

STUDY ON JUDICIAL CONCEPT ON SPEEDY TRIAL OF PRISONERS

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ABSTRACT

Every individual, citizen or non-citizen, is guaranteed the right to life and personal liberty under Article 21 of the Indian Constitution. A person's life and personal liberty may be taken away if two requirements are met: first, there must be a law, and second, that legislation must be followed, given that the method is just, fair, and reasonable. Except for the brief period when the emergency rule was in effect, the Indian court system has shown its ingenuity everytime it has been called upon to interpret Article 21. The standard of justice dictates the standard of society and government. The weak judicial system destroys the social atmosphere in the same way that pollution poisons the environment. The society's hallmark is equal and fair justice. The quality of inquiry, investigating agency, judges, magistrates, and attorneys all have a role in the quality of justice in a civilised society. Regrettably, India's legal system seems to be governed nearly entirely by attorneys and their entrenched interests. Other branches of the administrative judicial system are completely ignored. The majority of persons who are detained, even for significant crimes, are not swiftly prosecuted and are released on the spot based on shady arguments presented by defence counsel. The basic duty of the criminal justice system in every civilised society is to safeguard its citizens. In this regard, the justice system is a legal tool sanctioned by the nation's people to defend both collective and individual rights. The preservation of law and order is another responsibility of any criminal justice system.

Keywords:

INTRODUCTION

Judicial Pronouncements On Speedy Trial In India

In a democratic society, everyone aspires to be free. No person can live as a free citizen of a nation without freedom. Only the living have the right to freedom and liberty. Every individual, citizen or non-citizen, is guaranteed the right to life and personal liberty under Article 21 of the Indian Constitution. A person's life and personal liberty may be taken away if two requirements are met: first, there must be a law, and second, that legislation must be followed, given that the method is just, fair, and reasonable. Except for the brief period when the emergency rule was in effect, the Indian court system has shown its ingenuity everytime it has been called upon to interpret Article 21. Article 21

stands out as a beacon of hope for all freedom advocates, guaranteeing the expansion of rights as required and assuring a basic level of justice in all judicial procedures.

Concept And Meaning Of Speedy Trial

In criminal law, prompt justice has always been the sine qua non (necessary element). It is critical to protect against oppressive and unnecessary detention. It reduces the fear and anxiety that comes with being accused. It also significantly reduces the likelihood of damaging an accused's capacity to defend him. There is also a strong community interest in ensuring that justice is delivered quickly and fairly. In the recent past, the right to a quick trial has been activated. India's courts have also opened up new vistas of constitutional basic rights in a number of rulings. For the first time, the Virginia Declaration of Rights in 1776 included the notion of a swift trial.

This idea made its way into the United States Constitution's seventh Amendment, which states that in all criminal cases, the accused must have the right to a fair, quick, and public trial. In this regard, it is worth noting that the United States of America has a Federal Act called the Speedy Trial Act, which was passed in 1974. The time constraints for significant events, such as indictment, information, and arraignment in criminal cases, are explicitly stated in this Act. Similar rules may also be found in Canadian legislation. The right to a swift and fair trial, which dates back to the Magna Carta⁶, is also recognised as a common law right. New Zealand, Canada, the United Kingdom, and the United States of America have this viewpoint, which is not shared by Germany. However, this common law right does not offer an absolute and suitable remedy to be granted in accordance with different criteria developed in various court judgments. Furthermore, Article 16 of the International Covenant on Civil, Political, and Economic Rights The right to a fair and quick trial was established in 1976. Similarly, according to Article 9 of the European Convention on Human Rights, Speedy implies that an accused person cannot be imprisoned without a fair trial for a long period of time.

Nature Of Delay And Time – Frame

Delays in criminal processes that are deemed systemic and are beyond the control of either the accused or the prosecution.

- a) Judges' non-availability, Delay caused solely by a backlog in the court schedule or other reasons beyond the prosecutor's control.
- b) The accused caused himself delays not only by obtaining brief adjournments, but also by using various legal techniques, which the prosecution must overcome.
- c) Delays created by court orders, whether or not prompted by the accused, needing modifications, appeals, or other relevant procedures or measures.
- d) Delays caused by the prosecutor's authorised activities, such as obtaining a critical witness who is kept out of the way or otherwise avoids process or appearance, tracking a vital document, or obtaining evidence from overseas.

The aforementioned delays are not deemed to be impediments to the right to prompt justice. The delays in question are purposeful delays that result in the prosecution or the accused prolonging the proceedings. The accused may want to postpone the proceedings as a kind of defence, while the

prosecution may like to extend them because it has a case against the accused or wants to bother him.

