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Justice on Trial: Examining the Legal Pitfalls of the Criminal Justice Administration System in India

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ABSTRACT

Criminal justice administration in India is based on three foundational principles, namely the principle of fairness, the principle of due process as well the presumption of innocence until the accused is proven to be guilty. Ideally, the Criminal law is as comprehensive in its drafting and noble in its intentions as the best systems across the world. Its implementation, however, has been severely limited due to a lack of proper implementation and procedural delays. Even after the introduction of cutting-edge technologies like AI and Machines learning, the legal framework of our country is struggling with a huge backlog of cases largely due to clerical and logistical delays. Instances of custodial torture and coerced confessions have undermined the principles of 'innocent until proven guilty'. The lack of infrastructure to ensure access of justice to the marginalized groups of the society further exacerbates the problem.

Legislative inconsistencies and outdated penal provisions further impede progressive criminal jurisprudence. This paper critically examines these pitfalls, juxtaposing statutory frameworks with judicial precedents, and advocates for structural reforms to realign the Indian criminal justice system with constitutional and human rights imperatives.

Keywords*: criminal justice system, due process, prison administration.*

I. INTRODUCTION

"Law should not sit limply, while those who defy it go free and those who seek its protection lose hope."

The Malimath committee report began with the thought provoking quote as the nation struggled with millions of pending cases, waiting for the perpetrators of heinous crimes to be brought to justice.[2] The recommendations given by the committee were extensive, detailed and practical. The onus was on the government to take concrete steps to implement the vision of the committee and fulfill one of the basic duties for which citizens had elected it. 22 years after the Malimath

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[2] Bhat M, "Criminal Justice Administration in India: Focus on the Victims of Crime" [2016] SSRN Electronic Journal <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2856175>

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committee recommendations were published, the country waited with anxiety for justice to be delivered to the victim of the RG Kar College rape case in Kolkata. The entire nation knew who the criminal was, the court had sufficient evidence to convict the perpetrator of such a heinous and spine-chilling crime.[3] Yet, the citizens cried tears of helplessness and dismay as the news headlines, yet again, displayed the inefficiency of the Indian Criminal Justice system to punish the perpetrators.[4]

The Indian Criminal Justice system is an inheritance from the British administration, a regime that used the law to suppress the weak and to favour the powerful.[5] Although the founding principles of the Constitution describe in flowery words the aspirations of the country to achieve "Justice" for all, the practical implementation makes one wonder if the post-independence criminal justice system is any different in its objectives as compared to the British Raj.

The system is characterized by a nauseating overload of legislative enactments, weak enforcement and corruption. Complexity and complacency have reduced a system, which was supposed to be a bloodhound, into a toothless tiger. One of the reasons for the feeble enforcement is the criminal background of the very leaders who are entrusted with protecting the law. As of 2025, approximately 46% (251 out of 543) of the elected members of Parliament have criminal cases registered against them.[6] Notably, 31% (170 MPs) face serious criminal charges, including allegations of murder, attempt to murder, and crimes against women.[7] In a country where strict enforcement of criminal law would lead to ministers being convicted, little incentive remains with the legislative and the executive to implement criminal law proactively.

[3] Singh SS, "R.G. Kar Case: Calcutta HC Reserves Order on Admissibility of Appeals for Enhancement of Punishment" (The Hindu, January 28, 2025) <https://www.thehindu.com/news/national/west-bengal/rg-kar-kolkata-rape-murder-sanjay-roy-calcutta-high-court-cbi-west-bengal-appeal/article69145753.ece>
[4] Ibid
[5] Ibid
[6] Press Trust of India and Business Standard, "251 of Newly Elected Lok Sabha MPs Face Criminal Cases, 27 Convicted: ADR" www.business-standard.com (June 6, 2024) <https://www.business-standard.com/elections/lok-sabha-election/251-of-newly-elected-lok-sabha-mps-face-criminal-cases-27-convicted-adr-124060600414_1.html>
[7] Ibid

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II. THEORETICAL FRAMEWORK OF CRIMINAL JUSTICE SYSTEM IN INDIA

Preservation of the right to personal liberty against unjustified invasion by the others is the ultimate goal of criminal law. Criminal law provides a person with rights that seek to protect them from arbitrary interventions by individuals and state authorities. Protection of the vulnerable against the strong is the primary aim of the criminal justice system in the country. Various guidelines of behaviour and penalties for their breach have been specified by the state so as to ensure compliance.

