



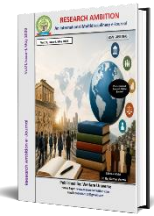
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A STUDY ON THE RIGHT TO QUICK AND EQUITABLE TRIAL WITH REFERENCE TO THE CONSTITUTION OF INDIA

Chanchal Khatri,^{a*} 

^aPh.D. Scholar in Law, J.S. University Shikohabad Dist. Firozabad (U.P.), India.

KEYWORDS

Presumption, witnesses, trial, impartiality, Right to Speedy Trial, Fair Trial, Equitable Justice, Constitution of India, Article 21, Fundamental Rights, Natural Justice, Judicial Delay, Access to Justice, Due Process, Legal Aid.

ABSTRACT

It is important that every person is heard in order for the justice system to function effectively. It also results in significant financial loss and psychological suffering. The protection of this right in India is examined in this research paper. It examines significant court decisions that influence the operation of our legal system. Large case backups, a shortage of judges, and protracted investigation delays are among the major issues covered in the paper. The study examines government initiatives to expedite justice as well as procedural laws. It concludes that an equitable trial must be a fair trial as well. This implies that everyone must be treated equally by the legal system, regardless of their financial situation. The laws of India and other nations are compared in this paper. It offers suggestions for resolving court delays. Lastly, it displays.

Introduction

The right to a speedy and fair trial is also recognized as a fundamental human right in a number. These instruments highlight the need to promote equality before the law and fair and speedy resolution of cases. (Mohammad, 2021) The right to speedy and fair trial is faced with many hurdles in India irrespective of the fact due and proper legal provisions are ensured in the Constitution and human rights instruments. Delays in investigation procedures and congested courtrooms and backlogs can take years to conclude cases. Many accused persons, particularly from Corruption and discrimination can undermine the integrity of the judicial system. By law, time limits are set for the completion of

investigations and trials. Legal aid provides free legal services to people who cannot afford legal representation. There is an effort to reform the justice system and make it efficient and impartial. The presumption of innocence puts the onus on the prosecutor to prove. It is their job to present enough evidence to convince the judge or jury of the guilt of the accused. The accused need not prove his innocence. He can simply rely on the presumption of innocence and attack the evidence of the prosecution. (Tiwarineeraj, 2020) This principle has a long history of tradition and has been applied in different legal systems for centuries.

In any legal system that upholds justice and fairness, the right to know the charges one faces is

>Corresponding author

*E-mail: chanchalkhatri700@gmail.com (Chanchal Khatri).

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 <https://orcid.org/0009-0003-9823-7160>



a basic tenet. This right guarantees that individuals who are charged comprehend the nature and basis of the accusations made against them. It is a fundamental aspect of due process, guaranteeing that individuals have the opportunity to properly defend themselves and engage significantly in the proceedings.

Problem Statement

Even though a quick and impartial trial has been recognized by the Supreme Court as an innate right, there are still major problems with the criminal justice system in India, which translates to many individuals being kept in jail for longer periods before their cases are heard in court and thus being denied their just powerful right to fair justice. The study reviews the constitutional setup, legal principles, and challenges faced within the justice system, which have allowed it to persist; the findings show that the operation of this malfunctioning regime goes against the principles of human rights and fair trial.

Literature review

The entitlement to know about charges is relevant in multiple legal scenarios, such as criminal, civil, and administrative cases. Jawalekalpana et al. (2021): Charges should be detailed enough to allow individuals to comprehend the supposed offense or breach. Broad accusations are not sufficient for this purpose. People should be alerted promptly about the accusations made against them so that they have sufficient time to prepare their defence. Moreover, everyone should receive the information in a language understood by them.

According to Petrovasunchica et al. (2020),

although the right to be informed on the accusations is important, it is not absolute. There are cases where information can be kept classified in order to protect national interests. Nevertheless, such limitations should be reasonable and subject to judicial scrutiny. In some cases, such as minors' cases and cases associated with sensitive personal information, confidentiality can be necessary. However, this should not impede individuals from understanding the court proceedings. Jain et al. (2020) claim that access to legal information is vital for justice. In order for people to get the proper treatment and respect in courts, it is necessary to ensure access to legal information. Thus, having this principle implemented results in accountability, transparency, and lawfulness in societies despite differences in application.

Research Gap

These rights are realized through a very broad framework provided in the Indian Constitution itself, using legal precedents more than statutory provisions. A study of the gap between constitutional theory and practice provides a lot of opportunity for research.

Gap: Unlike the U.S. or the UK, Indian criminal procedure law lacks fixed statutory time limits for the completion of a case. The Supreme Court ruled in *P. Ramachandra Rao v. State of Karnataka* (2002) that courts cannot impose strict outer limits for concluding cases.

Research Focus: How does this lack of a statutory mandate render the constitutional right elusive? You could analyze whether India should enact specific limitation rules for different categories of cases to ensure due process.

