prisoners, who constitute as many as two-thirds of our overcrowded jail populations, have for many decades. Most of these unfortunate, incarcerated men and women and sadly children are very poor and from socially disadvantaged groups. It is by no means a fact that most crimes in our country are committed by very poor people. It is just that these dispensable and forgotten people are too powerless to free themselves from the vice-like grip of law; they lack the money, education and political clout to walk free. They cannot muster resources to afford bail and lawyers, and overburdened courts do not find time to try them.

The recent estimates show that 66 percent of all prison inmates are under-trials, but in some states the proportion goes up to as high as 80 percent. The total prison population as on December 2006 for all categories of inmates was 3,73,271 of these 2,43,244 were under-trials. An overwhelming 96 percent of these are men. Uttar Pradesh reports the highest number of under-trials followed by Bihar. As a result of large pendencies, it often takes decade before the courts to pass verdicts. The major contributor to the pendency of 2.5 crore criminal cases in India are the states of Uttar Pradesh, Maharashtra, Gujarat, Karnataka, Orissa, Bihar and Rajasthan, with over 10 lakh cases pending in the trial courts of each of these states.

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Uttar Pradesh leads with a pendency of 47.8 lakh cases, closely followed by Maharashtra with 40.6 lakh cases, Gujarat has 25.8 lakh cases pending in criminal courts. The figures for other states with major pendency are Bihar- 13.3 lakh, Orissa- 10 lakh, Rajasthan- 10.8 lakh and Karnataka- 10.9 lakh. Among the states, Sikkim has the lowest pendency with 793 criminal cases awaiting adjudication in trial courts in the year 2008.

The situation in India is even worse with the mounting arrears of cases but the numbers of courts have remained almost static. This has created an ever-increasing backlog of cases at present; it has virtually checked the existing courts. Another root cause for delay in dispensation of justice in our country is poor judge-population ratio. The ratio of judges per million populations in this country is the lowest in the world. The population and judges ratio in India is 13.5 judges per 10 lakh people as compared to 135 to 150 per 10 lakh people in advanced countries. The ratio of judges per million of population is about 58 judges in Australia, 75 in Canada, 51 in the U.K. and 107 in the U.S.\(^\text{10}\)

There is a network of over 14000 courts all over India and these courts are handling about 4 crores of cases. Out of 14 thousand judges, the working strength would be about 12,500 judges and nearly 4000 cases are being handled by each judge. This is too high as compared to the average load per-judge in other countries.\(^\text{11}\) Due to this low judge - population ratio, the courts are lacking requisite strength of judges to decide the cases.

The failure of justice system has several disastrous implications in society. As Gladstone observed, the proper function of a government is to

\(^{10}\) Rattan Singh, Dr. "Fast Track Courts in India" (A Movement towards speedy justice), Journal of Constitutional and parliamentary studies, July-December 2007, Vol. 41, p. 295.

\(^{11}\) Hon'ble Mr. Justice K.G. Balakrishnan (Chief Justice of India), presidential address on the occasion of All India Seminar on Judicial Reforms, held on 23\textsuperscript{rd} February 2008, Souvenir, Vol. 2, p.11
make it easy for the people to do good, and difficult for them to do evil. The only sanction to ensure good conduct and to prevent bad behaviour in society is swift dispensation of justice. Thus the delayed trial and huge pendency of criminal cases in India has exposed the loopholes of the criminal justice system. The seriousness of the crime problem is to be looked at not only from the activities of the criminals but from the mal-functioning of the agencies of criminal administration. The pendency of cases in the courts has reached its peak. In short, almost all the units of criminal justice system are ailing from some problem or the other.

A number of commissions, such as the Law Commission of India, the Human Rights Commission and National Police Commission are offering suggestions as to how best the system can be improved to meet the challenges of the time. The Government of India and the State Governments have been adopting schemes after schemes to remedy the situation. Since the system of criminal justice is a complex one, and the reformatory measures call for an overall approach to the problem. The Government of India has appointed a review committee called the Criminal Justice Review Committee under the Chairmanship of Justice V.S. Malimath, former Chief Justice of the Karnataka High Court to go into the problems of criminal justice so that a thorough change may be effected in the substantial law and procedural law, to ensure speedy justice.