The trial is ongoing, oral, and combative. The parties challenge the other side's argument and find material the other side has not brought out by means of cross-examination of witnesses.[8] The judge in his nervousness to preserve his impartiality never searches for truth on his own initiative.

He does not rectify the deviations in the research or in the area of proof submission in court. The adversarial system lets the judge play a passive role as it does not impose a positive obligation to uncover truth.[9] The system is unsympathetic to the rights and suffering of the victims and typically favours the guilty. Large number of offenders are evading convictions throughout the years by using many lacunae in the adversarial system. People's faith in the System's effectiveness has been greatly undermined by this. Consequently, one must look at ways to restrict the prospective new escape routes and plug the existing ones.

The Adversarial System has no high ideal to inspire, so it lacks vitality. Unlike the Inquisition, it has not been given a positive obligation to find truth. Judges seldom intervene to correct the matter when the inquiry is little or inadequate. Since he has no obligation to pursue truth, the judges throughout the trial do not pay attention if pertinent evidence is not provided and perform a passive role. The procedure seems to be biased in favour of the accused as the prosecution needs to prove the evidence beyond a reasonable doubt. Thus, it is essential to enhance the Adversarial System by implementing appropriate changes to some of the beneficial aspects of the Inquisitorial System.

(A) Systemic Pitfalls in Criminal Justice Administration

Various limitation plague the Criminal Justice System in India. Judicial delays, technological backwardness, widespread corruption among the law enforcement officials all contribute to the unfortunate plight of the Criminal Justice System in India. Provisions pertaining to witness protection, perjury and justice to the victims are extremely inadequate not due to drafting errors,

[8] Iliadis M, Adversarial Justice and Victims' Rights (2020) <https://doi.org/10.4324/9780429261367>
[9] Ibid

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but primarily due to executional issues.

As elaborated in the succeeding parts of the study, one of the most pressing issues is that of judicial delays. Delay in disposal of cases results in an enormous backlog of cases. Particularly in terms of evidence collecting, forensic investigation, and general case administration, the technical backwardness of the Indian Criminal Justice System presents even another urgent problem. India lags far behind industrialized countries in implementing such broad-scale use of cutting-edge forensic science, artificial intelligence, and digital case tracking even as they have adopted these technologies. Even in 2025, the criminal justice system functions with a methodology of 1973, with little motivation among the decisionmakers to upgrade to the latest innovations. These processes are time consuming and are prone to misuse due to a lack of accountability. These reasons further add up to the increasing amount of distrust among the members of the civil society. Justice is vitiated by limitations such as inadequate utilization of forensic infrastructure, lack of qualified professionals, delayed analysis of significant evidence, among a host of other factors. A lack of proactiveness in dealing with these hurdles has become the primary reason behind the unfortunate state of the Criminal justice administration. The law ends up being a weapon in the hands of the perpetrators, while intending to be a savior of the weak. Furthermore, there is a lack of an up-to date digital database to combat the growing instances of cybercrime.

Corruption is the biggest termite eating away the efficiency of the legal system. The power fo money has outweighed the power of the law enforcement due to which, criminals are roaming free with their heads held up while the victims have to hide in their houses in fear. A lack of will to deal effectively with corruption is one the primary reasons why the crime rates are not seeing a reduction. With instances of police personnel and prosecutors being involved in bribery, justice has been reduced to a luxury that can be afforded only by the rich and powerful.

Law enforcement agency corruption compromises the Criminal Justice System in India even further, therefore rendering justice not only slow but also selectively available. In certain situations, police personnel, prosecutors, and even court officials have been shown to have participated in acts of bribery, evidence tampering, and preferential treatment of powerful people. The political junction with law enforcement often leads to selective implementation of laws, wherein the powerful manages to dodge punishment while the underprivileged suffer from its full impact. Often documented are custodial brutality, false contacts, coerced confessions taken under pressure, therefore exposing the systematic rot inside law enforcement departments. The systems of responsibility in place to regulate such behaviours remain inadequate; even in cases of police misbehaviour, guilty officials are never prosecuted. This absence of

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responsibility undermines public confidence in the system and discouragement of victims seeking legal remedy. Moreover, there have been major abuses of human rights resulting from the abuse of preventative detention rules, wherein people are imprisoned without appropriate court review. Further sustaining a culture of impunity, where police personnel frequently operate as if they are above the law, are the absence of strict control and the lack of independent means to probe corruption and misbehaviour within law enforcement institutions.

