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Speedy justice: A constitutional norm

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Abstract
Justice: The word "Justice" has a very comprehensive meaning. In its common usage, it means rendering every man his due. Three great objects are covered by the concept of justice. It is "the security of life", "individual liberty" and the "pursuit of happiness". Justice is the basis of the state. It is surety bond of all commerce.
Patient and impartial hearings are important ingredients of Justice.
An American Jurist Hans Kelsen explained the contents and concept of justice in the following words:-
"Justice is social happiness. It is happiness guaranteed by a social order. The happiness that a social order is able to assure cannot be happiness in a subjective individual sense; it must be happiness in an objective collective sense, that is to say, by happiness we must understand the satisfaction of certain needs recognized by social authority, the law gives as needs worthy of being satisfied, such as the need to be fed, clothed, housed and the like."
Legal Justice: Justice is of wide connotation to take in social justice, political justice, economic justice, legal justice, etc., but what we are now concerned with broad principles applied uniformly and impartially to one and all. Justice has to be administered by the courts according to law and procedure. Applied to the court of law, justice is nothing more or less than equitable application of law.
Litigation Delays: Litigation delays refers to the delays in proceedings before a court of law from the point of time of their institution until disposal by the court through a judgment or an order.

Keywords: justice, constitutional norm, litigation delays

1. Introduction
This topic examines the importance of speedy justice as a legal norm, and identifies some select Court rulings on speedy trial. This it seeks to do by identifying the constitutional norm and a norm of procedural law, provisions of other laws, and judicial pronouncements.

1.1 Speedy justice as the constitutional and procedural norms
Article 21 of the Constitution of India confers upon every individual a fundamental right not to be deprived of his life or liberty except in accordance with due procedure prescribed under law. The procedure prescribed under law has to necessarily be reasonable, fair and just. The most important words in this provision are "procedure established by law". A procedure prescribed by law for depriving a person of his liberty cannot be termed as 'reasonable, fair and just' unless it ensures a speedy trial for determination of the innocence or the guilt of the accused. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair and just" and it will fall foul of Article 21 and hence is not valid under law. Breach of this fundamental right has the potential of making the entire prosecution liable to be quashed and closed and the accused in all such cases will have to be declared innocent and set free. Speedy trial is hence the essence of criminal trial and there can be no doubt that a delay in trial by itself constitutes denial of justice.
The regime of criminal trial is India is regulated by the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860. The provisions of the Cr.P.C. clearly contain essential ingredients of speedy trial – in fact the main reason why the old Cr.P.C. of 1898 was replaced by the Code of 1973 was to remove the bottlenecks in speedy criminal trial [1].
The Code provides for an early investigation and for speedy and fair trial. Speedy and expeditious investigation and trial which have been envisaged under section 309(1) of the Code of Criminal Procedure, 1973 reflect the spirit of Article 21 of the Constitution. Section 157, Cr.P.C., requires that immediate intimation of every complaint or information preferred to an officer in charge of a police station of the commission of a cognizable offence shall be sent to the Magistrate having jurisdiction without loss of time. Under section 167(5), Cr.P.C., an under-trial has a right to get the entire investigation completed within six months from the date of arrest. Section 167(5), Cr.P.C., empowers the Magistrate to stop further investigation, if he so deems appropriate.
Section 173(1), Cr.P.C. provides that every investigation shall be completed without delay. Sub-section (2) prescribes, *inter alia*, that as soon as the investigation is complete, the officer-in-charge of the police station shall forward to the Magistrate

empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government. Further sub-section (6) says that if the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceeding or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

Limitations on taking cognizance of certain offences are dealt with under sections 467 to 473, Cr.P.C. Section 468(2) prescribes periods of limitation depending on whether the offence is punishable with fine only and maximum imprisonment that can be awarded for an offence. Courts are also given certain discretionary powers to meet the situations left uncovered in a statute by way of an enabling provisions. Section 482, Cr.P.C., is also one of them.

