

CRIMINAL JUSTICE SYSTEM IN INDIA – POLITY

NEWS: The **Bombay High Court**'s recent **acquittal of all 12 men** previously convicted in the **2006 Mumbai train bombings**, which **killed 187 people** and injured over 800, has raised serious concerns about the effectiveness of **India's criminal justice system**.

- The High Court had concluded the prosecution **“utterly failed”** to establish guilt beyond reasonable doubt.

WHAT'S IN THE NEWS:

Case Overview: 2006 Mumbai Train Blasts

1. **Incident Details:** On 11 July 2006, Mumbai witnessed a series of seven coordinated bomb blasts on suburban trains, resulting in the death of over 200 people and injuring around 800.
2. **Legal Outcome:** In 2015, a special court under the Maharashtra Control of Organised Crime Act (MCOCA) convicted 12 accused — sentencing 5 to death and 7 to life imprisonment.

Key Issues Highlighted in the Judgment

1. **Investigation and Prosecution Gaps:** The court identified serious shortcomings in the quality of evidence collected and the reliability of witnesses presented by the police, weakening the prosecution's case.
2. **Inordinate Delay in Delivering Justice:** The case took 19 years to reach final judgment, which violated the rights of both the accused (right to speedy trial) and the victims (right to closure and justice).
3. **Witness Protection Deficiencies:** Lack of a robust witness protection mechanism led authorities to use “stock witnesses,” compromising trial integrity.
4. **Confession Admissibility Challenges:** Confessions recorded by police under normal circumstances are often inadmissible unless made before a magistrate, leading to evidentiary hurdles.

Systemic Challenges in Criminal Justice Delivery

1. **Police Under Pressure:** Political and public expectations for quick results often push the police into making hasty arrests without adequate investigation.
2. **Lack of Inter-Agency Coordination:** Poor synergy between the police, prosecution, and judiciary affects case handling and conviction.
3. **Outdated Investigation Methods:** The police continue to rely on conventional techniques, with inadequate use of forensic science or modern technologies.
4. **Wider Institutional Failure:** The acquittals and delays reflect a collective failure of the police, judiciary, prosecution, and legislative oversight.

Implications of Acquittals

1. **Human Cost:** Innocent individuals lost 19 years of their lives in incarceration without proven guilt.
2. **Justice Denied for Victims:** The real perpetrators remain unidentified or unpunished, denying justice to the victims and their families.
3. **Erosion of Public Trust:** The failures undermine confidence in the state's ability to uphold justice and ensure safety.

Overview of India's Criminal Justice System (CJS)

1. **Definition:** The CJS is the framework of legal institutions and practices to control crime, enforce laws, protect citizens, and ensure the rule of law.
2. **Historical Roots:** Originates from British colonial legal structures, governed by the IPC (1860), CrPC (1973), and the Evidence Act (1872), now replaced by the BNS, BNSS, and BSA in 2023.
3. **Key Objectives:**
 - Control and prevent crime.
 - Maintain public order and security.
 - Protect the rights of victims and accused.
 - Ensure fair trial and punishment.
 - Rehabilitate offenders.

Core Components of the CJS

1. **Police:** Acts as the first point of contact in criminal matters—investigates crimes, arrests suspects, collects evidence, and files charge sheets.
 - Hierarchy: From constables to the DGP (Director General of Police).
 - Central Agencies: CBI (investigation), CRPF (internal security), IB (intelligence).
2. **Judiciary:**
 - **Supreme Court:** Apex court with constitutional authority.
 - **High Courts:** State-level appellate and writ jurisdiction.
 - **Subordinate Courts:** Sessions Courts for serious crimes; Magistrates' Courts for lesser offenses.
3. **Prosecution:** Represents the state in criminal trials; ensures due process and pursues convictions.
4. **Prisons:** Houses undertrials and convicts; aims at correction and rehabilitation.
5. **Legal Aid Services:** Provides free legal support under Article 39A, especially for poor and marginalized individuals.

Constitutional Safeguards

Article	Provision
Article 20	Protection from ex-post facto laws, double jeopardy
Article 21	Right to life and personal liberty, including speedy trial
Article 22	Safeguards against arbitrary arrest
List II, Schedule VII	Police and prisons are State subjects

Statistical Overview (2023–2024)

- **Total Crimes Reported:** ~59.24 lakh (down from 60.63 lakh in 2022).
- **Crime Rate:** 427.4 per 100,000 population.
- **Judicial Workforce:** Only 21,285 judges — 15 per million population vs. the recommended 50.
- **Pending Cases:** Over 4.2 crore; 33.4% are criminal.
- **Conviction Rate:** IPC conviction improved to 59.3% (2023).
- **Police-Population Ratio:** 157 per 100,000, below the UN norm of 222.