Apart from these structural and procedural constraints, the Indian Criminal Justice System has major flaws in areas including witness protection, perjury, and victim justice. Witnesses, who are so important in obtaining convictions, are often intimidated, harassed, or even subjected to violent reprisals, therefore deterring them from testifying against influential offenders. Though the Supreme Court stresses the necessity of a strong witness protection system, the execution of such initiatives is still weak and useless. Without a national witness protection program, witnesses are left exposed; in many well-publicized instances, important witnesses either vanish completely or become hostile. Another major concern is perjury because, without strict penalties against people who lie under oath, fraudulent testimony is quite common.

(B) Delays and Judicial Backlog

In the past, the Indian court was considered to be a protector of constitutional rights and a guardian of justice; nevertheless, it is now inundated with cases. With over fifty million cases that have not been addressed and are dispersed throughout a large number of courts, the system is unable to offer timely justice and often finds its judgements to be meaningless for the parties who have been wronged.[10] Due to the fact that the backlog has increased by a factor of two over the course of the last twenty years, it would take about three hundred years to process all of the cases that are now pending.[11]

The then-Honorable Chief Justice of India, Justice Ranjan Gagoi, has urged the Prime Minister to increase the number of High Court Judges and also to raise the retirement age by three years.[12] This is in response to the worrying backlog of cases that has been accumulating in our judicial system. While delivering a Presidential address on January 8, 2007, at the Lecture Series organised by the Supreme Court Bar Association[13], the Honourable Mr. Justice B.N. Agrawal,

[10] Gupta L and Agarwal P, "Judicial Backlog: How India Can End the Long Wait for Justice." [2018] URI <http://dspace.jgu.edu.in:8080/jspui/bitstream/10739/1717/1/Judicial%20backlog_%20How%20India%20can%20end%20the%20long%20wait%20for%20justice.pdf>

[11] Ibid

[12] Staff S, "CJI Urges PM to Improve SC Judge Strength, Raise Retirement Age of HC Judges to Tackle Pendency: TOI" Scroll.in (June 22, 2019) <https://scroll.in/latest/927941/cji-urges-pm-to-improve-sc-judge-strength-raise-retirement-age-of-hc-judges-to-tackle-pendency-toi?utm_source=chatgpt.com>

[13] Ibid

who was serving as the Justice of the Honourable Supreme Court of India at the time, expressed his disgust and anxiety over the pendency of cases. He observed that it is incorrect to blame the judiciary alone for the issue, as other branches of the state need to also play their role in finding a solution to this problem. On the other hand, individuals who assert that the justice delivery system is on the point of collapsing do so by only seeing the overflowing dockets, without taking a look at the actual situation.

The docket explosion may be attributed to one of the factors. Justice Agrawal further pointed out that one of the reasons of arrear of cases is a large number of enactments by the Parliament and the State legislatures and the delegated legislations made there under by the executives , which ultimate create more disputes under such enactments resulting into mounting pressure upon the working of the courts, lamented that the Parliament or the State legislatures while making new laws do not fit it appropriate to make provision for additional courts to deal with the litigations arising out of the new laws. He also said that the executives were to blame for their failure to fulfil their responsibilities and obligations in accordance with the newly enacted legislation, which eventually led to legal action being taken.

When we talk about the pendency of court cases, we only focus our attention to the judicial side of the state, i.e. Subordinate judiciary to Hon‘ble High Courts and the Hon‘ble Supreme Court, but we forget about the various courts functioning directly under the control of the Central and the State Governments, like the Revenue courts and quasi-judicial Authorities established under the Central and State legislations - Boards, Tribunals, Commissions etc., which also suffered from the same malice of delay, but the cause of delay is quite different. The majority of the time, these authorities are also responsible for performing administrative, supervisory, and public relations responsibilities.[14] These activities account for around 90 percent of their workload, yet the people who are affected are members of the same social class. One of the unfortunate aspects is that the government has seldom addressed itself to the pendency in such courts. This is due to the fact that the people who suffer the most are the ordinary people in society. Furthermore, if we examine deeper, we will find that the majority of the litigants in these courts are members of the poor and impoverished class.

