



LAW OF SPEEDY TRIAL IN INDIA (2006). By B.L. Arora. Universal Law Publishing Co., C-FF-1A, Dikkush Industrial Estate, G.T. Karnal Road, Delhi-110033. Pp. xxiv + 528, Price Rs. 525/-.

SPEEDY TRIAL is one of the essences of criminal justice system. Unreasonable delay in trial and administration of justice by itself, in most of the cases, constitutes complete denial of justice. Protracted trial also results in abridgement of 'personal liberty' of a person subjected to such trial. Any procedure established by law that causes unreasonable delay in administration of justice cannot be considered to be just, fair and reasonable so as to be in conformity with the requirement of article 21 of the Constitution, which protects right to life and personal liberty of a person from arbitrary or unreasonable control and deprivation. Thus, even though speedy trial has not been specifically enumerated as a right in any part of the Constitution, the apex court has read it as one of the fundamental rights implicit in the broad sweep and content of article 21 of the Constitution through its creative interpretation.¹ Since then the importance of speedy trial has been emphasized in a number of cases, leading to many initiatives by courts and the government. The book under review has covered many such cases and initiatives for law reform in this regard.

In the first part of the book the author has cursorily dealt with certain basic aspects relating to delay in administration of criminal justice, its implications, factors responsible for such delay and also provided statistics of pendency of cases before the Supreme Court, high courts and subordinate courts in India. The book contains the gist of various judicial pronouncements of both the Supreme Court and high courts on different aspects of speedy trial rendered till 2004. However, the author has not properly arranged these cases and some of the cases have been unnecessarily repeated. The author has also covered, in a cursory manner, various initiatives of the government such as computerization of courts, establishment of fast track courts, introduction of *lok-adalats*, alternative modes of dispute settlement, plea-bargaining and various initiatives taken by Supreme Court. He has also discussed law relating to speedy trial in the US.

The author has referred to Justice Malimath Committee Report on Reforms of Criminal Justice System. He has described the terms of

1. *Hussinara Khatoon (I) v. Home Secretary, State of Bihar*, (1980) 1 SCC 81.



reference of the committee and towards the end wrongly quoted the recommendations of the Arrears Committee 1989-1990, which was also headed by Justice Malimath, as recommendations of the Committee on Reforms of Criminal Justice System. These are two different committees headed by Justice Malimath at two different points in time with different terms of reference. This may mislead the readers, thus, needs to be clarified.

Though, the book is entitled *Law of Speedy Trial in India*, the author has forayed into various other topics as well, which do not fairly fall within the ambit of the subject suggested in the title. For example, the book contains chapters on such topics as evolution of state, the concept of law, sources of law, justice, judicial interpretations, conditions of criminal liability and punishments, rights of accused persons under Indian criminal law, quashing of FIR, framing of charges, withdrawal from the prosecution, law of evidence, etc.,

In the chapter on 'Law Commission of India' the author has dealt with functions of the Law Commission of India, terms of reference of the Seventeenth Law Commission. The chapter also contains the list of Law Commissions appointed after Independence, their tenure and chairpersons. The reports of the various Law Commissions and year of their submission. It would have been more informative and worthwhile if the author had discussed the recommendations of the 77th, 78th, 79th and 154th reports of the Law Commission, which have dealt with various issues relating to delay in administration of justice.

The second part of the book is a compilation of guidelines issued by the American Bar Association, list of Central Acts from 1827 to 2005 providing for punishment of imprisonment and relevant provisions thereof, list of Central Acts from 1855 to 2005 that do not provide for punishment of imprisonment but other penalties, the Special Courts Act, 1979, the Criminal Law (Amendment) Act, 2005, the Code of Criminal Procedure (Amendment) Act, 2005.

Thus, the book has neither comprehensively dealt with the subject nor exclusively confined to the subject. The book is another addition to the existing literature inasmuch as it gives a general idea of criminal justice system in India. The book may satisfy the needs of pre-law and non-law students interested in knowing the criminal justice system. The editing also leaves much to be desired.

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