Numerous Human Rights Approaches

A substantial shift in the criminal justice system's practises has been fostered by legislation and the judges. Certain recommendations and directions regarding the treatment of prisoners have been mentioned by the United Nations. The nations have a legal responsibility and obligation to protect their people, as well as to ensure that residents have access to certain fundamental rights guaranteed by the Indian Constitution and other laws. However, the expansion of condemned prisoners' fundamental rights begs the issue of whether it is possible to include access to conjugal rights within the purview of Article 21 of the Indian Constitution. 11 Furthermore, what about the victims' fundamental rights, and to what extent may the guilty person's rights be extended under the guise of human rights in order to avoid violating the victims' human rights? The most serious human rights concern facing those who are being tried is the length of time it takes for their cases to be heard. A prisoner's right to a fast trial is protected under Article 21 of the Indian Constitution's Fundamental Rights, which assures a fair, just, and reasonable process. However, 70% of current inmates are awaiting trial, and some of them are not released even after being granted regular bail because they are unable to provide court-issued surety bonds due to financial difficulties or because their addresses cannot be verified because some inmates do not have housing. "One of the fundamental goals of the criminal justice delivery system is to expedite the trials of criminals. Once the court has taken notice of the charge, a fair trial must be held quickly in order to punish the perpetrator and exonerate the innocent. "Everyone is deemed innocent until the guilty is proven," according to a well-known saying. As a result, the accused's innocence must be proven as soon as possible since living in a society where accusations are common is difficult. The judicial court's first obligation is to ensure that no guilty person is acquitted, and the second is to ensure that justice is not delayed and that the accused are not hounded endlessly. It is important to note that a delay in a trial is a kind of denial of justice in and of itself, since justice delayed is justice denied. It is critical that the perpetrators of crimes be prosecuted quickly so that the person charged does not have to spend more time in prison than is required if bail is denied by the court. One of the most commonly accepted human rights is the right to a timely trial.

Judicial Concept On Speedy Trial Of Prisoners

The Indian liberation fight was essential in kicking off the process of recognising some basic rights for detainees. Following independence, our country's Constitution granted citizens a variety of essential rights. Article 21 ensures the right to personal liberty, prohibiting and avoiding any humiliating, inhumane, or cruel treatment of any person, whether Indian or foreigner. "No individual shall be deprived of his life or personal liberty unless in accordance with the method prescribed by law," says Article 21 of the Constitution. The Supreme Court has created human rights jurisprudence based on the interpretation of Article 21 for the protection and preservation of prisoners' rights in the interests of human welfare and dignity. Deprivation of life and liberty is justified when done in accordance with legal procedures, but the method cannot be unjust, arbitrary, or illogical.

a) Compensation

A prisoner, a defendant, or a detainee may seek compensation from the High Court under Article 226 and the Supreme Court under Article 32 for violations of his rights while in custody. After being

acquitted in Sultan Mohammad vs. State of Bihar and Others, the accused was freed from prison after 12 years on the grounds of insanity. The Court noted that no evidence was shown suggesting the prison officials had a justification for designating the prisoner crazy or holding him on that basis.

b) Fair Procedure

The Indian Constitution respects natural and equitable justice principles, which are enshrined in Part III of the Constitution. In Abdul Khan vs. State of Madhya Pradesh, the 20th High Court declared that where an accused refuses to receive legal help and is not represented by a lawyer, the Court should either examine the witness himself or assign competent counsel to assist the Court in the interests of justice

International Obligations and Requirements

The maintenance of security and peace, as well as the respect for law and order, are among the key reasons for the formation of state governments and the creation of the Indian government. According to the social contract hypothesis, citizens of a country consented to establish a country and a government for the purpose of greater protection and security, and have given up some of their rights in exchange. As a result, the responsibility for maintaining law and order and punishing violators of the law remains in the hands of the nation. As a result, the administration of criminal justice is the country's primary authority. Similarly, the practise of how a nation treats its population or subjects was solely within the control of the particular state. Human rights, basic rights, and prisoner treatment are all included. Later on, however, concerns of human rights, particularly the right to a quick trial and the treatment of prisoners by countries, drew the attention of many social and political activists, and were incorporated in regional and international human rights declarations. Addressing prisoners' rights in the United Nations and regional human rights treaties, as in the study project, is a product of the 1960s change in public authority. In addition, the UN and various regional human rights systems have created adjudicating organisations with the authority to resolve disputes over the interpretation and execution of the relevant treaties. One of the sources I will reference in my study is human rights committees, such as the general views of the IESCR and ICCPR committees on the various rights of prisoners.

OBJECTIVES OF THE STUDY

1. To Study on Judicial Pronouncements On Speedy Trial In India
2. To study on Numerous Human Rights Approaches

RESEARCH METHODOLOGY

The study involves doctrinal as well as empirical methods of observation. For Spatial- The empirical part of the study is proposed to be conducted in the Udham Singh Nagar District of Uttarakhand.