(C) Investigative and Policing Deficiencies

A significant amount of duty has been delegated to the police force as part of the Criminal Justice System, which was established for the purpose of safeguarding these rights. They have

[14] Hazra D, “What Does (and Does Not) Affect Crime in India?” (2020) 47 International Journal of Social Economics 503 <https://doi.org/10.1108/ijse-03-2019-0206>

a variety of responsibilities to carry out, the most essential of which are the investigation of offences and the preservation of law and order.[15] The burden of safeguarding the people' most valuable human rights falls on the shoulders of the law enforcement officers. The citizen is the one who goes to the police for assistance if there is an invasion of human rights or the prospect of an invasion of human rights from another person.[16] Regrettably, the contribution that the police have made in this regard is not recognised, and the only things that are brought to light, emphasised, and criticised are the aberrations that the police have committed. If the collection of evidence is vitiated by mistake or malpractice, not only will a major miscarriage of justice occur, but it will also be very difficult to successfully prosecute the guilty. During this search, it is the responsibility of the police to conduct an investigation that is both impartial and exhaustive, and to gather all evidence, regardless of whether it is in favour of or against the suspect.

In light of the fact that the protection of society is of the highest importance, the laws, methods, and practices of the police force must be designed in such a way as to guarantee that those who are guilty are seized and punished with the utmost promptness, while at the same time ensuring that the innocent are not harassed.[17] One of the fundamental judicial rulings on this context is the case of **Narendra Nath Pahari vs Ram Govind[18]**

The primary goal of the Criminal Justice System is to seek the truth. The inquiry is aimed at providing justice to the aggrieved and punishment to the accused. In order to accomplish this goal, the officers who are conducting the investigation need to be provided with the appropriate training and supervision, as well as the required scientific and logistical assistance.

According to the provisions of Sections 161 and 162 of the Code,[19] The statements made by the witnesses who were questioned during the investigation are not admissible, and the only way for the defence to utilise them is to refute the statements made by the witnesses. Furthermore, the confession that the accused made cannot be utilised as evidence in any way. The jurisprudential principle that statements recorded at the incipient stage of an investigation inherently possess a superior probative value remains doctrinally unassailable; however, their admissibility as substantive evidence per se is precluded by well-entrenched evidentiary precepts. A meticulous exegesis of judicial pronouncements across a plethora of criminal adjudications reveals a pronounced judicial skepticism vis-à-vis the evidentiary veracity of law

[15] Ibid
[16] Ibid
[17] Ibid
[18] [1901] UKPC 56
[19] The Code of Criminal Procedure, 1973; Ss 161,162

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enforcement testimonies. This judicial predisposition, though peculiar to certain jurisdictions, is not of universal prevalence.[20] The genesis of such distrust can be traced to the enduring colonial legal vestiges that continue to permeate the jurisprudential landscape.

Empirical assessments underscore the pervasive phenomenon wherein investigative agencies, in pursuit of expediency, resort to coercive methodologies—euphemistically termed as "third-degree measures"—thereby vitiating the sanctity of the investigative process.[21] Corroborative allegations abound wherein investigative personnel, actuated by pecuniary inducements, political exigencies, or extraneous interferences, have purportedly obfuscated the truth and adduced mendacious representations before the adjudicatory forum. Such systemic aberrations militate against the cardinal principles of criminal jurisprudence and precipitate a jurisprudential paradox wherein the culpable evade penal consequences, while the innocent risk being ensnared in the labyrinth of criminal prosecution.[22] The same was observed by the Hon'ble Supreme Court of India, in the case of **Nathuni Yadav vs State of Bihar[23]**

Absent a structural recalibration of the investigatory framework, the criminal justice system is imperiled by the twin perils of impunity and wrongful conviction. Ergo, an imperious necessity exists to undertake a robust institutional overhaul aimed at fortifying the investigative apparatus, thereby ensuring procedural fidelity, enhancing evidentiary reliability, and restoring judicial confidence in the probative worth of law enforcement testimonies.

III. LACK OF AN ADEQUATE CYBER CRIME RESPONSE INFRASTRUCTURE

The modern era demands a robust framework to combat the increasing prevalence of cybercrime. The reactivity and complacency that pervades the Criminal Justice enforcement framework in India has become the facilitator of crime across the web.[24] Despite the presence of legislations like the IT Act, 2000, criminals in cyberspace are always two steps ahead of the authorities, thereby posing a huge risk to the users on the internet. India has gifted the world brilliant computer scientists. However, a lack of respect for talent and low pay scales in India have led to an increasing migration of the best IT minds from India to abroad, due to which, the cyber infrastructure in India is moving at the pace of a snail. Lack of skill and training among the law enforcement officials to properly utilise the existing facilities has led to the persistence

[20] Uggen C, Manza J and Thompson M, "Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders" (2006) 605 The Annals of the American Academy of Political and Social Science 281 <https://doi.org/10.1177/0002716206286898>
[21] Ibid
[22] AIR 1997 SUPREME COURT 1808
[23] Ibid
[24] Wasby SL, "Delay as a Due Process Violation" [2016] Criminal Law Journal <https://www.jstor.org/stable/27976942>

of the problem despite the existence of resources.

