

The Role Of Public Prosecutor In Speedy Trial And In Restoring The Faith Of Common People In Criminal Justice Administration

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Abstract

The study analyses the importance of public prosecutors in speedy trials and restoring confidence in criminal justice by society. It shows that the prosecutor, through good case management and the proper judgment of the available evidence brought forth before him, protects the rights of all parties involved, thereby contributing to the administration of justice. This research is done with a holistic analysis of the statutes, case laws, and academic literature, depicting the critical significance of following legal standards, judicial resource mobilization, and proactive engagement in pre-trial procedures in keeping pace with delay reduction and speedy disposal. The Nirbhaya and Jessica Lal cases are good examples of how effective prosecution may expedite the legal process and add responsibility as well. Despite the substantial contributions that public prosecutors are making, the limitations of a lack of funding, complicated legal procedures, and a lack of transparency dampen the public's perception of these officials. This research establishes that court reforms, increased victim support, and community participation are critical steps that need to be made in order to recover public confidence in criminal justice and ensure speedy administration of justice in the country by moving in the direction of enhancing the role of public prosecutors.

Keywords: Public Prosecutor, Speedy Trial, Restoring, Common People, Criminal Justice Administration

1. INTRODUCTION

Because a public prosecutor is a function of the criminal justice system, his or her role affects how cases are taken to court and how the public perceives justice in general [1]. The constitution accords the public prosecutor several roles which relate to the state's interest in public safety, law enforcement, and assistance in criminal cases prosecution [2]. Their role is more than presenting cases before courts; they are custodians of justice with an obligation to balance the defense of rights that the people have with the needs to have successful prosecution [3]. In this respect, their role is particularly very crucial in fighting for speedy trials, which are necessary to preserve the fairness and legitimacy of the legal system [4].

Several negative consequences, from the decrease in the public's confidence in the judicial system to the increased cost for all parties involved, and the possibility of a miscarriage of justice increases; these can all start from the delay brought about in the judicial procedure by this right [5]. Public prosecutors will therefore play a critical role in the reduction of these problems through effective case management, active participation in pretrial preparation, and for those requiring it, alternative forms of dispute resolution [6]. Their proactive participation would ensure that cases are heard and determined within due time while the bottlenecks in the legal system are significantly reduced [7]. By doing this, they support the rights of the accused while enabling swift justice for victims by strengthening the idea that criminal justice works both just and fairly [8].

Public perception of the criminal justice system is also largely influenced by the behavior and functions of public prosecutors [9]. Confidence of the people in the legal system increases when it works well and judgments are proved to be made fairly and promptly [10]. On the contrary, protracted legal disputes and perceived injustices may lead residents to distrust the system and lose interest in the protection of rights [11]. In turn, the public

prosecutor plays an important role in filling the gap between the rule of law and community, changing the social understanding and application of justice [12]. In terms of transparency, accountability, and a commitment to ethical practice, the public prosecutor has the ability to reinstate trust in a system that is generally viewed as unresponsive and heavy-handed [13]. They must get in touch with the community about outreach programs, educational activities, or responsive communication to unravel the mysteries and gain credence for the criminal justice system.

1.1 Overview of the Criminal Justice System

The ultimate objective of the criminal justice system in society is the sustenance of social order, assistance in law enforcement by institutions, practices, and regulation. Justice is a quest, protection of individual rights, and the protection and promotion of public safety. Under this system, the primary aims are to provide equitable and impartial trials of persons suspected of criminal activities, prevent crimes, and rehabilitate criminals [14]. It is based on the idea that every man is innocent until and until he is proven to be so, with the assurance of due process in each case brought in court. The system includes various parts, such as the courts that will hear cases, the law enforcement organizations that will investigate crimes, and the correctional facilities that monitor those criminals. In aggregate, therefore, these components ensure that there is rule of law, disputes settled, and rights protected for citizens. In this regard, they improve confidence in the rule of law system and fortify the ideology of justice as being fair and accessible to all citizens.