For the sake of convenience, sections 309 and 482, Cr.P.C., are reproduced herein below:-

"Section 309. (1) In every inquiry or trial, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.

(2). If the court after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:-

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time:

Provided further that when witnesses are in attendance, no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded in writing:

Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show-cause against the sentence proposed to be imposed on him.

Explanation 1. – If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Explanation 2. – The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of cost by the prosecution or the accused."

Section 482. "Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court of otherwise to secure the ends of justice."

A combined reading of all the sections enumerated above indicates that the accused is entitled to speedy trial as guaranteed under Article 21 of the constitution. If only the provisions of the Criminal Procedure Code are followed in their letter and spirit, there would be little room left for delay in trial and denial of speedy justice.

There can, therefore, be no doubt that speedy and reasonably expeditious trial is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. Right to speedy trial encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision, re-trial and is applicable not only to proceedings before a court but also to police investigation preceding it.

The right to speedy trial, being a fundamental right of the accused, should be construed as covering also the period of investigation [2]. To achieve its goal, the police ought to be given directions that once a complaint/F.I.R. has been filed, inquiry/investigation should be done without delay. The court trying the accused should see that the matter is not adjourned for a long time. The adjournments, if at all are necessary, should be for short intervals. It is often observed that lawyers on one issue or pretext often go for strikes, but duty magistrates or special judges sit to hear the proceedings. Police Officers bring the accused from jail but only to hear, often routinely, the Honourable Judge in the court saying "matter adjourned until ……date". It is definitely a heavy burden on exchequer/State. No accused should be made to suffer on account of lawyer's strike or other reason on the part of the State [3].

The State as a guardian of the fundamental rights of its people is duty bound to ensure speedy trial and avoid any excessive long delay in trial of criminal cases that could result in grave miscarriage of justice. Speedy trial is in public interest as it serves societal interests also. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible. Once an accused person is able to establish that this basic and fundamental right under Article 21 has been violated, it is upto the State to justify that this infringement of fundamental right has not taken place and that the restrictions or provisions of law are reasonable and that the procedure followed in the case is not arbitrary but is just, fair, without delay, expeditious and reasonable [4]. In case the State fails to do so, the case made against the accused person should be dropped and closed. On pre-trial confinement, at times, an accused remains in jail for much longer period than even the maximum sentence, which can be awarded to him on conviction for the offence of which he is accused. Thus, our prisons are overcrowded which is heavy on State/exchequers/treasury. Crores of Rupees can be saved by speedy trial. Many poor people are unable to provide financial security as well as sureties and thus have to remain in jail even if the trial is delayed and prolonged [5]. It is the bounden duty of trial Court to ascertain that the cases are disposed of speedily at least of the under-trials who are languishing in jail, yet the Judiciary is unable to enforce this for want of adequate number of courts and judges.

The right of speedy trial hence cannot be lost sight of keeping in view the worries, anxiety, expenses, disturbance to livelihood and peace, of all concerned i.e. the accused, complainant and the society at large which are associated with

a trial. Moreover, undue delay may result in impairment of the ability of the accused to defend himself, whether on account of non-availability of witnesses due to death or disappearance or otherwise.

Trial of a case means the proceedings whereby the concerned parties put up their pleadings before the appropriate court of law for its consideration and arrive at a decision on the dispute. In a criminal trial it is generally the State that institutes the case against the accused as crime is considered to be an offence against the whole society and not against one individual alone. Hence, it is the State that has on its shoulders the burden of investigation as well as the prosecution in a criminal trial. All such trials have to be carried out as per the mandate of the law in force at that point of time and according to the procedure established by law.

The dictum 'Justice Delayed is Justice Denied' postulates that an unreasonable delay in the administration of justice constitutes an unconscionable denial of justice. The mounting arrears in the trial and appellate courts coupled with increased institution of court cases on account of the awareness of rights on the part of the citizens, enactments of numerous laws creating new rights and obligations, industrial development in the country, increased trade and commerce and legislative and administrative measures touching the lives of citizens at all levels, have assumed serious proportions.