II. Significance of the Topic of Research

The significance of criminal justice system in public administration is that it has the aim of establishing such condition in society in which there is law and order, and there is protection to the rights of the individuals. The administration of justice does not deal with the punishment of the guilty alone, almost means acquittal of the innocent. Fairness and speed are equally important in the administration of justice. Speedy justice serves the best interests of the accused, the survivors and the society at large. An efficient system acts as a deterrent to any potential
violator of law. However, in our country criminal justice has come in for serious criticism.

The problem of delay and backlog is rather acute in criminal cases, as compared to civil cases. The Indian criminal justice process appears to be on the verge of collapse due to diverse reasons for delayed dispensation of justice. Therefore, speedy trial in criminal justice system is an urgent need of the present judicial system in order to decide the fate of lakh of litigants. It will held to enhance the faith of general public in the present judicial system. It is important that each and every stage of trial of an accused should move at a reasonably fast pace. Speedy trial ensures that a society is free of such vices. Speedy trial in criminal justice would also help save an accused from psychological stress, such as worries, anxiety, disturbances to peace at home, etc. Speedy trial is hence significant as far as protecting the interest of an accused person.

It is, thus in the interest of state that the prosecution is able to prove the guilt or innocence of accused at the earliest. Uncalled delay often prejudices the prosecution and at times witnesses are not available or evidences disappear by lapse of time due to various technical and non-technical reasons. Criminal law remains ineffective without quick trial and prompt punishment. For a variety of reasons, witnesses tend to retract from their statements. Investigating officers and prosecutors lose heart. Judges feel helpless, society becomes cynical as either criminal go scot-free and innocents continue to be harassed.

This study is significant because the vices of delayed trial are harmful for the development and peace of any civilized society. It is thus the obligation of the state or the complainant, as the case may be, to proceed with the criminal case with reasonable pace. Speedy trial in criminal justice system is thus in public interest.
III. Rationale for the Study

The criminal justice system is one of the distinct parts of the administrative system of our country, but like other limits of administration this system also has its basis in the Constitution and reflects the idea which the people of the country have with regard to their life, liberty and property in relation to each other and in relation to state.

The system of criminal justice is designed in such a way that all agencies of state administration have to function in accordance with the Constitution and the laws made thereunder. The individual and authorities of the state both have to keep in view the great principles enshrined in the Constitution. If any improper method is adopted it would not only be violative of the principles of Constitution but would shake up the very foundation of the system of justice.

Speedy justice is *sine qua non* of criminal justice system, indeed the right to speedy trial is an integral and essential constituent of the Fundamental Right to life and liberty enshrined in Article 21 of the Constitution of India which vends thus: "No person shall be deprived of his life or personal liberty except according to the procedure established by law". The Constitution therefore, not only mandates a speedy process but also recognizes the inherent right of an accused. The need to minimize delay and to ensure that trials are conducted efficiently is the need of the hour. On the other hand, the situation seems to be getting worse with cases mounting in courts. While numerous provisions exists in the Code of Criminal Procedure, 1973 to provide for an early investigation and a speedy and fair trial, in reality, due to various factors. Such as overcrowded court dockets, absence of prosecution motivation, defence tendency to prolong, speedy trial is yet an illusory goal. Due to delay crores of Indian citizens who are routinely denied justice, and therefore, ineffective dispensation.
Various authorities such the Law Commission, Malimath Committee the court lawyers, and eminent judges, etc, over the last 50 odd years, identified problems in the judicial system reasons for delay in the dispensation of justice and specific measures to overcome delays and expedite the disposal of cases. Yet, the effective implementations of many such recommendations are still pending.