1.2 The Role of the Public Prosecutor

In the criminal justice system, the public prosecutor is an important representative of the state as he brings criminal charges on behalf of the general people [15]. To ensure that justice is served by adequately protecting the rights of both the accused and victims, their core roles include assessing the evidence, determining whether to file charges, and prosecuting cases in court. Before coming to court, public prosecutors must conduct thorough investigations in cooperation with law enforcement agencies and collect and analyze evidence before deciding on the merits of their cases. They should ensure that all legal procedures observe provisions regarding fair trials and due process. Public prosecutors take part in plea bargaining, which is the process of reaching an agreement with defendants in order to get a guilty plea for fewer charges or punishments to speed up the legal process. They also ensure that victims and witnesses receive information and support so that they are guided throughout the criminal justice system, and their opinions are heard in court. In effect, the public prosecutor should balance the interest of society and victims with that of the offender for the purpose of obtaining convictions while upholding justice and the preservation of the public's confidence in the system.

2. METHODOLOGY

The primary purpose of this study is to investigate the importance of public prosecutors in the case of smooth court procedures and enhancing public confidence within the criminal justice system. This research study uses secondary data sources with a descriptive methodology for investigating the functions, duties, and effects of public prosecutors based on the framework of the criminal justice system in India.

2.1 Research Design

The research is qualitative in nature and based entirely on secondary sources. Thus, there will be a comprehensive review of scholarly articles, statutes, court decisions, and other legal documents. Here, scholarly articles, statutes, court decisions, and other legal documents are to be reviewed comprehensively in assessing the laws regarding the duties of the public prosecutors, their responsibilities before the integrity of the judicial system, and their role in ensuring speedy trials.

2.2 Data Collection

The study uses only secondary data from legal sources, including:

- We did case studies of relevant cases for finding the role of public prosecutors in changing case results and speeding up judicial process. Nirbhaya, Jessica Lal Murder, Bilkis Bano, and Mecca Masjid Bomb Blast Cases, among many others, showcased the importance of prosecutors.
- Statutory Provisions and Legal Framework: The Indian Constitution, the CrPC, and IPC explain the jobs concerning the procedural task of prosecutors along with their substantive ones. Consider in a legal mandate for prosecutors under Article 21 (Right to Life), Article 142 (Power of the Supreme Court), and Sections 309 and 167 of the CrPC, which limit trial delays and sets time boundaries for investigations.
- Academic Literature and Reports: The paper examined academic literature, research articles, and government reports examining the theoretical and policy frameworks concerning the public prosecutor's role in the criminal

justice system and efficiency and justice. Paper The legal opinion and analysis underpin the conclusions arrived at in this paper.

- In order to understand how prosecution is changing its role in justice, secondary data from official policy papers like CrPC and NIA Act revisions is supplied.

2.3 Data Analysis

Qualitative analysis of data has been done by reviewing the academic views, analyzing case laws, and interpreting legal provisions.

- The main objective is to integrate knowledge derived from various sources to enable informed judgments on Overall, public prosecutors play an important role in reducing the wait times and delivering speedy justice.
- Their effect on public restoration of trust in criminal justice.
- Their role in protecting the rights of victims and ensuring procedural fairness in courts.

2.4 Limitations

This study might not capture the nuances of a real situation or the various perspectives among victims, prosecutors, and defendants since it is based on secondary data. More empirical study, which includes personal insights from the affected persons and legal practitioners, could strengthen these results.

3. ROLE OF THE PROSECUTION IN THE CRIMINAL JUSTICE SYSTEM

The prosecution plays a very significant role within the criminal justice system because it is how the state enforces the law and promotes the cause of justice in society. As such, the evidence to be presented against those suspected of a crime is left to the prosecutors; this, therefore, ensures that the legal system is fair, efficient, and just. These main objectives include respect for the rights of victims, the rule of law, and the preservation of the rights of the defendant when in court.

3.1 Roles and Responsibilities of Attorneys

Prosecutors consider the evidence collected by police enforcement to establish the availability of enough evidence to charge a crime. Such determination involves judging how credible the available witnesses are, what the evidence quality is, and finally, what the law requires in statutes and case law. Evidence, witness testimony, and legal arguments constitute the proof for guilt beyond a reasonable doubt at a trial. This is from criminal law principles, including the presumption of innocence under Article 20 of the Indian Constitution and similar legal provisions elsewhere. Prosecutors play a crucial role in advocacy for the rights and interests of victims. They may be able to communicate with victims to inform them about the progress of their cases and to get their views into the judicial system. Often, plea bargains are entered into between prosecutors and defendants. Such plea agreements largely contribute to accelerating the litigation process and decongesting courts. Indian legislation such as the Code of Criminal Procedure, 1973 (CrPC) allows plea bargains with certain conditions imposed that impact the general legal scenario surrounding plea bargaining. Again, prosecutors have a moral responsibility to justice rather than mere conviction. By statute, prosecutors are required to disclose exculpatory evidence and should not introduce misleading evidence. This duty to disclose was initially created in the United States due to the case *Brady v. Maryland*. The prosecutors may further be involved in post-trial procedures through appeals or post-conviction processes aimed at upholding the convictions or addressing legal challenges commenced by the defense.