Life and liberty of a citizen guaranteed under Article 21 includes life with dignity and liberty with dignity. Liberty must mean freedom from humiliation and indignities at the hands of the authorities to whom the custody of a person may pass temporarily or otherwise, under the law of the land.

In all criminal trials, an accused does not prosecute himself. The State aided by the complainant prosecutes him. The plea that an accused who does not demand a speedy trial stands by and acquiesces in the delays cannot bar the complaint of infringement of his right to speedy trial. It is the first duty and prioritized obligation of the State to proceed with the case with reasonable promptitude. Speedy trial is in public interest. Courts should not examine cases in a piecemeal manner. Once the trial commences, except for a very pressing reason which makes an adjournment inevitable, proceeds de die in diem until the trial is concluded [6].

Individual liberty is a cherished right and perhaps one of the most valuable fundamental rights guaranteed by our Constitution. If this right is violated or invaded upon, except strictly in accordance with law, the victim is entitled to apply to the judicial powers of the State for immediate relief. The interest of society can be served only if the Constitutional provisions are implemented in its strict sense and the individual liberty of every person is harmonized with the social interest of the society. The liberty of a person be dealt with in any other manner by any of the State authorities. Such approaches do not advance true social interest. Continued indifference to such rights is bound to erode the structures of our democratic society as was observed in the case of *Moti Lal Jain v. State of Bihar* [7].

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 alongwith the circumstances. The person can also loose everything on account of the pending proceedings. Therefore, speedy trial should be recognized as an urgent need of the present judicial system in order to decide the fate of lakhs of litigants. It will help to enhance the faith of general public in the present judicial system. In order to have a strong socio-economic system, it is important that each and every stage of trial of an accused should move at a reasonably fast pace. 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. Speedy trial ensures that a society is free of such vices. Speedy trial would also help save an accused from psychological stresses, such as worries, anxiety, disturbances to peace at home, etc. Speedy trial is hence a mandatory requirement as far as protecting the interest of an accused is concerned.

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 for delays 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. When our Constitution has given us this fundamental right and our Supreme Court has recognized and elaborated upon the same in various pronouncements, a realistic and practical approach should be adopted by all concerned to protect this integral and important right. Incompetent, inefficient and corrupt administration gives rise to unmanageable litigation. Criminal law remains ineffective without quick trial and prompt punishment. For a variety of reasons, witnesses tend to retract from their previous statements. Those who have been won over by threats or inducements turn hostile. Investigating officers and prosecutors lose heart. Judges feel helpless.

Society becomes cynical as either criminals go scot-free and innocents continue to be harassed. Delay in disposal of trial amounts to trampling upon the legal and constitutional rights of an accused and refusal of the court to act with alacrity in such a situation would be punishing an accused before he is tried and a finding of guilt of sentence is arrived at. This cycle of vices is 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 case with reasonable promptitude. Speedy trial is thus in public interest [8].

As already seen, there are cases where the disposal has taken as many as 20 to 30 years. The maxim of 'justice delayed is justice denied' holds true in all such cases. Some of the suggestions made by the Law Commission of India [9] are relevant to consider at this point. The Law Commission, suo motu, recommended the following three amendments to procedural laws: Amendment of section 80 and Order V of CPC and also the concerned Court's Rules –In order to shorten delay, it is necessary that provisions parallel to section 80 CPC be introduced for all kinds of civil suits and cases proposed to be filed by a litigant.

