



DAILY EDITORIAL ANALYSIS

TOPIC

**INDIA'S CRIMINAL JUSTICE
SYSTEM: KEY CONCERNS & ROAD
AHEAD**

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Context

- Recently, the **Bombay High Court** has acquitted all 12 men previously convicted in the **Mumbai Train Blast Case (2006)**, citing a complete failure by the prosecution to prove their guilt.
 - ♦ It has reignited debate over the **integrity and effectiveness of India's criminal justice system**, and **questions the collective ability** to deliver justice to the victims of terrorism.

Criminal Justice System in India

- India's criminal justice system is grappling with an unprecedented backlog, raising serious concerns about access to timely justice and institutional efficiency.
- **Pending Cases:**
 - ♦ 58.4 million cases pending across Indian courts (As of August 2024); About 80% of these are criminal cases.
 - **It includes:** Over 1 lakh cases stuck in appellate courts;
 - ♦ Only about 60% of cases are resolved annually, with the remaining 40% adding to the backlog.
 - ♦ According to the **National Judicial Data Grid (NJDG)**:
 - 10% of cases have been pending for over 10 years;
 - 32% are less than a year old, but delays begin early;
- **Conviction & Acquittal Rates in India:**
 - ♦ **Overall Conviction Rate:** According to the **National Crime Records Bureau (NCRB)**:
 - **Conviction Rate in 2022:** 54.2%, down from 57% in 2021;
 - **Historical Average (2000–2022):** Around 42.5%, with a peak of 59.2% in 2020.

Structural Issues in India's Criminal Justice System

- **Police and Investigation:**
 - ♦ **Under-Resourced and Overburdened Police:** Shortages of manpower, poor training, and lack of scientific investigation techniques hinder effective crime detection and prosecution.
 - ♦ **Lack of Forensic Infrastructure:** Heavy reliance on confessional statements and weak preservation of evidence often fail to meet judicial scrutiny.
 - ♦ **Political Interference:** Frequent transfers and lack of professional autonomy undermine the impartiality and morale of investigating officers.
- **Prosecution and Judiciary:**
 - ♦ **Weak Prosecution:** Prosecutors are often inadequately trained, overworked, and lack independence to pursue cases effectively.
 - ♦ **Judicial Delays:** Massive case backlogs (over 50 million cases pending) result in protracted trials, frequent adjournments, and delayed justice.
 - It is significantly **lower than the Law Commission's recommendation** of 50 judges per million population.
- **Quality of Legal Aid:** The poor and marginalized, unable to afford quality defense, often face systemic disadvantage.
- **Detention, Bail, and Undertrial Population:**
 - ♦ **High Number of Undertrials:** Over two-thirds of India's prison population comprises undertrials—many imprisoned for longer than maximum sentences for alleged offenses.
 - ♦ **Stringent Bail Provisions:** Especially under special laws (e.g., UAPA, TADA), bail is difficult, leading to prolonged incarceration without conviction.
- **Victims' Rights and Support:**
 - ♦ **Neglect of Victims' Needs:** Focus remains on the accused and the State, often sidelining the rights, participation, and compensation of victims.
- **Terrorism and Special Laws:**

- ♦ **Extraordinary Laws, Ordinary Problems:** While laws like UAPA aim for strong action against terrorism, their misuse and lapses in evidence gathering have led to both wrongful conviction and actual offenders evading justice.

Key Reforms for India's Criminal Justice System

- **Commissions and Reports:** Multiple reports (Malimath Committee 2003, Law Commission, etc.) have called for reforms—strengthening police autonomy, case management, victim compensation, and technology adoption.
- **Legislative Efforts:** **Bharatiya Nyaya Sanhita (BNS), 2023** (Replaces the Indian Penal Code, 1860); **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** – Replaces the Code of Criminal Procedure; **Bharatiya Sakshya Adhiniyam (BSA) 2023** – Replaces the Indian Evidence Act, 1872.
 - ♦ These define new crimes like mob lynching, organized crime, and cyber offenses; make sexual offenses gender-neutral; and introduce community service as punishment for minor crimes.
- **Judicial Directives:** The Supreme Court has advocated police reforms, speedy trials, legal aid enhancement, and prison decongestion.

Way Ahead

- **Strengthening Police and Investigation:**
 - ♦ **Scientific Methods:** Invest in forensic labs, recruit technical staff, and promote digital evidence use.
 - ♦ **Autonomy and Accountability:** Depoliticize police appointments and evaluation, fix tenures, and introduce independent oversight authorities.
- **Revamping Prosecution and Legal Aid:**
 - ♦ **Independent Prosecution Service:** Separate from executive influence, well-trained and adequately staffed.
 - ♦ **Quality Legal Aid:** Strengthen the National Legal Services Authority, ensure competent representation for the indigent.
- **Judicial Efficiency:**
 - ♦ **Case Management Systems:** Use technology for e-courts, smart scheduling, and paperless documentation.
 - ♦ **Specialized Courts:** Fast-track and special courts for terror, sexual violence, and economic offenses.
 - ♦ **Judicial Vacancies:** Fill vacant posts at all levels and train judges in complex legislation (e.g., cyber, terrorism, and white-collar crimes).
- **Undertrial Reforms:**
 - ♦ **Bail Reforms:** Make bail the norm and jail the exception, especially for non-violent offenses.
 - ♦ **Periodic Review:** Mandate regular judicial review of undertrial detention.
- **Victim-Centric Approach:**
 - ♦ **Participation and Protection:** Enhance procedural rights, witness protection, and dignified access to justice for victims.
 - ♦ **Compensation and Rehabilitation:** Institutionalize time-bound schemes for compensation and psychosocial support.
- **Safeguarding Rights While Fighting Terrorism:**
 - ♦ **Balance Security and Liberty:** Ensure preventive detention and anti-terror laws are used with robust safeguards to prevent misuse.

Source: IE

Mains Practice Question

[Q] Critically evaluate the key challenges facing India's criminal justice system. What reforms might be necessary to ensure equitable justice?