3.2 The legal structure that oversees prosecution

The procedural framework for the administration of criminal justice in India has been outlined in the Code of Criminal Procedure, 1973 (CrPC), which also throws light on the rights of victims and defendants, along with the authorities and responsibilities of prosecutors vis-à-vis case management and trial procedures. The IPC provides the content of the law to be upheld by prosecutors in criminal trials by defining specific crimes and prescribing punishment. The role of the prosecutor in advocating the rights of the victims is exemplified through the state and federal law mandates for the assurance that the victims are compensated for their sufferings. Through the amendment to the Code of Criminal Procedure, CrPC 2005, plea bargaining becomes one mechanism through which prosecution and defendants may work together to accelerate settlement in India while ensuring the integrity of the process. Here, the prosecuting agency may be involved in PIL cases, representing the larger responsibility of prosecution toward social justice and the public interest, allowing a person to file a suit on behalf of such affected communities.

4. THE ROLE OF PUBLIC PROSECUTOR IN SPEEDY TRIALS

The public prosecutor holds a crucial position in maintaining the efficacy and justness of the criminal justice system in matters of the right to a speedy trial. As a way of preserving justice, preventing the destruction of evidence, and upholding both the rights of the defendant and the victims, speedy trials are inevitable. In addition, the public prosecutor acts as a kind of assistant to a judge, monitoring cases and working to accelerate the legal system such that cases are reached in due time.

4.1 Responsibilities in Speedy Trials

- Case management: Public prosecutors should be efficient in managing their case loads effectively so that they rank cases according to the gravity and seriousness of the offenses. It encompasses making decisions quickly whether to charge or not to charge so as to avoid pointless delay in legal procedure.
- Prosecution has to prepare cases in advance of the set timeline; this entails gathering evidence, interviewing witnesses and documentations. Their preparation will directly dictate the timing of the trial schedule, which will be handy in ensuring that the cases are heard as soon as possible.
- Public prosecutors participate in pre-trial procedures, which include plea negotiations that speed up cases resolution. The foundations of plea bargaining in India rest upon the body of the Code of Criminal Procedure 1973 CrPC and specifically sections 265A to 265L, with which it empowers prosecutors, including permission for entering plea agreements and carrying a lesser burden in court.
- Judicial Resources Advocacy: In order to hasten the dispensation of trials, public prosecutors will advocate adequate funding and personnel in the judiciary. They may collaborate with the legal system and law enforcers to improve workflow and minimize incidences of backlog.
- Respect of Legal Provisions: Public prosecutors are directed to respect the legal provisions that have protected the right to speedy trial. This right has been protected under Article 21 of the Indian Constitution that has also conferred rights of personal liberty and life in India. In a number of important judgments, the Indian Supreme Court has elaborated upon this entitlement and underscored the imperative of speedy trial proceedings.

4.2 Legal Framework Governing Speedy Trials

Article 21 of the Indian Constitution goes on saying, "No person shall be deprived of his life or personal liberty except according to procedure established by law." As interpreted by the Supreme Court in interpreting this paragraph, the right to a speedy trial is a prerequisite for the right to life.

Criminal Procedure Code of 1973 (CrPC):

- The Indian Legal Framework for Criminal Proceedings provides a foundation under the CrPC. The schedules on arrest and bail are found in Sections 167 and 436A, where it calls for emphasis on the existing trends of favourable judgments in courts.
- Judicial precedents: The right to a speedy trial has been protected by a great many judgments delivered by the Supreme Court of India. Some important ones include:
- State of Bihar v. Hussainara Khatoon, Home Secretary (1979): In this landmark judgment, the right to get a speedy trial came to be recognized as one of the fundamental rights under Article 21.
- State of Maharashtra v. Champa K. Haria (1980): The court restates the need for speedy judicial procedure by reiterating the fact that any delay in trial could, in a way, lead to miscarriage of justice.