Research Methodology

The current study is both informative and analytical a descriptive research design is highly suitable for this study; therefore, it has been adopted. In this study, a simple sampling method was used to collect primary data. Primary data were gathered through structured questionnaires. Secondary data were collected from books, journal articles, legal reports, case law, government publications, and online databases. The researcher employed frequency distribution to analyse percentages, as well as analysis of variance and the chi-square test, to test the hypotheses.

Purpose of the study

The purpose of studying the right to a speedy and fair trial under the Constitution of India is to analyze how the Indian justice system balances the state's function of prosecuting crime with the fundamental right to personal liberty, aiming to prevent prolonged pre-trial detention and ensure the delivery of justice.

Research Question

- According to Article 21 of the Indian Constitution, it has certain provisions for the right to speedy trial for the accused.
- How can an overloaded judiciary, number of pending cases, and ratio of the judges and the people affect proper and speedy administration of justice?
- Are there some examples of how can the Indian criminal justice system adopt the timeframe or accountability frameworks from the U.S. jurisdiction or follow international practices to ensure that citizens receive fair trial services?

Research Objectives

1. To examining the concept and significance of a speedy and fair trial.
2. To analyze the causes of delays in the justice system.
3. To studying the constitutional and legal framework regarding speedy trials.

Hypothesis

- Systemic issues from the unevenness of judge-population ratio to repeated postponements result in delays that infringe on this constitutional right.
- Long-term pre-trial confinement is unjustly experienced by the marginalized part of the population.
- Strict judicial oversight, as well as institutional reforms like alternative dispute resolution and implementation of technology in the judiciary, are needed in order to reconcile theory and practice.

Scope, Significance and Relevance of the Study

Scope of the Study: The scope itself sticks to the constitutional interpretation of Article 21 (Right to Life and Personal Liberty) as the basis for the right to speedy trial. It covers all stages of criminal procedure such as investigation and inquiry, trial, and appeal. The study also touches upon the involvement of the state, judiciary, and investigation authorities in preventing unnecessary delays.

Significance of the Study: The study looks into the notion of "justice delayed is justice denied," a human rights matter of great concern. It is vital to emphasize the position of undertrial prisoners who have undergone delays in the judicial process. By

pointing out loopholes in the law, this study helps develop means for the implementation of the right to a speedy trial. The fact that the study shows that the Constitution recognizes the right to equal access to justice is also important as it connects the right to a speedy trial with the right to equality (Article 14 of the Constitution).

Relevance of the Study: The significance of the constitutional right to a speedy trial is growing, especially against the backdrop of increasing abuse of the pre-trial detention instituting. This issue is extremely important in the context of the ongoing discussions regarding pretrial detention and related issues. The results provide valuable information and suggestions for the balance between the rights of the accused and the interests of victims and society.

International Perspective

Across the world, the right to a fair and swift trial is widely recognized as one of the key aspects of international human rights laws. Article 14(3)(c) of the International Covenant on Civil and Political Rights (ICCPR) states that everyone has the right to a "trial without unreasonable delay". Ratified by India, ICCPR imposes an obligation on the country to introduce domestic laws in accordance with its provisions.

Comparative Analysis

United States: The Sixth Amendment clearly provides for the right to a speedy trial. The US Federal Speedy Trial Act and the four-pronged test in *Barker v Wingo* (1972) lay down firm and enforceable timelines aimed at protecting defendants from delays caused by any action of the state. India: Despite decisions such as Vaman

Narain Ghiya v State of Rajasthan, which indicate the necessity of recognizing the balance between rights of the defendants and those of society, India does not have a fully developed legal framework on the subject. Issues such as backlog of cases, limited number of judges, and frequent adjournments prevent the timely administration of justice from happening.

Role of global and Indian Judiciary

Global Justice Perspectives - The United States: The Sixth Amendment explicitly guarantees the right to a "speedy and public trial." In *Barker v. Wingo* (1972), the US Supreme Court established a four-factor balancing test that assesses the length of the delay, the reason for the delay, the defendant's assertion of their right, and prejudice to the defendant.

Indian Justice Perspectives -The Indian judiciary has worked diligently to ensure fair trial standards through Public Interest Litigation (PIL). Significant contributions include: *Hussainara Khatoon v. State of Bihar* (1979): This brought national attention to the plight of undertrial prisoners suffering in jails and established the right to a speedy trial as a fundamental human right. In the case of *A.R. Antulay v. State of Maharashtra* (1992), rules were established to decide if a lapse of time infringes the rights of the accused party. The court held that the right to a speedy trial is applicable in all the phases of criminal justice: investigation, inquiry, trial, and appeal.

Analysis and Discussion

The right to prompt and due equity with special references in the constitution of India

The entitlement to legal counsel is a core tenet of

justice acknowledged in numerous nations globally. Lawyers help in protecting the rights of clients, challenging the evidence, and making a strong defense. This is especially important in criminal cases, where there are many risks involved. Having legal representation helps people to navigate properly through a complicated legal system and know their rights and obligations. Lawyers provide guidance, advice, and help to make the legal system simpler. The right to an attorney is important for supporting the rule of law. Legal aid programs are essential in this context. Nonetheless, legal aid frequently lacks sufficient funding and are overwhelmed, resulting in numerous individuals not receiving legal representation. Even when people have legal counsel, the caliber of that counsel can differ greatly. Certain attorneys might not possess the knowledge necessary for effective advocacy. In various regions, cases are postponed because of backlogs and organizational inefficiencies. This may lead to individuals being refused their entitlement to a prompt trial can weaken the efficacy of legal representation.