Major Challenges in the CJS

1. Police-Related Issues:

- **Custodial Violence:** Despite legal checks, custodial deaths remain high (11,656 between 2016–22).
- **Corruption and Political Interference:** Weakens impartiality and justice delivery.
- **Understaffing:** Struggles to manage crime and ensure timely response.
- **Lack of Training:** Poor tech skills, outdated weapons, insufficient forensic tools.

2. Judiciary-Related Issues:

- **Backlog of Cases:** 4.2 crore cases pending (2024).
- **Shortage of Judges:** Only 15 per million vs. 50 recommended.
- **Low Convictions:** Often due to poor investigation and trial delays.
- **External Influence:** Political and elite interference affects rulings.

3. Prosecution Gaps:

- **Dependence on Police Evidence:** Poor evidence hampers trial strength.
- **Training Deficits:** Many prosecutors are ill-equipped for cyber or financial crimes.

4. Prison System Challenges:

- **Overcrowding:** ~75% of inmates are undertrials.
- **Inhumane Conditions:** Poor facilities, especially for women.
- **Inadequate Legal Aid:** Most undertrials are from marginalized groups.

5. Systemic & Socio-Legal Biases:

- **Caste and Gender Discrimination:** Disproportionate imprisonment of Dalits/Adivasis.
- **Juvenile Justice Gaps:** Poor infrastructure and rehabilitation for minors.
- **Cyber and White-Collar Crime:** Current system unprepared for digital-era offenses.

Key Government Reforms

1. New Criminal Codes (2023):

- **BNS:** Introduces organized crime, terrorism laws, community service, victim-centric justice.
- **BNSS:** Time-bound investigations, allows video confessions, forensic strengthening.
- **BSA:** Modernizes admissibility of digital and expert evidence.

2. Police Modernization:

- **MPF Scheme:** ₹26,000 crore for tech upgrades (2000–2022).
- Cyber labs, forensic kits, body cameras, and women police recruitment.

3. Judicial and Fast-Track Courts:

- **FTSCs:** 1,634 courts for crimes against women and children.
- **Lok Adalats:** Over 1.2 crore cases resolved in 2022.

4. Prison Reform Initiatives:

- **Model Prison Manual (2016):** Emphasizes reform, healthcare, open prisons, and training.
- Central funding for prison modernization.

5. Legal Aid Expansion:

- **NALSA and DLSAs:** Free legal aid under Article 39A.
- District-level legal clinics and jail support centers.

6. Technology Integration:

- **e-Courts:** Digitization, online filing, video trials (3,000 courts by 2023).
- **SUPACE & SUVAS:** AI tools for judicial assistance and translations.

Major Committee Recommendations

Committee	Recommendation
Malimath Committee (2003)	Proposed community service, wider admissibility of confessions
Madhav Menon (2007)	Drafted National Criminal Justice Policy with human rights focus
Mulla Committee (1983)	Humanization of jails and rehabilitation
Vohra Committee (1993)	Strengthened intelligence sharing and institutional coordination

Way Forward

1. **Implement Police Reforms:** Enforce fixed tenures, training in forensic/cybercrime (Prakash Singh case guidelines).
2. **Witness Protection System:** Establish independent and confidential protection schemes.
3. **Fill Judicial Vacancies:** Ensure Law Commission's target of 50 judges per million population.
4. **Invest in Prisons:** Improve infrastructure, ensure dignity, and promote open prisons.
5. **Strengthen Legal Aid:** Increase outreach to marginalized and undertrial populations.
6. **Enhance Technology Use:** Standardize video confession recording, electronic evidence handling.
7. **Eliminate Systemic Bias:** Sensitize law enforcers to caste, class, and gender issues.
8. **Focus on Juvenile and Cybercrime Systems:** Create specialized courts and training programs.

Source: <https://www.hindustantimes.com/india-news/supreme-court-stays-bombay-hcs-acquittal-of-12-accused-in-2006-mumbai-train-blasts-case-101753336035204.html>