(A) Fair Trial and Due Process Violations

One of the most fundamental aspects of justice in criminal cases is speedy punishment. It is often said that justice delayed is justice denied. After the introduction of the Criminal Procedure Code, 1973, the legislature aimed at putting in place a system that completes the trial in a speedy manner.[25] The court has also made significant observations pertaining to the need to make an attempt to prevent any sort of errors in testing and experiments that are not only detrimental to the individuals involved but also dangerous to the society as a whole. It is the mutual obligation of the lawyers in the court to ensure speedy justice and to ensure that the perpetrators of the crime are punished in the strictest possible manner. It is also the obligation of the legislature to ensure that the legislation does not hinder the process of speedy justice. In compliance with the rules, the Criminal Procedure Code, 1973 is the primary legislation pertaining to criminal procedure in the country. In the year 2023, significant amendments were made to the criminal procedure code, and the name of the legislation was changed to the Bhartiya Nagrik Suraksha Samhita, 2023. The code seeks to replace the CrPC and includes various modern day provisions to stay in line with the emerging trends pertaining to Criminal Justice in the country. The code also includes the provisions for enabling trials, enquiries and proceedings to be held in electronic mode only.[26] Furthermore the code also facilitates production of electronic communication devices which are likely to contain digital evidence which would be allowed for investigation, enquiry or trial.

(B) The Bharatiya Nyaya Suraksha Sanhita, 2023: A Revolution or Mere Change in Packaging?

The Bharatiya Nagarik Suraksha Sanhita (BNSS) introduces significant departures from the existing framework under the Code of Criminal Procedure (CrPC), particularly in matters concerning police custody, judicial remand, and procedural safeguards.[27] One of the most contentious provisions is the enhancement of police custody to a cumulative period of fifteen days, which may be authorised in installments within the first forty or sixty days, depending upon whether the maximum prescribed period of judicial custody extends to sixty or ninety days. This provision raises serious concerns regarding the potential misuse of procedural latitude in a manner that could effectively deprive the accused of the opportunity to secure bail for an extended period, particularly in cases where the investigating agency strategically defers

[25] Ibid
[26] Ibid
[27] Ibid

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the exhaustion of police custody. By allowing law enforcement authorities to stagger the custodial period, the provision enables the state to circumvent the well-established jurisprudential principles that seek to balance investigative necessities with the fundamental rights of the accused. This regulatory framework, thus, risks the undue prolongation of pre-trial incarceration, effectively converting preventive detention into punitive detention without the rigors of a fair trial, thereby undermining the presumption of innocence enshrined within the constitutional framework.[28]

Furthermore, the expansive powers conferred under the BNSS in relation to the attachment of property derived from the proceeds of crime raise substantial concerns regarding the absence of procedural safeguards akin to those enshrined under the Prevention of Money Laundering Act (PMLA).[29] The PMLA, despite its stringent provisions, incorporates a system of checks and balances that necessitate judicial oversight and adherence to due process principles before any coercive action is undertaken against the property of an accused. In contrast, the BNSS confers an unbridled authority to seize and attach properties without the concomitant safeguards that would otherwise prevent arbitrary state action.[30] The absence of a structured adjudicatory mechanism to review such attachments creates an asymmetry in procedural protections, thereby potentially violating constitutional guarantees against arbitrary deprivation of property.[31] This lacuna is particularly egregious in light of the fact that the jurisprudence on economic offences has consistently underscored the necessity of maintaining a calibrated approach that does not disproportionately impinge upon civil liberties in the pursuit of financial crime deterrence.