The great victims of the present situation are the poor, the voiceless, and the minority, who cannot bear the burden of decade long adjudication necessary to enforce their rights. They are the ones who are turned homeless during tenancy disputes, whose lives and deaths get lost in the mire of the criminal justice system, and who are denied the basic rights necessary for survival. Delay in trial of cases really has become chronic. It is often said that cases are disposed of but justice is not done. Speedy trial is in public interest. This study has therefore been planned with the caption: “Speedy Trial in criminal justice system: An Appraisal”

What has influenced the researcher to select this topic is the criticism very often heard that the criminal justice system of our country has failed in its purpose of dealing with the dispensation of speedy justice.

On the other hand, it was inspiration of my able supervisor that I decided to select the topic of my research work on such essential an issue that of speedy trial in criminal justice system. I also share the idea to carry on my work on this topic with my teachers having vast practical experiences whereby it had been inferred that there was an urgent need to look into the current position of speedy dispensation of criminal justice in India and in other countries.

On account of the problems arising in organization and functioning of the administrative apparatus and controversies arising in regard to the officials managing the criminal justice system, there is justification for a through analysis into the organization and functioning of the system.
IV Review of Literature

Criminal justice system being a subject of great importance in the academic and the professional field. Certain writers have attempted to highlight the concept of speedy trial under criminal justice process. The following are a few of the important works, Indian and foreign which deals with matters of speedy trial and reforms in criminal justice system.

The book titled: "Handbook of Human Rights and Criminal Justice in India". The system and procedure compiled by Mr. Ravi Nair, published under the auspices of the South Asia Human Rights Documentation centre (SAHRDC) and (published by Oxford University press, 2006) has the object of providing for teaching material as a text for students, a guide for journals and even for the lay citizen. Its excellent documentation and citation of cases makes it a useful reference for lawyers, judges and activists in the field. This book particularly discusses criminal procedure and criminal justice in the context of human right. Specially this book is useful for discussion of the essentials of a fair trial and safeguards against custodial torture.

The book titled: "Indian Judicial System: Need and Directions of Reforms" edited by S.P. Verma, published by Kanishka publishers, New Delhi, (2004) deals with particular themes of judicial reforms including speedy justice and Indian criminal Justice system, the topic is of great contemporary interest and relevance to all academics, policy makers and citizens due to its importance in judicial administration at various levels.

The book titled: "Law of Speedy Trial: Justice Delayed is Justice Denied" by Hari Om Maratha, published by Lexis Nexis Butterworths Wadhwa, Nagpur (2008). This book contains the gist about the law of speedy trial it is a compiled book having relevant topics regarding judicial delay in dispensation of justice. This book is relevant not only for legal fraternity, Members of Judiciary at all levels, prosecutors, police, but to the entire community.
The book titled: “Law of Speedy Trial in India” by B.L. Arora, published by Universal Law Publishing Co. Pvt. Ltd. New Delhi, deals extensively with the law of speedy trial in India. It covers every aspect started with the evolution of state, basic notion of law, crime and justice and covered provisions of criminal procedure code with reference to the speedy trial, and case law on speedy trial This book also deals with particular themes of criminal justice, such as, the historical and social framework in which the crime control agencies have evolved the use of certain methods within criminal justice system to guide the decision making bodies.

The book titled: “Judicial Reforms in India: Issues and Aspects”, by Arnab Kumar Hazra and Bibek Debroy, published by Academic Foundation in Association with Rajiv Gandhi Institute for Contemporary Studies, New Delhi (2007). It covers valuable information on judicial reforms by different authors, and deals with particular themes as issues and aspects of judicial reforms in India. Does the poverty of law explain elusive justice to poor, contemporary views on access to justice in India, delay's in the administration of justice and the problem of court congestion etc. are relevant topics for the academic as well as professional aspects of the system. This book also examines through data's and examines whether the system of criminal justice obtaining in India is adequate enough to cope with the challenges of the time. In the context of the growing complexity of crime and its control in a fast changing society, the author examines the question what structural changes are needed in all components of the system to bring it in tune with the values of time.