1. Amendment of sections 378, 397 and 401 CrPC -
    i) In complaint cases also, appeal against an order of acquittal passed by a Magistrate to the Sessions Court be provided, of course, subject to the grant of special leave by it.

ii) Where the District Magistrate or the State does not direct the Public Prosecutor to prefer appeal against an order of acquittal, the aggrieved person or the informant should have the right prefer appeal, though with the leave of the Appellate Court.
iii) There should be only one forum for filing revisions against orders passed by Magistrates, that is, the Sessions, Court, instead of two alternative forums as now provided.
iv) The Legislature should specifically categorize revisable orders, Instead of leaving the matter to confusion caused by various interpretations of the expression "interlocutory order".

2. Amendment of Transfer of Property Act, 1882 - It should be made mandatory that the consideration for every sale shall be paid through Bank Draft.

2. Provisions in other laws

The laws noted here are: the Industrial Disputes Act, 1947, the Gram Nyayalayas Act, 2008, and the Arbitrator and Conciliation Act, 1996.

2.1 Industrial Disputes Act, 1947

The Industrial Disputes Act 1947 brings in fresh air by introducing two speedy methods of disputes settlement. Section 10-A provides of voluntary arbitration. While the submission to arbitration is voluntary on the part of employer ad the workers, once submitted to the arbitration officer, and the officer applies prescribed procedure, the arbitration award will be binding on all parties. Similarly, the employer and the workers may also agree to submit to conciliation vide Section 12, with the Conciliation Officer overseeing the process and facilitating conciliation with the final agreement signed by all the three parties binding on them.

2.2 The Gram Nyayalayas Act, 2008

Access to justice by the poor and the disadvantaged remains a worldwide problem. Article 39A of the Constitution directs the State to secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

To give effect to the said mandate the Government has taken various measures to strengthen the judicial system by simplifying the procedural laws; incorporating various alternative dispute resolution mechanisms such as arbitration, conciliation and mediation, conducting of Lok Adalats, etc., establishing Fast Track Courts, Special Courts and Tribunals and providing free legal aid to the poor, women and children.

To provide access to justice at the grass roots level, the Law Commission of India [10] in its Report on Gram Nyayalaya recommended establishment of Gram Nyayalayas so that speedy, inexpensive and substantial justice could be provided to the common man. Accordingly, the Government introduced the Gram Nyayalays Bill, 2007 in Rajya Sabha on 15th May, 2007 to give effect to the said recommendations of the Law Commission. The Gram Nyayalayas Bill having been passed by both the Houses of Parliament received the assent of the President on 7th January, 2009. It came on the Statute Book as the Gram Nyayalaya Act, 2008.

The Gram Nyayalaya is to be a statutory village level court and its jurisdiction is not optional. For each group of villages, the Government, in consultation with the relevant High Court shall appoint a Gram Nyayalaya, with a Nyayadhikari to preside. Nyayadhikari shall be a judicial officer, and he may move from village to another to deal with specified categories of civil and criminal cases. The Act also details the procedure for both civil and criminal cases.

Justice to the poor at their doorstep is the dream of the common man. Setting up of Gram Nyayalayas which will travel from place to place would, hopefully, bring to the people of rural areas speedy, affordable and substantial justice.

3. Arbitration and Conciliation Act [26 of 1996]

This Act was brought in particularly in the context of globalization and liberalization introduced in India since 1992. The old Act, the Arbitration Act 1940, came under severe criticism for facilitating too much of judicial intervention at every point of arbitration proceedings, to the extent that commercial interest were severely affected by the protracted delays and uncertainties of outcome. Further the United Commission for International.

Trade Law (UNCITRAL) came with two model rules, one on commercial arbitration, and the other on conciliation. For these reasons, the Government of India decided to repeal the 1940 Act, and replace it with a new Act in 1996 combining the two model laws proposed by UNCITRAL. The new Act by and large has had the effect of speeding up the commercial disputes settlement process.

4. Judicial pronouncements on speedy trial

The key to judicial activism in respect of human rights law in India is the judgment in the case of *Maneka Gandhi* [11]**.** wherein the phrase "procedure established by law" in Article 21 was explained as not meaning "any procedure" laid down in the statute but as meaning one that is necessarily a "fair, just and reasonable" procedure. The Apex Court in this trend setting and landmark judgement also observed that the term "law" under Article 21 of the Constitution envisages a law which is "right, just and fair and not arbitrary, fanciful or oppressive".

