

Speedy Trial is Accused's Right: Supreme Court

FROM OUR LEGAL CORRESPONDENT

NEW DELHI, March 9.

The Supreme Court to-day observed that speedy trial is an essential ingredient of "reasonable, fair and just procedure" guaranteed by Article 21 of the Constitution and "it is the constitutional obligation of the State to devise such a procedure that would ensure speedy trial to the accused".

"The State cannot be permitted to deny the constitutional right of speedy trial to the accused on the ground that it has no adequate financial resources for improving the administrative and judicial apparatus", the Court added while issuing certain fresh directions to the State of Bihar in the under-trial prisoners' case.

Mr. Justice P. N. Bhagwati (who pronounced the orders of the Bench) said "it is also the Constitutional obligation of this Court, as the guardian of the fundamental rights of the people, to enforce the right of the accused to speedy trial by issuing directions to the State which might include taking of positive action, like strengthening the investigative machinery and setting up of new courts.

The Bench, which also included Mr. Justice D. A. Desai, directed

the State of Bihar to furnish within three weeks the location of the Courts of Magistrates and Sessions in the State together with the total number of cases pending in these courts as on December 31 last.

The Bench also asked the High Court of Patna to furnish the above particulars "within three weeks".

The Bench also directed the Bihar Administration to furnish within three weeks the number of cases where FIRs (First Information Reports) had been lodged and "the cases that are pending investigation by the Police in each sub-division as on December 31 last.

The Bench requested the Supreme Court Bar Association to assist it at the final hearing of this case.

The Bench, also observed that the right to free legal service to the weaker and otherwise disabled sections of society was an essential ingredient of "reasonable, fair and just procedure".

"The State is under a mandate to provide a lawyer to such persons if the circumstances of the case and the needs of justice so required, provided the accused person does not object to the provision of such lawyer", the Bench added.

"We would strongly recommend to the Government of India and the State Governments that it is high time that a comprehensive and dynamic legal services programme is introduced in the country", the Bench said adding that "it is not only a mandate of equal justice implicit in Article 14 and right to life and liberty conferred by Article 21, but also the compulsion of the Constitutional directive embodied in Article 39-A viz., equal justice and free legal aid.

Since there were several under-trial prisoners who had been in some Bihar jails for periods longer than half the maximum term of imprisonment for which they could, if convicted, be sentenced, the court directed that "on the next remand dates when such under-trials are produced before the Magistrates or the Sessions Courts, the State should provide them a lawyer at its own cost for moving bail applications and opposing remand provided no objection is raised to such lawyer on their behalf".

The Supreme Court further directed the State Government to comply with this direction "as far as possible within a period of six weeks from to-day and submit a report of compliance to the High Court".