Moreover, the BNSS significantly alters the existing statutory framework governing bail by negating the statutory entitlement to release in cases where an undertrial has undergone detention for a period equivalent to half the maximum prescribed sentence for the alleged offence. The CrPC had traditionally provided for a balancing mechanism wherein an individual, notwithstanding the gravity of the accusations, was entitled to be released upon undergoing prolonged pre-trial detention, thereby mitigating the risk of indefinite incarceration in the absence of a conclusive determination of guilt.[32] However, the BNSS introduces a categorical exclusion from this safeguard in cases where the accused is facing multiple charges, a provision that has far-reaching consequences given the routine practice of invoking multiple sections

[28] Ibid
[29] "PM Dedicates to the Nation the Successful Implementation of Three New Criminal Laws" <https://www.pmindia.gov.in/en/news_updates/pm-dedicates-to-the-nation-the-successful-implementation-of-three-new-criminal-laws/>
[30] Supra Note 32
[31] Ibid
[32] Ibid

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under the penal code in the course of criminal prosecution. The cumulative effect of this provision is the systemic erosion of personal liberty, wherein an accused person, who would otherwise have been eligible for release under the existing CrPC framework, is compelled to remain in prolonged custody merely due to the technicality of being charged under multiple provisions, irrespective of the substantive merits of the case. This alteration disrupts the established principles of proportionality and procedural fairness, and in practical terms, provides an avenue for investigative agencies to strategically invoke multiple charges to effectively nullify the statutory presumption in favor of bail.

An equally regressive provision under the BNSS pertains to the permissibility of the use of handcuffs in a range of cases, including economic offences, in direct contravention of the Supreme Court's categorical pronouncements on the matter. The apex court, through a series of landmark judgments, has unequivocally held that the indiscriminate use of handcuffs constitutes a violation of the fundamental right to dignity and personal liberty, necessitating strict judicial scrutiny before any such measure can be employed. By conferring a broad and discretionary authority to law enforcement agencies to impose physical restraints in cases that do not involve violent offences, the BNSS fundamentally alters the jurisprudential landscape, reintroducing a regressive and colonial-era practice that the judiciary has consistently sought to curtail. This provision not only erodes the constitutional safeguards against inhumane treatment but also perpetuates a culture of custodial humiliation, which is antithetical to the broader principles of criminal justice reform that aim to humanize the treatment of accused persons in the pre-trial phase. The legislative endorsement of such coercive measures in the context of economic offences is particularly alarming, given that financial crimes, by their very nature, do not pose an immediate threat to public safety or involve violent conduct that would necessitate the imposition of such restrictive measures.

Another concerning procedural departure introduced by the BNSS pertains to the admissibility of evidence collected by investigating officers who have either retired or have been transferred, allowing their successors to introduce such evidence in judicial proceedings. This provision contravenes the fundamental evidentiary principle that mandates the production and cross-examination of the original author of the evidence to establish its credibility. The adversarial system of justice, as embodied within the Indian legal framework, operates on the foundational principle that every piece of evidentiary material must withstand the rigors of cross-examination to ensure its reliability and probative value. By permitting the successors of retired or transferred officers to present such evidence, the BNSS effectively dilutes the evidentiary threshold required for the admissibility of crucial materials, creating a presumption in favor of the

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prosecution without affording the accused the opportunity to test the veracity of the claims being made against them. This not only undermines the established principles of fairness in criminal trials but also creates a dangerous precedent wherein evidentiary integrity is subordinated to administrative convenience.

Equally significant is the omission of key recommendations made by high-level committees concerning reforms in sentencing guidelines and the codification of rights of the accused, which were aimed at introducing greater coherence and consistency within the criminal justice framework. Sentencing reforms have long been advocated as an essential aspect of ensuring proportionality in criminal adjudication, yet the BNSS fails to incorporate these recommendations, thereby maintaining the existing inconsistencies in sentencing practices. Similarly, the absence of a comprehensive framework delineating the rights of the accused results in an unbalanced legal structure that disproportionately empowers the state while failing to provide adequate safeguards against procedural excesses. This omission is particularly glaring in light of the evolving global best practices, where modern criminal justice frameworks increasingly emphasize the necessity of embedding clear procedural rights within statutory provisions to prevent arbitrariness and systemic abuse. By disregarding these crucial recommendations, the BNSS not only perpetuates existing deficiencies within the legal system but also represents a missed opportunity to align the Indian criminal justice framework with contemporary international standards of procedural fairness and human rights protection.

IV. ISSUES REGARDING PRISON ADMINISTRATION IN INDIA

The role of prison administration in the administration of justice cannot be overstated. It is one of the three primary constituents of the administrative paraphernalia of criminal justice in India. Also referred to as the "tail end", it is the last stage of the entire system. However, it is in these prisons only that the gravest human rights violations take place.[33] Over the last several years, there has been a significant shift in the way that society views those who are incarcerated. It is no longer the case that prisons are only places where punishment is administered. Reformatories are now being examined for these institutions.