The most important ruling of the Apex Court on speedy trial is the case of *Abdul Rahman Antulay v. Avdesh Kumar [12]*, which can be formulated in the form of 11 propositions to serve as guidelines to ensure speedy trial.:-

1. Fair, just and reasonable procedure implicit in Article 21 of the Constitution creates a right in the accused to be tried speedily. Right to speedy trial is the right of the accused. The fact that a speedy trial is also in public interest or that it serves the societal interest also, does not make it any-the-less the right of the accused. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances.
2. Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of

investigation, inquiry, trial, appeal, revision and retrial. That is how, this Court has understood this right and there is no reason to take a restricted view.

3. The concerns underlying the Right to speedy trial from the point of view of the accused are :
   a. The period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;
   b. The worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and
   c. Undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of witnesses or otherwise.
4. At the same time, one cannot ignore the fact that it is usually the accused who is interested in delaying the proceedings. As is often pointed out, "delay is a known defence tactic". Since the burden of proving the guilt of the accused lies upon the prosecution, delay ordinarily prejudices the prosecution. Non-availability of witnesses, disappearance of evidence by lapse of time really work against the interest of the prosecution. Of course, there may be cases where the prosecution, for whatever reason, also delays the proceedings. Therefore, in every case, where the Right to speedy trial is alleged to have been infringed, the first question to be put and answered is-who is responsible for the delay? Proceedings taken by either party in good faith, to vindicate their rights and interest, as perceived by them, cannot be treated as delaying tactics nor can the time taken in pursuing such proceedings be counted towards delay. It goes without saying that frivolous proceedings or proceedings taken merely for delaying the day of reckoning cannot be treated as proceedings taken in good faith. The mere fact that an application/petition is admitted and an order of stay granted by a superior court is by itself no proof that the proceeding is not a frivolous. Very often these stays obtained on ex-parte representation.
5. While determining whether undue delay has occurred (resulting in violation of Right to Speedy Trial) one must have regard to all the attendant circumstances, including nature of offence, number of accused and witnesses, the work-load of the court concerned, prevailing local conditions and so on-what is called, the systemic delays. It is true that it is the obligation of the State to ensure a speedy trial and State includes judiciary as well, but a realistic and practical approach should be adopted in such matters instead of a pedantic one.
6. Each and every delay does not necessarily prejudice the accused. Some delays may indeed work to his advantage. As has been observed by Powell, J. in Barker "it cannot be said how long a delay is too long in a system where justice is supposed to be swift but deliberate". The same ideal has been stated by White, J. in U.S. v. Ewell, 15 Lawyers Edn. 2nd 627, in the following words : "the sixth amendment right to a speedy trial is necessarily relative, is consistent with delays, and has orderly expedition, rather than more speed, as its essential ingredients; and whether delay in completing a prosecution amounts to an un-constitutional deprivation of rights depends upon all the circumstances. However, inordinately long delay may be taken as presumptive proof of prejudice. In this context, the fact of incarceration of accused will also be a relevant fact." The prosecution should not be allowed to become a persecution. But when does the prosecution become prosecution, again depends upon the facts of a given case.
7. The Court cannot recognize or give effect to, what is called the 'demand' rule. An accused cannot try himself; he is tried by the court at the behest of the prosecution. Hence, an accused's plea of denial of speedy trial cannot be defeated by saying that the accused did at no time demand a speedy trial. If in a given case, he did make such a demand and yet he was not tried speedily, it would be a plus point in his favour, but the mere non-asking for a speedy trial cannot be put against the accused. Even in U.S.A., the relevance of demand rule has been substantially watered down in Barker and other succeeding cases.
8. Ultimately, the court has to balance and weigh the several relevant factors-'balancing test' or 'balancing process'-and determine in each case whether the right to speedy trial has been denied in a given case.
9. Ordinarily speaking, where the court comes to the conclusion that Right to speedy trial of an accused has been infringed the charges or the conviction, as the case may be, shall be quashed. But this is not the only course open. The nature of the offence and other circumstances in a given case may be such that quashing of proceedings may not be in the interest of justice. In such a case, it is open to the court to make such other appropriate order-including an order to conclude the trial within a fixed time where the trial is not concluded or reducing the sentence where the trial has concluded-as may be deemed just and equitable in the circumstances of the case.
10. It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of Right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of U.S.A. too as repeatedly refused to fix any such outer time limit inspite of the Sixth Amendment. Nor do we think that not fixing any such outer limit in effectuates the guarantee of Right to speedy trial.
11. An objection based on denial of Right to speedy trial and for relief on that account, should first be addressed to the High Court. Even if the High Court entertains such a plea, ordinarily it should not stay the proceedings, except in a case of grave and exceptional nature. Such proceedings in High Court must, however, be disposed of on a priority basis.