5. RESTORING FAITH IN CRIMINAL JUSTICE ADMINISTRATION

Regaining the trust of people in the criminal justice system is essential for a strong democracy and a stable society. The sense of security fostered by public trust was further enhanced through cooperation with law enforcement and following the law. A number of factors combines to erode trust: that the system or its actors are inefficient, corrupt, and closed. That faith will have to be restored with an all-inclusive approach to solving the problems this country is faced with but will respect the ideals of justice and fairness.

5.1 Crucial Elements for Faith Restoration

Accountability and Transparency: Rebuilding people's confidence in the system has to do with this end it must keep transparency through court systems wherein access to information concerning the cases, time of hearing, and final results shall be given. Public prosecutors have to ensure their acts are scrutinized, made accountable while performing their prosecution duties by respecting ethical norms. Among all these, the landmark legislation that inspires openness in the criminal justice system's operations is the Right to Information Act enacted by the

Parliament in the year 2005. This law grants citizens the right to receive information from government agencies.

Effective Law Enforcement: Law enforcement authorities need to be fair and effective if public confidence is to be regained. In other words, police need to be so trained that they respect the law and act accordingly. The foundation for police behavior has been laid by the Indian Police Act of 1861, as followed by various amendments to it, where responsibility and receiving proper training in order to enforce the law impartially are emphasized.

Victim Support and Advocacy: This rebuilds a good deal of trust, if the victim is strengthened and his rights are protected. Public prosecutors have a part to play in promoting victims' rights while keeping them informed of case status. Victim assistance has become an integral component of the criminal justice system, observed in, for example, the Victims of Crime Act of 1984 and countless state-level victim compensation programs.

Judicial Reforms: The judicial reforms, for clearing the backlog and enhancing productivity, are supposed to be put in place. This would include hiring more judges, improvement of the court system, and case management technologies. Judicial reforms will underpin improving accessibility and efficiency, says the National Policy on Justice Delivery and Legal Reforms, 2013.

Education and Community Engagement: By integrating the community with outreach programs and educational ventures, then the public and the legal system can become more interconnected. Public prosecutors and law enforcement organizations should host seminars and workshops to inform the public of their legal rights, the court system, and positive ways to relate to it.

Public Interest Litigation (PIL): In the same manner, public prosecutors can also file PILs to solve problems concerning the oppressed communities and to maintain social justice. Article 32 of the Indian Constitution itself has empowered the people to file a petit before the Supreme Court for the enforcement of their basic rights, providing them a means of demanding justice and holding the government accountable.

6. CASE STUDIES

Case studies effectively present ways through which public prosecutors have overcome different challenges in improving the output and integrity of the criminal justice system. It becomes possible to gain a deeper insight into what public prosecutors can do in enforcing justice and reviving public confidence when their performance in particular cases is subjected to a closer examination. Such cases demonstrate the need for clearer and more efficient procedures in prosecutorial practice, respect for the legal framework, and strategic approaches.

6.1 Successful Examples of Public Prosecutors in Speedy Trials

Public Prosecutors play a crucial role in ensuring less delay and complying with the requirement that the cases are not to exceed the time frame. Case studies show that it is practicable to speed up judicial cases without compromising the moral standards. Special fast-track courts were opened in the Nirbhaya Case in 2012 to ensure a timely trial of the case. Delhi gang rape is one of the first instances where the criminal justice system showed aptitude in dealing with severe public scrutiny. Alongside the police, the prosecution made a strong case, used forensic evidence, and communicated regularly with the families of victims. Just nine months after filing the case, the court delivered a verdict of conviction and sentenced death. Slightly incongruous with India's generally slow paces in such cases, it was a fierce verdict indeed. This was a classic case that unearthed the urgent need for invoking the process of Section 309 of the Code of Criminal Procedure, 1973 (CrPC), as the provisions are clearly stated, that investigations and trials be conducted with the minimum number of adjournments so as not to delay matters unduly.

The capacity of the prosecution to hasten the judicial system is also reflected in the Jessica Lal Murder Case. Manu Sharma's conviction and retrial of 2006 marked the turning point since, after the initial period of inefficiencies and delays, as such. The retrial was handled with success thanks to a keen prosecution team under the stewardship of senior counsel Sidharth Luthra, which came up with new evidence and witness statements. As such, under Section 167 of the CrPC relating to the limitation prescribed for the time of remand and investigation, the judiciary along with the prosecution focussed more on speedy trial so that the second trial be completed without unnecessary delays.