Data Collection- The tools of questionnaire and interview will be used in order to collect data on various socio legal and medical aspects of the problem.

Mode of Sampling. For the collection of data stratified random sampling shall be conducted.

DATA ANALYSIS

ANALYSIS OF RESPONSE TO THE QUESTIONNAIRE

A total of 70 questions were included in the survey. Do you believe that government investigative officials carry out their duties with complete honesty?

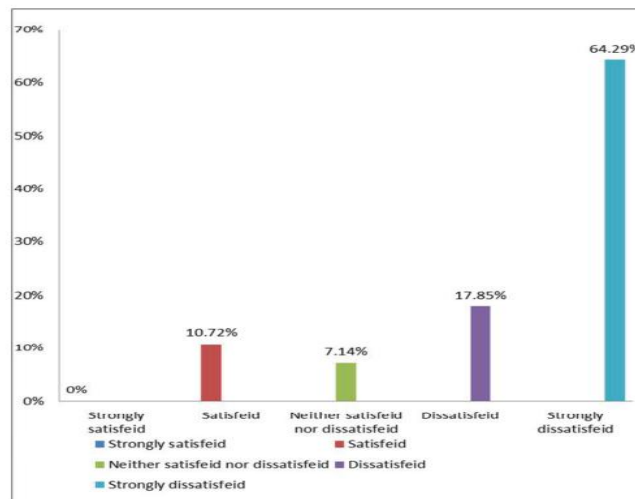
S.N.	PARTICULARS	NO OF RESPO NDENT	% LEVEL
1.	<i>Strongly satisfied</i>	0	0.00%
2.	<i>Satisfied</i>	30	10.72%
3.	<i>Neither satisfied nor dissatisfied</i>	20	7.14%
4.	<i>Dissatisfied</i>	50	17.85%
5.	<i>Strongly dissatisfied</i>	180	64.29%
	<i>TOTAL</i>	280	100.00%

Table 1(a)

Table 1(a) and figure 6.1(b) indicate the satisfaction level of 280 respondents in the context of government investigating agents doing their duties with complete honesty. There are 30 respondents, or 10.72 percent, who are pleased. 7.14 percent of respondents, or 20 people, are neither happy nor dissatisfied. 50 respondents, or 17.85%, are unsatisfied. 180 respondents, or 64.29 percent, are very unhappy, while none of the other 280 are extremely pleased.

It reveals that respondents' satisfaction levels with the tasks of investigating officers with honesty are severely unsatisfied.

Level of satisfaction regarding Figure 1(b)



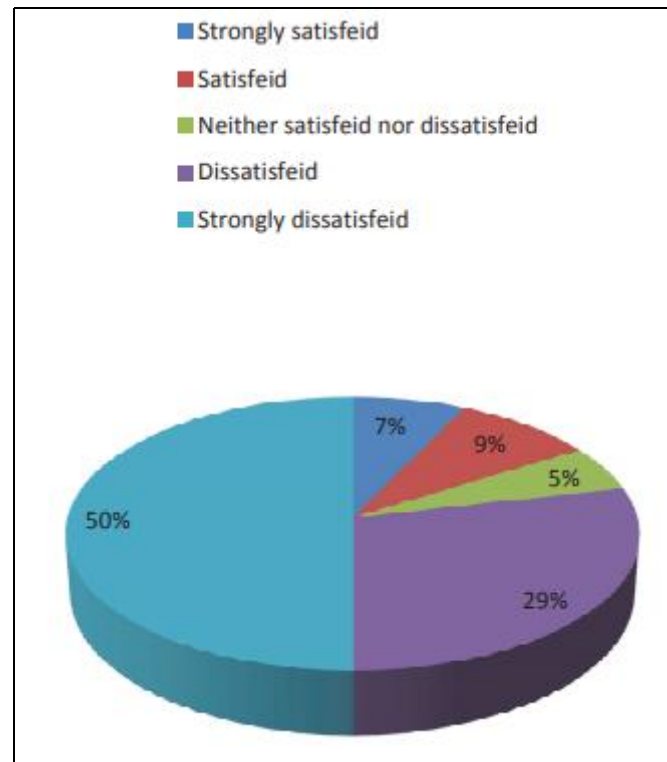
2. Do you agree with our judicial system and their procedure?

S.N.	PARTICULARS	NO OF RESPONDENT	% LEVEL
1.	<i>Strongly satisfied</i>	20	7.14%
2.	<i>Satisfied</i>	25	8.93%
3.	<i>Neither satisfied nor dissatisfied</i>	15	5.36%
4.	<i>Dissatisfied</i>	80	28.57%
5.	<i>Strongly dissatisfied</i>	140	50.00%
	<i>TOTAL</i>	280	100%

Table 2(a)

Out of 280 respondents, table 2(a) and figure 6.2(b) illustrate how satisfied they are with the court system and its procedures. 20 respondents, or 7.14 percent, are very pleased, 25 respondents, or 8.93 percent, 15 respondents, or 5.36 percent, are neither satisfied nor unsatisfied, 80 respondents, or 28.57 percent, are dissatisfied, and 140 respondents, or 50%, are very dissatisfied.