The Indian Prison Act of 1894 and the Jail Manuals of different states are the primary legislations governing administration of prisons in India These legislations are responsible for regulating the management of jails in India. The Constitution of India, vide Item 4 List III of the Seventh schedule, empowers the States to look after the administration of prisons in their

[33] Nagla BK, "Prison Administration in India" (1989) 35 Indian Journal of Public Administration 1011 <https://doi.org/10.1177/0019556119890414>

respective areas of jurisdiction. Various states and territories have multiple levels of correctional facilities, which are referred to as jails. Central prisons, district jails, and sub jails are the three types of jails that are most often used and considered to be the most standard in the United States and the Union Territory of the United States.[34] Additionally, there are women's prisons, borstal schools, open jails, and special jails. These are the many sorts of correctional institutions. According to the Prison Statistics India report from 2013, the occupancy rate at the all-India level was 112.2 percent at the end of 2012, and it increased to 118.4 percent at the end of 2013. According to the reports, the most severe cases of overcrowding were found in the Central prisons (121.2 percent), followed by the District jails (73.7 percent).[35]

However, despite the fact that there are several regulations and recommendations for the general well-being and rights of inmates, there is a significant gap between the theory and the reality.

In the prisons of India, violations of human rights are something that happens very often. For instance, according to the Punjab Jail Manual 1996, the province of Punjab's correctional facilities are arranged, categorised, and managed. Undertrials often make up a greater proportion of the inmates in Punjab prisons. Compared to the prisoners, the situation is almost the same in the majority of India's other prisons as well. In 2013, the authorized number of prisoners in Punjab was 18,629. Despite this, the occupancy rate of the jail population in Punjab in 2023 grew from 133.4 to 147.3, which is a significant rise. The Indian Prison Administration is facing a number of significant challenges, the most significant of which are the enormous backlog of cases, the excessive delay in the resolution of criminal cases, and the broad range of convictions in cases involving minor charges, which has resulted in an excessive number of inmates being housed in prisons.[36] There are some basic rights that cannot be denied to a person just because that person has committed a criminal. These rights cannot be denied to a person even if that person has been convicted of committing a crime. Every human person, regardless of how morally corrupt and socially hazardous they may be, is entitled to certain rights. No amount of words can sufficiently emphasize the vitality of these rights.

There cannot be any possible explanation for a reasonable and a prudent person to convince him/her that denial of the basic human right to dignity was justified merely on the grounds that the person was an undertrial. Considering the fact that a huge number of prisoners are the ones against whom the crime is not conclusively proven, protecting their dignity becomes even more

[34] Ibid
[35] Carlson PM and Garrett JS, Prison and Jail Administration : Practice and Theory (1999) <https://ci.nii.ac.jp/ncid/BA54838175>
[36] Ibid

important.

The most fundamental aspects of human dignity must be respected, and it must be made certain that the human dignity of people is never, under any circumstances, compromised. One of the primary goals of the legislative system that was designed to defend the rights of offenders and inmates was to guarantee that no individual would be deprived the fundamental human dignity.[37]

Within the confines of jails and other correctional institutions, there is a significant potential for mistreatment and abuse. When compared to the notion of punishment, the Indian Criminal Justice system has begun to place more emphasis on the idea of rehabilitation. Instances of abuse and mistreatment in prisons function as a barrier to the rehabilitation of offenders and undermine the fundamental goal of the "Rehabilitative approach" to the administration of criminal justice. The notion of a "Welfare State" is further undermined by incidents of abuse and mistreatment being committed against individuals.[38]

Furthermore, procedural and substantive legislations place considerable amount of significance on the protection of the rights of undertrials. The reason being the nature of our criminal system and the presumption of an individual as innocent until proven guilty. The emphasis also lies in favour of fairness in procedure and due process. It is essential to protect the rights of the prisoners so as to ensure that the administration of Criminal Justice in the country is seen with a feeling of respect and that its integrity is not compromised.