In *P. Ramachandra Rao v. State of Karnataka*, [13], the

Supreme Court while holding that the guidelines laid down in *Abdul Rehman Antulay* case adequately take care of the right to speedy trial, observed as follows:-

"Guidelines laid down in *A.R. Antulay case* are not exhaustive but only illustrative. They are not intended to operate as hard-and-fast rules or to be applied as a straitjacket formula. Their applicability would depend on the fact situation of each case as it is difficult to foresee all the situations and no generalization can be made."

Assurance of a fair trail is the first imperative of the dispensation of justice. It is prejudicial to a person to be detained and be deprived of his liberty without trial in accordance with law. It is prejudicial to a person to be denied fair trial. The process of justice should be such that it should not harass the parties and from that angle the court may weigh the circumstances.

5. Some judgments on expeditious trial

In *Hussainara Khatoon (IV) v. Home Secy., State of Bihar* [14], a Bench of two Judges held that, "Speedy trial is an essential ingredient of reasonable, fair and just' procedure guaranteed by Article 21". In *State of Maharashtra v. Champalal Punjabi Shah* [15], while a speedy trial is an implied ingredient of a fair trial guaranteed by Article 21, the converse is not necessarily true. A delayed trial is not necessarily unfair trial.

Whether a conviction should be quashed on the ground of delayed trial depends upon the facts and circumstances of the case. If the accused is found to have been prejudiced in the conduct of his defence and it could be said that the accused had thus been denied an adequate opportunity to defend himself, the conviction would certainly have to go. But, if nothing is shown and there are no circumstances entitling the Court to raise a presumption that the accused had been prejudiced, there will be no justification to quash the conviction on the ground of delayed trial only.

In *Kadra Pahadiya v. State of Bihar* [16], speedy trial is a fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21 and any accused who is denied this right of speedy trial is entitled to approach Supreme Court for the purpose of enforcing such right and the Court in discharge of its constitutional obligation has power to give necessary directions to the State Government and other appropriate authorities for securing this right to the accused.

Having shown who the speedy trial is the constitutional norm, we shall now examine the extent to which this norm is reflected in the ground realities, by an examination of the District Courts of Delhi, as a case study.

6. Conclusion

"In a democratic country like India, for protecting and enhancing the rights of the people, the judiciary besides the legislature and the executive plays an important role. For the enforcement of rights of citizens and remedies thereto, in case of violation thereof, Courts have been established at all levels in the country. These courts by interpreting the laws enhance justice to the individual and the society at large. With the rapid growth in the population as well as technological and industrial advancement, the workload of the judiciary has increased tremendously. According to 2017 records, a total of around Three Crore cases in various courts are pending. Out of this 41,53,957 cases are pending in various Hon'ble High Courts and 60,751 cases are pending in the Hon'ble Supreme Court.

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