



## Rebooting India's Criminal Justice System

*This editorial is based on "[The Bareilly case and a flawed criminal justice system](#)" which was published in *The Hindu* on 10/06/2024. The article brings into picture the flaws in the criminal justice system in India through the lens of a recent case in Bareilly, highlighting the need for improved police investigation protocols, prosecutorial autonomy, and judicial supervision.*

**For Prelims:** [India's criminal justice system](#), [Fast Track Special Courts](#), [Indian Penal Code](#), [Bharatiya Nyaya Sanhita](#), [Bharatiya Nagarik Suraksha Sanhita](#), [Supreme Court](#), [Article 21](#), [Second Administrative Reforms Commission](#), [Police Complaints Authorities](#), [Malimath Committee](#), Justice Amitava Roy Committee, [Madhav Menon Committee](#).

**For Mains:** Major Challenges Related to India's Criminal Justice System, Measures to Reform Criminal Justice System in India

The recent case of a woman in **Bareilly, Uttar Pradesh**, who was imprisoned and fined for **allegedly filing a false rape accusation**, highlights severe systemic shortcomings within [India's criminal justice system](#).

The arbitrary and **prolonged detention of undertrials, inadequate police investigations, and the poor functioning of fast-track courts** highlight systemic inefficiencies that undermine public confidence in judicial processes. It underscores the urgent need for comprehensive reforms in **India's criminal justice system**.

The government's recent extension of the centrally sponsored scheme for [Fast Track Special Courts \(FTSC\) till 2026](#), with significant budget allocation, must be complemented by enhancements in police investigation protocols, prosecutorial autonomy, and judicial supervision to prevent wrongful imprisonments and ensure timely justice.

### What is the Structure of the Criminal Justice System in India?

- **About:** The criminal justice system is responsible for ensuring that offenders are brought to justice and that victims are provided with justice.
  - The system also ensures that those accused of criminal activities are treated fairly and are given their due rights.
  - India's criminal justice system is based on the [Indian Penal Code \(IPC\)](#) and [Criminal Procedure Code](#), which will soon be replaced by [Bharatiya Nyaya Sanhita](#) and [Bharatiya Nagarik Suraksha Sanhita](#) respectively.

### ▪ Main Pillars:

- **Police:** Responsible for investigating crimes, apprehending suspects, and enforcing the law. They operate under the control of individual states.
- **Judiciary:** Upholds the law by interpreting it and delivering judgments in criminal cases.
  - The [Supreme Court](#) at the federal level and [High Courts](#) in each state form the top tiers, with lower courts handling various caseloads.
- **Correction System:** Manages **prisons and jails**, focusing on punishment and, ideally, **rehabilitation of offenders**.

### ▪ Key Principles:

- **Presumption of Innocence:** An accused is considered innocent until proven guilty beyond a reasonable doubt.
- **Right to Fair Trial:** The accused has the right to a fair and public trial, including the right to defend themselves and present evidence.
- **Due Process:** Legal procedures must be followed correctly to ensure a fair trial.

## What are the Major Challenges Related to India's Criminal Justice System?

### ▪ Pendency and Delays in Justice: The sheer volume of pending cases, over 5.02 crore as of July 2023, creates a judicial logjam that paralyzes the system.

- Each delayed case represents a failure of the system to deliver timely justice.
  - **William Edward Gladstone** (the former PM of England) rightly said, "Justice delayed is Justice Denied."
- In the Bareilly case, **even a "fast-track" court took 1,559 days**, nearly quadrupling the one-year timeline.
- Such delays violate the right to speedy trial (as recognised by the Supreme Court as fundamental right under [Article 21](#) in **N.S Sahni v. Union of India**).

### ▪ Inadequate Resources and Infrastructure: India has only 21 judges per million population (as of December 2023).

- The shortage is not just a number; it translates to [overworked judges](#), rushed hearings, and compromised judgments.
- **35% of posts** in the lower judiciary and around **400 in High Courts** are vacant (May 2023).
- Inadequate staffing and facilities lead to **shoddy investigations, weak prosecutions, and judicial delays**.

### ▪ Politicization of the Police Force: The [Prakash Singh v. Union of India \(2006\)](#) judgment mandated separation of investigation from law and order duties, but this has not materialized.

- In the 2021 Lakhimpur Kheri violence case, where a Union Minister's son was accused, the initial investigation was marred by delays and allegations of political interference.
- This politicization undermines impartial investigations, especially in cases involving powerful personalities.
  - The [Second Administrative Reforms Commission](#) also noted that police-public relations is in an unsatisfactory state because people view the police as **corrupt, inefficient, politically partisan and unresponsive**.

### ▪ Bail as the Exception, Not the Rule: Despite the Supreme Court's directive in *Balchand alias Baliy case V. State of Rajasthan (1978)* to make bail the rule and jail the exception, the reality is reversed.