The book “In Defence of Liberty: The Story of America is Bill of Rights” by Russell Freedman, published by A Holiday House Book, New York, U.S.A. (2003), deals with some aspect of the Bill of Rights, and particularly deals in detail about the Amendments made in American Constitution, in which the Sixth and Seventh Amendments deals with the
“Right to a Speedy and Fair Trial”. This book is written in a very easy language and is useful for academic as well as for the law professionals. The ten amendments of the American Constitution comprising the Bill of Rights, and highlighted that this landmark document as a means to defend the liberties of all, across boundaries of race and gender, age and class, religion and ethics. And the same focusing on examples of ordinary citizens who have had the courage to challenge their government and raise their voices at injustice.

V. Hypothesis

From an observation of the various facets of criminal justice system particularly its recent trends, the hypotheses formulated are that:

1. Criminal justice system is suffering from several pernicious defects such as delayed disposal of cases and huge pendency.

2. Seedy trial is the essence of criminal justice system and there can be no doubt the delay in trial by itself constitutes denial of justice.

3. The worry, anxiety, expense and disturbance to prisoner’s vocation and peace resulting from an unduly prolonged investigation, inquiry and trial should be minimal.

4. A new jurisprudence is evolving the world over particularly with the help of judicial decisions, whereby prisoners are treated as human beings and speedy trial as their human right.

5. The state is under a Constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the state.

6. Most of the provisions of the procedural laws are vague and highly technical making it difficult to enforce them towards the end of speedy justice.
7. The state cannot avoid its Constitutional obligation to provide speedy trial to the accused persons by pleading financial and administrative inability.

8. Effective case management system needs to be put in place for growing number of new cases and the courts should reach to the people through local venue hearing.

9. There appears an urgent need to bring punishment for absconding witnesses and strict enforcement of deadline for duration of trial and length of argument.

10. Concrete steps to implement the recommendations of various committees on reforms in criminal justice system needs to be taken, if we are to achieve the precious right to speedy trial.

VI Aims and Objectives of Research

It is obvious that the states has kept the Constitutional obligation by devising a procedure which ensures a speedy trial for the accused; the superior court also not lagged behind their Constitutional obligation in enforcing the right of the accused to speedy trial by issuing the necessary directions to the state, but still delay persists. This state of affairs necessitated the present work on ‘speedy trial in criminal justice system’.

This research work has been carried out with the following, among other, objectives:

1. To expound the concept of speedy trial in criminal justice system and underline the basic feature of the systems obtaining in India;

2. To examine the legal framework of components of criminal justice system keeping in view the normative and social perspective of the system of criminal justice;

3. To examine the fundamental principles embodied in the Constitution, regarding speedy trial, as fundamental right, and
institutions involved in the administration of criminal justice, namely, the police, the courts, the prosecution and the prisons.

4. To enquire how principles of procedural law are adhered to in conducting criminal trial and in managing the operational aspects of the system;

5. To study the legal and Constitutional position of the new institutions established by the state to attend as alternative dispute resolution in furtherance of speedy justice.

6. To examine the position of various committees, commissions reports and its recommendations on speedy trial.

7. To analyze the safeguard guaranteed to under trial prisoners in relation to various phases of the criminal process and how the system takes care of the victims,

8. To point out the error and defects in procedural law which hamper the criminal justice system in regard to speedy disposal of cases, and

9. To suggest some possible measures to speedy dispensation of criminal cases.

VII. Methodology

This research is a criminological research. Basically, criminological research has two aspects – one pertaining to the crime problem and other pertaining to the criminal policy. Although research in criminal justice varies considerably in scope, style and procedure depending upon the theme of research, this particular research is concerned with an evaluation of the policies and procedures. It is concerned with major propositions of law concerning the operation of the system to attain speedy justice. It is concerned with the scope of the fundamental norms of our legal system namely, the principles, embodied in the Constitution of our country, which are applicable to the institutions of criminal justice and the processes pursued by these institutions.
Doctrinal and Analytical Methods of Research is followed as the researcher is firm in his conviction that an accurate evaluation of the law is possible if an analytical approach is adopted to ascertain the distinct features of the system and the steps taken by the state for viable dispensation of justice.