In addition to this, this would be of assistance in the process of reintegrating the convicted individual back into society once they have completed their term. One of the most well-known facts is that violations of human rights are more likely to occur in the more vulnerable segments of society. The situation is the same whether the individual who is incarcerated or convicted is a member of a marginalized segment of society. In this situation, it is imperative that the state safeguard the rights of offenders, not only to ensure that they comply with the Constitution, but also to avoid discrimination on any of the grounds that are specified in Article 15 of the Constitution of India.[39]

V. CONCLUSION AND RECOMMENDATIONS

As highlighted above, significant gaps exist in the overall criminal structure of the country due to which urgent reforms are imminent. First and foremost, there needs to be a victim centric

[37] Ibid
[38] Supra Note 42
[39] Ibid

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approach. The criminal justice framework needs to transition from a perpetrator focussed system to a system that essentially prioritizes the rights of the victims and the rehabilitation of the one on whom the crimes are inflicted. In order to achieve this, it is essential to provide dedicated support services, legal aid, as well as ensuring that victims have a voice in the judicial process. It is also essential to utilize Artificial Intelligence in case management and risk assessment. Through use of AI, allocation of judicial resources would take place in a more efficient manner. Furthermore, resolution of cases would also be expedited.

Furthermore, the state needs to increase funding for legal aid so as to provide the lawyers involved therein with an incentive to give their best. An inclusion of performance-based metrics is also advisable in order to achieve the best possible results. As recommended by the 268th Report of the Law Commission of India, there is an urgent need to revisit the Bail laws in India and to establish comprehensive victim and witness protection measures. Since a long time ago, the Indian criminal justice system has been subjected to criticism for its ineffectiveness, delays, and lack of techniques that are centred on the victim.

Corruption permeates almost every sector of India's government. From the constable on up to the highest-ranking authorities, bribes are accepted. According to the police, both the offender and the complainant pay bribes to have the FIR filled up, and if the complainant refuses to pay, the officer takes it personally. If they do not pay up, the police will hound innocent individuals for all sorts of reasons. Poor merchants and sellers are extorted for bribes by lower-class police officers like constables and chief constables, who then bite them and falsely accuse them if they refuse to pay. There is a range of opinions on whether the police department is the most corrupt agency. Rumour has it that the police harass the general public for personal benefit, while the general public accuses the police of being corrupt. Everyone nowadays is looking for a method to increase their income so they can put more money away for the future, and some individuals resort to unlawful means to accomplish so. Nothing is insurmountable, and the country and society can be cleansed of its deeply ingrained corruption. The police are primarily obligated to take the lead in achieving this objective. It is claimed that for every righteous person, there must be another righteous person. The police must take the lead in organising the reform effort, and everyone, from the bottom up, must do their part to combat corruption. Anyone who requests or accepts bribes, whether they be members of the general public or police personnel, should face consequences. Training police personnel is a key strategy for combating corruption, but first, training facilities in the states must be improved. The training centres are in dismal shape and poorly equipped in almost every state. Particularly for lower-ranking officers, the facilities and resources at police training centres are severely lacking. They were made to consider the

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state's and their own economic situations when they observed the status of their training facilities. They decide throughout training that they are joining the police force to protect themselves, not the country. This calls for a shift in the training system and the need to motivate police officers to provide truthful service when they are at the academy. Beyond this, the government and the police force should work together to provide police personnel with competitive salaries and other incentives to avoid accepting bribes, whether they are offered voluntarily or not. Additionally, the rise in compensation and incentives will have a good effect on the police officers, who have become irritable owing to the constant demand of law enforcement, and they will be emotionally fulfilled and motivated to work hard. The working conditions of police personnel need a shift in their emotional and behavioural states. For the sake of their family's growth and safety, more facilities should be provided via resource development. Improving living standards might be as simple as getting family members involved in producing items like police uniforms and clothing, or as complex as establishing cooperative institutions like schools. In order to eradicate health difficulties, it is necessary to create and operate a dedicated police hospital with all the contemporary amenities found in a military hospital for the treatment of police personnel and their families. Such programs and medical facilities have been effectively established by the state of M.P. For the sake of the integrity and trustworthiness of law enforcement, other states should institute similar programs and ensure that all current and former officers have access to medical care. Financial assistance might also be instituted as a reward system. The best way to inspire and incentivise police officers to work honestly is to give them a financial incentive equal to a percentage of the value of the property they recover when they arrest criminals with stolen goods or the smuggler. The demeanour of their superiors has a significant impact on the behaviour of their subordinates. In addition to serving society with the utmost honesty, top officials should encourage younger officers to refrain from accepting bribes. Moreover there should not be concentration of powers in single police authority as well as the police personnel of each level must have ability to take decision for the style of conducting their function. Appointments to the police force should be made by highly educated individuals.

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