- It is evident: over **75% of India's prison population are undertrials**. The prisons are at **130% occupancy**.
- Also, the burden of proof is shifted to accused under certain acts like **Unlawful Activities (Prevention) Act** exacerbating the issue of bail.
- **Gender Bias in Sexual Violence Cases:** In *Aparna Bhat v. State of Madhya Pradesh (2021)*, the Supreme Court condemned the use of [gender stereotypes](#) and **victim-blaming language by judges**.
  - Yet, a Karnataka High Court judge's comments about a rape victim's late-night work suggested persistent gender biases that undermine justice in sexual violence cases.
- **Outdated Prison Manual and Mental Health Crisis:** The Model Prison Manual 2016 mandates mental health services.
  - In *Re-Inhuman Conditions in 1382 Prisons case*, the Supreme Court noted high rates of mental illness among prisoners, exacerbated by overcrowding and lack of care.
  - For instance, as of 2022, there were 42,577 prisoners in Maharashtra state, but there was only **one psychiatrist and two psychologists** to attend to them.
- **Non-Implementation of Police Complaints Authority:** The Supreme Court in *Prakash Singh (2006)* mandated [Police Complaints Authorities \(PCAs\)](#) to address public grievances against police.
  - However, most states either **have not established PCAs** or have made them toothless, perpetuating police impunity.
- **Human Rights Violations: India's criminal justice system often faces accusations of custodial torture, extrajudicial killings, false arrests, and illegal detentions.**
  - **175 cases of deaths** in police custody were reported during 2021- 2022.

## What Measures Should be Adopted to Reform Criminal Justice System in India?

- **Victim-Centric Justice System: There is a need to move from a perpetrator-centric system to a victim-centric one.**
  - Providing dedicated victim support services throughout the legal process, including counseling, legal aid navigation, and **victim impact statements** with a guaranteed right to be heard in court.
  - This empowers victims and restores a sense of agency.
- **Artificial Intelligence for Case Management and Risk Assessment:** Exploring the use of AI for tasks like **case management, scheduling, and pretrial risk assessment**.
  - This can streamline processes, identify low-risk cases for diversion programs, and free up human resources for more complex matters.
  - Also, there is a need to ensure robust safeguards **against bias and algorithmic transparency** to prevent perpetuating existing inequalities in the system.
- **Legal Aid with Performance-Based Funding: Increasing funding for legal aid and establishing a performance-based system for legal aid providers.**
  - This incentivizes effective representation and ensures defendants from disadvantaged backgrounds receive quality legal assistance.
- **Bail Reform and Reducing Undertrial Detention:** The [Law Commission of India's 268th Report](#)

(2017) called for urgent measures to be taken to curtail the length of detention, and concluded that the **law relating to bail must be revisited to prevent this.**

- **Comprehensive Victim and Witness Protection:** There is a need to fully implement the **Witness Protection Scheme, 2018**, as per the recommendation of [Malimath Committee \(2003\)](#) with adequate funding and oversight.
- **Gender Sensitization in the Judiciary:** Mandatory gender sensitization training for all **judicial officers, integration of gender perspectives in judicial education**, and mechanisms to hold judges accountable for gender-biased comments.
  - Recent **SC Handbook on Gender Stereotypes** is a significant step in this direction.
- **Reforming Prison Administration:** There is a need for mandatory segregation of **undertrials, convicts, and first-time offenders within jails**, including during court appearances and hospital visits as per the recommendations of [Justice Amitava Roy Committee.](#)
  - The committee also emphasized that prison administrations should comprehensively implement national and state health insurance schemes, such as the **Ayushman Bharat scheme.**
- **Revamping Fast-Track Courts:** There is a need to **revamp fast-track courts by dedicated judges and improved infrastructure for fast-track courts, setting binding timelines, and introducing case management systems to track and expedite cases.**
- **Combating Criminalisation of Politics:** There is a need for establishment of an institution dedicated to tackling the criminalisation of politics, as highlighted by the [Vohra Committee \(1993\).](#)
  - This institution should be empowered to collect intelligence from various sources, investigate the nexus between politicians, bureaucrats, criminals, and anti-social elements, and take decisive action against those involved.
  - Such an institution would play a pivotal role in purging the political system of criminal influences and restoring public trust.
- **Promoting Restorative Justice:** There is a need for promotion of restorative justice, as suggested by the [Madhav Menon Committee \(2007\).](#)
  - This approach focuses on healing the harm caused by crime rather than solely inflicting punishment.

#### **Drishti Mains Question:**

Discuss the key challenges facing India's criminal justice system and suggest comprehensive reforms to address these issues.

### **UPSC Civil Services Examination, Previous Year Question (PYQ)**

#### **Mains:**

**Q.** We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. **(2014)**

**Q.** Mob violence is emerging as a serious law and order problem in India. By giving suitable examples, analyze the causes and consequences of such violence. **(2015)**

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