In the preparation of this thesis, material has been collected from authentic reports found in the Libraries of repute (Maulana Azad Library) based in Aligarh Muslim University. Every efforts has been made to collect material from appropriate and authoritative sources of information, the decisions of the courts and the reports found in law library/seminar of the Department/Faculty of Law, AMU, Aligarh, the Library of Indian Law Institute, New Delhi. A single source of information in the form of statutes, judicial decisions etc. not being sufficient for the researcher, so that the necessary data collected from secondary sources like the newspapers and periodicals and various reports published in souvenir of All India Seminar on Judicial Reforms time to tome.

Scheme of Presentation

Based on the theme of research the study has been planned and presented in the following chapters:

Introduction contains the research design. It describes the area of research, the reasons for conducting research on the topic, the hypothesis formulated for the purpose, the methodology followed and the aims and objectives pursued in this regard.

Chapter-I “Speedy Trial – Explained” discuss the conceptual basis of speedy trial. After giving a brief overview of speedy trial, explains the meaning and definition of speedy trial, and an assessment of time frame of a trial has discussed. It discusses the enforcement mechanism of speedy trial and the question whether delayed trial is always an unfair trial. And the defects and errors in procedural law has also attempted in detail,
on the other hand the need for simplification of the procedural law to attain speedy justice has discussed.

Chapter-II "Speedy Trial - Historical Perspective" explains historical background of speedy trial. For this purpose chapter IIInd has been divided into three parts and examine the evolution of the concept of speedy trial from ancient Indian criminal justice system to Medieval and Mughal period and its position in modern time has discussed in a historical manner. We have given a very short description of the judicial system of Ancient Hindus. And some rules of speedy justice in Ancient India and its roots in the Ancient literature have also been shortly outlined.

We have outlined a very short description of the judicial system of the pre-Mughal period and Mughal period to elicit the historical position of administration of justice. The administration of justice during the reign of Akbar and the judicial reforms made by Emperor Aurangzeb has exclusively discussed. Thus the brief history of the administration of justice in India has been brought up to the period of the East India Company and gives a comparative view of ancient to modern position of administration of criminal justice to examine the position of speedy justice.

Chapter-III "Speedy Trial in International Perspective" deals with international perspective of speedy trial. The first part of this chapter deals with the fortification of speedy trial in several international covenants and conventions. To explore the international perspective of speedy trial the researcher examines three jurisdictions i.e. U.S.A., U.K. and Australia. While examines the international perspective the Sixth Amendment of the U.S. Constitution and the Speedy Trial Act of 1974 has exclusively outlined. We further deals with international comparisons regarding problem of backlog and delay reduction in dispensation of criminal justice in India.
Chapter IV “Speedy Trial: A Constitutional Mandate” deals with Constitutional ramification of speedy trial. For this purpose, the researcher first examines the Constitutional provisions for speedy trial, then the emergence of speedy trial as a Fundamental Rights in India. Last part of this chapter deals with the articulation of right to speedy trial in judicial pronouncement/dynamism.

Chapter V “Speedy Trial in Statutory Provisions” deals with the statutory provisions for speedy trial. It discusses the several statutory provisions which are designed to speed up the trial of criminal cases, in the last part of this chapter it also discusses the utility of free legal aid to achieve speedy justice.

Chapter VI “Role of various Agencies in Furtherance of Speedy Trial”. This chapter examines the role of various agencies which further the causes of speedy trial. For this purpose it provides an insight into the report of Mallimath Committee. Then the role of lawyers, litigants, Lok Adalat and use of technology in speedy justice are examined.

Conclusion contains a summary of the findings and offers suggestions as to how an effective system can be established to achieve the idea of speedy trial in criminal justice system.