The entitlement to legal counsel is essential for justice. Promoting an equitable society with respect to justice requires this principle of justice. In many cases, despite the existing difficulties and barriers, the authorities and lawyers have to work hand in hand in order to maintain this important tenet. In this way, it is possible to ensure that every person can share his opinion and have his rights protected within the judicial system. Regarding judiciary matters, the ability to interrogate witnesses in the court is a basic principle of justice

around the world.

Cross-examination involves putting questions to a witness of the other party after said witness has completed their testimony for the party that called them to testify. Cross-examination is not merely a procedure; it is an important tool for identifying contradictions and revealing weaknesses in the evidence, as well as recovering information that may support one's case. Effective cross-examination is capable of exposing inconsistencies, calling into question the witness's assurances, and uncovering the witness's underlying motives, thus allowing the fact-finder to make informed, unbiased conclusions. The idea of cross-examination is quite old; its roots trace back to Roman law and the English legal tradition. Over time, cross-examination developed into an essential part of adversarial systems of law, which are aimed at openness and pursuit of justice through debate and discussion. Today, the right to cross-examine is a standard legal provision included in various legal systems all around the world, starting from the constitutions of many countries and up to the international treaties on human rights.

In spite of its importance, the right to question witnesses faces many problems. This includes the potential for misuse, for example aggressive questioning, and the need to keep pace with various forms of evidence, including digital evidence and the opinions of experts. As the times change, so must statutes and processes used by the courts in order to ensure that this legal right remains a powerful tool in seeking the truth and obtaining justice. The right to cross examine

witnesses is a sign of the commitment to justice in the legal process.

The entitlement to a swift trial is a core tenet of justice, safeguarded by legal frameworks globally. It guarantees that a defendant is not subjected to excessive delays in the judicial process and that their case is settled quickly. This entitlement is not just a procedural requirement; it serves as an essential protection against possible power abuses and is fundamental to a just and impartial legal system.

In accordance with the principle of delayed justice being equivalent to denied justice, the concept of speedy trial rests upon the fact that when there are delays in legal proceedings, they can seriously harm the defendant. First, a defendant may suffer from prolonged periods of uncertainty, anxiety, and imprisonment which directly affect their family and work. Furthermore, delays can be detrimental to the case as the witnesses' memory gets weaker, relevant evidence may be missing and the information deteriorates over time. Delays attributed to the prosecution—like those due to carelessness or insufficient resources—are typically perceived in a different light than delays caused by the defense or situations outside the accused's influence.

Results

- Although speedy trials are not predetermined by the Constitution itself, still the Supreme Court has considered speedy trial as merely a principle of Article 21, which can be supported by the cases like *Hussainara Khatoon v. State of Bihar*, and *A. R. Antulay v. R. S. Nayak*.

- Speedy trial applies not only to trials, but also to all stages of crime, including investigation, trial, appeal, and review.
- The Supreme Court stated that excessive delay in taking any person into custody before trial constitutes a violation of Article 21, and very serious nature of crime cannot be sufficient justification for long pre-trial detention.

Findings

- Delays in Serious Cases: Delays in Indian courts negatively affect the constitutional right to prompt justice.
- Time Spent in Custody Before Trial: Many prisoners spend more time awaiting trial than their sentence if convicted.
- Absence of a Law Establishing Fixed Timeframes: While the US Speedy Trial Act provides strict timelines for conducting trials, the Indian Code of Criminal Procedure has no such provisions.

Conclusion

The assurance of quick trial guarantees not only the rights of the accused, but also that of the community. A judicial system that carries expedited processes helps sustain public confidence in the system and prevents criminality. Delays in the trials can lead to a feeling of injustice and distrust in the justice system. Conclusively, the entitlement to speedy trial plays an important role in the context of justice system since it saves the accused from unnecessary delays and ensure justice is served in time. Even though getting this right is a challenging process, the importance of trying to increase efficiency of the courts and solve

procedural problems cannot be underestimated. This is necessary for the implementation of the key principle that is speedy justice. In this way, we can guarantee that justice is both achieved and perceived as being achieved, ensuring every individual has an equal chance to defend themselves against allegations.

Suggestions

1. Strict Adjournment Norms: Judiciaries should strictly act upon Section 309 of the CrPC which states that the judiciary should not postpone any proceedings after initiation of witness examination.
2. Infrastructure and Capacity Development: It is imperative to ensure that judge-to-population ratio is improved, e-Courts are fully operational, and forensic labs are enhanced.
3. Effective Bail Applications: It is significant to consider the directions given in the case of *Satender Kumar Antil v. CBI (2022)*.

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