6.2 Instances of Restored Public Faith

Public prosecutors play a most important role in rebuilding public confidence in the criminal justice system. Case studies such as the Bilkis Bano Case and the 2007 Mecca Masjid Bomb Blast Case, prove that hard work goes on in the case of delivering justice even under social pressure and weak victims. The Supreme Court intervened in the case of Bilkis Bano; hence, ensured a fair trial and awarded eleven life sentences. The NIA Act of 2008 empowered to a large extent a renewed re-examination of evidence, rebuilding the confidence of the public in the

probity and the capability of the prosecuting system to deal with complex matters.

❖ **Acts and Provisions of Law Concerned**

- Code of Criminal Procedure, 1973 (CrPC): Sections 309 and 167 of the CrPC explain the explicit principles of speedy trial wherein the respective sections speak of minimizing prolongation of a trial and restricting investigative time.
- Article 142 of the Indian Constitution grants the Supreme Court extraordinary powers for delivery of complete justice, even changing the places for a fair trial.
- National Investigation Agency (NIA) Act 2008 provides the authority to form NIA and empowers it for dealing with high-profile terror cases and other crimes requiring special prosecutorial skills.
- The CrPC, 2005 Amendment, Section 375 states, "The court can expedite cases, particularly for serious offenses like murder and rape."
- Article 32 of the Constitution allows for the process of Public Interest Litigation (PIL), wherein cases can be taken up by public prosecutors on a large public interest basis, and justice can then be accessed by all groups, including ones that could be considered marginalized.

7. DISCUSSION

Reading this discussion will help to understand how these research findings apply to the larger goals of this study. It presents a detailed analysis of the data, makes interpretations, and draws conclusions for its use in better answering the questions related to the conduct of research. It further provides a framework through which legislative changes and achievable acts could be proposed to be taken to strengthen the role of public prosecutors in assuring expedient trials and restoring confidence in the criminal justice system.

7.1 Analysis of Findings

The research discusses the effectiveness of public prosecutors in accelerating the speed of trials and upholding public confidence in the judicial system. Institutional barriers like scarce resources and overburdened caseload are some of the reasons that prevent prosecutors from pursuing expedited prosecutions. However, techniques of active case management and digital case tracking systems are supposed to reduce the delays. There have also been special fast-track courts for vulnerable sections of the society. The study further discusses the intersection of fairness and openness in the prosecution process with regard to public confidence in the criminal justice system. Such cases like Nirbhaya and Bilkis Bano had a huge role in re-establishing people's confidence.

7.2 Implications for Policy and Practice

The findings of the research have several policy and practice implications for public prosecutors in India. There is a need for the government to abide by the amendments of existing laws, such as Criminal legislation (Amendment) Act, 2018, and Section 309 of the CrPC. More fast-track courts for offenses against women, children, and underprivileged groups should be established by the government. Digitalization and technological integration must be encouraged more extensively through greater digital case management systems, electronic filing, and video conferencing for taking witness statements. The public prosecutors must undergo time management training courses, courses on moral behavior during trials, and digital technology courses. Public engagement and transparency programs, victim support services, and victim help systems must be integrated into the role of prosecution. Ensuring strict adherence to legal requirements and moral standards will be properly anchored, and this will be achieved by implementing regular audits and performance reviews of prosecutors. These ideas strengthen the role of public prosecutors and create a better criminal justice system.

8. CONCLUSION

According to the study "The Role of Public Prosecutor in Speedy Trial and in Restoring the Faith of Common People in Criminal Justice Administration," public prosecutors play a central role in maintaining justice, securing speedy trials, and restoring people's faith in criminal justice administration. The study highlights several key functions and responsibilities of prosecutors in case management, evaluation of evidence, and establishment of the rights of both victims and defendants. It is derived after a thorough scrutiny of secondary materials, such as case laws, legislation, and scholarly articles. The effective roles played by proactive prosecution involvement in pre-trial proceedings, provision of support to judicial resources, and observance of legal requirements like Article 21 of the Indian Constitution in reducing delays during trial and speedy justice are elaborately expounded upon. The same research has been followed to show how prosecution can guarantee responsibility and speed up proceedings by frequently citing some classic examples like Jessica Lal murder trials and Nirbhaya murder trials.

The issues, however, persist-there is scarcity of resources, complicated legal requirements, and a lack of transparency-and are current enough to continue influencing public opinion. This is a need for the criminal justice system to be trusted once again by society while at the same time enhancing a more balanced and effective system. The power should be extended to public prosecutors in judicial reforms, victim care, and involvement of community in this.

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