It demonstrates that respondents' satisfaction levels with the court system and its procedures are significantly dissatisfied.

Level of satisfaction regarding**3. Do you agree with the working function of public prosecutor?**

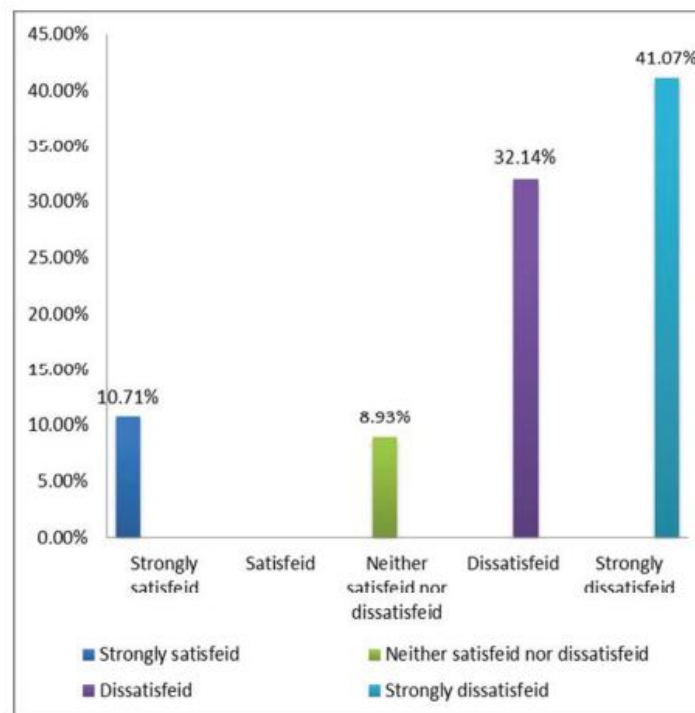
S.N.	PARTICULARS	NO OF RESPONDENT	% LEVEL
1.	<i>Strongly satisfied</i>	30	10.71%
2.	<i>Satisfied</i>	20	7.14%
3.	<i>Neither satisfied nor dissatisfied</i>	25	8.93%
4.	<i>Dissatisfied</i>	90	32.14%
5.	<i>Strongly dissatisfied</i>	115	41.08%
	TOTAL	280	100.00%

Table 3(a)

Out of 280 respondents, table 6.3(a) and figure 6.3(b) demonstrate the satisfaction level of respondents in the context of working as a public prosecutor. 30 respondents (or 10.71%) are very pleased, 20 respondents (or 7.14%) are satisfied, 25 respondents (or 8.93%) are neither happy nor unsatisfied, 90 respondents (or 32.14%) are dissatisfied, and 115 respondents (or 41.08%) are very dissatisfied.

It reveals that respondents' satisfaction levels with the job of the public prosecutor have a considerable dissatisfied trend.

Level of satisfaction regarding Figure 3(b)



CONCLUSION

The standard of justice dictates the standard of society and government. The weak judicial system destroys the social atmosphere in the same way that pollution poisons the environment. The society's hallmark is equal and fair justice. The quality of inquiry, investigating agency, judges, magistrates, and attorneys all have a role in the quality of justice in a civilised society. Regrettably, India's legal system seems to be governed nearly entirely by attorneys and their entrenched interests. Other branches of the administrative judicial system are completely ignored. The majority of persons who are detained, even for significant crimes, are not swiftly prosecuted and are released on the spot based on shady arguments presented by defence counsel. The basic duty of the criminal justice system in every civilised society is to safeguard its citizens. In this regard, the justice system is a legal tool sanctioned by the nation's people to defend both collective and individual rights. The preservation of law and order is another responsibility of any criminal justice system. Because crime and unrest wreak havoc on society's stability. As a result, we have given the criminal justice system the ability to act as a way of maintaining the present order. Criminal justice is a system that has existed since the dawn of time. It is often said that crime and man were created together. Criminal law, like other laws, has changed dramatically over time as civilization has progressed. As a result, the notion of crime entails the concept of a public rather than a private wrong, as well as an agency representing the community or public as a whole intervening between the criminal and the injured victim. In this perspective, a crime is the deliberate conduct of an act or omission that is judged socially injurious or hazardous that is expressly defined, forbidden, and penalised under the current criminal law. Only the breach of rules and regulations promulgated and enforced by government authorities is a crime in today's civilised society

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