

---

**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

---

**ENSURING FAIR JUSTICE IN CRIMINAL JUSTICE OF INDIA**

- Isha Narayan Enumula<sup>1</sup> & Dr. Arun D Raj<sup>2</sup>

*No Innocent Should Be Punished, All Deserve Equality Before the Law*

**ABSTRACT:**

Justice is the key foundation of a democratic country. The Indian legal justice system consists a system of laws, rules and institutions that need to be followed in order to maintain the law and order in the country and protecting the right of its citizens. The judicial system's prime objective is to ensure justice is delivered fairly and efficiently - both by punishing those who commit crimes and by protecting the innocent from wrongful accusations and unjust treatment

The criminal justice system is mainly used by the local and National governance to maintain social control, prevent crimes from taking place, and provide justice to the people who suffered because of the crime and penalize the people who break the law. The system not only prevents crime but also to uphold the rights of victims and accused individuals alike, ensuring that justice is balanced and impartial.

This system operates through a coordinated network of various agencies and institutions, including the police, legal professionals such as lawyers and public prosecutors, and the judiciary—comprising the courts at various levels. These departments work together through set of procedures that include investigation, arrest, prosecution, trial, sentencing and imprisonment.

The main aim of the Indian legal system is to reduce crime, protect the rights and safety of citizens, and ensures public trust. It emphasizes accountability for those who break the law, while also safeguarding the civil rights of every individual.

**INTRODUCTION**

---

<sup>1</sup> Student at VIT Chennai

<sup>2</sup> Assistant Professor at VIT Chennai

Crime is defined as an action or omission which is constituents an offence and is punishable by law. The nature and extent of crime are influenced by various societal norms, economic conditions, and cultural dynamics, demographics and regions.

The criminal justice system of laws, policies and organisations are there to maintain social harmony and control over breaking the rules, regulate crime, and penalize those who break the law. The police, courts lawyers, judge, jails, defence attorneys, prisons are the different agencies that are responsible for procedures like charging the criminal for the crimes committed, arrests, trials, prosecutions, judgements and penalizing the criminals who are found to be guilty of the crimes they committed.

When a crime happens the criminal justice system is responsible to take action toward the criminal act done, it should protect the people who have been violated because of the crime, hence they have to take the necessary steps to protect the rights and freedom of the people and keep them safe. So, the main objective of the criminal justice system in India is to render with public justice, and to see that every person who has suffered is offered with justice and every convict who has been proven guilty be punished.

### **KEY ELEMENTS OF CRIMINAL JUSTICE SYSTEM IN INDIA**

#### **1. POLICE**

The main role of the police in criminal justice system in India is to maintain law and order in the society and preventing the crimes from happening and detecting and investigating the crimes that have been committed. Their duties include enforcing the law, preventing crimes from happening, and respond to emergencies. Hence, the police force holds a very important place the system.

And they are the first level of the criminal justice system in India. Along with arresting the criminals the police also have a duty to protect the rights of the accused and cause no harm during the investigation process since the crime hasn't been proved. They also need inform the accused of their rights, the reason for their arrest and their right to contact their attorneys before they are produced in the court before the magistrate.

The police play a major role in the investigation process and collecting the evidence of the crime and producing them in the court. And they act as a bridge between the criminals and the court.

## 2. PROSECUTION

Public prosecutors are the officers of the court. Once the trial starts, the duty of the prosecution is to represent the state in the criminal proceedings and present evidence against the accused. The prosecutors ensure that the trial is conducted fairly and according to the law.

Prosecutors must not deal the case based on their perception but rather present the case with neutrality. They must go through each and every document submitted by the police from the time of filing the charge sheet. They should ensure that cases with proper evidences only should be brought for trial and should present all the evidences honestly in the court of law either favourable or unfavourable. They should not hide any evidences that prove the accused as innocent. They should be unbiased towards the police or accused or any political pressure in presenting the evidence to the court.

Public prosecutors serve as a crucial checkpoint in protecting individuals from wrongful prosecution and ensuring that the innocent is not punished.

## 3. DEFENCE

Every accused individual has the right to legal representation, and this is an integral part of a fair trial. The Defence works against the prosecution's case. They must prepare and present the case to challenge the prosecutor's evidence against the accused.

The Defence counsel works in favour of the accused, collects all the evidences that support the accused as innocent, present the witnesses in the court during the trial, cross examine the witnesses presented by the public prosecutor and ensures their legal rights are not violated. The Defence lawyer also has the duty to inform the accused on the legal options he has like Plea, bargain, Bail etc.

If in any case the accused is not able to hire a defence lawyer, the state provides a free legal aid to ensure that no citizen is denied justice because of their economic conditions.

## 4. JUDICIARY

The judiciary is the guardian of justice and interprets the law to ensure it is applied fairly and equitably. The judicial systems have different levels of courts starting from District Courts, High Courts and ultimately the Supreme Court.

The judicial system

- Conducts trials
- Listens to the arguments made by both the public prosecutor and the defence lawyer.
- Evaluates the evidence
- Questions the witnesses
- Interprets laws
- Determines if the accused is guilty or innocent
- Decides the punishment if proven guilty

The main principle of the judiciary is that "**let a hundred guilty go free, but not one innocent be punished**". This principle explains the importance of protecting the rights of every individual and ensuring that the burden of proof lies on the prosecution.

Judicial system should be free of impartiality and adhere to the rules of the law that are essential in effective functioning of the criminal justice system.

## 5. CORRECTIONAL SYSTEM

This part of the system comprises of prisons, juvenile homes, probation services, and rehabilitation centres. The correctional systems are not only meant to punish the criminals but try to reform them and make them individuals who follow the law and order of the society and responsible citizens.

Prison authorities are the officials who manage jails and ensure proper treatment of the prisoners. During their sentence period, the criminals have the right to education, work and remuneration, right to approach court, right to health care, right to communicate. During the imprisonment they have the right to have humane treatment by the prison authorities and other have protection against any aggressive inmates.

If the prisoners demonstrate good conduct, their sentence period also might reduce, which encourages positive behaviour and rehabilitation.

## EQUALITY BEFORE LAW AND THE FIGHT AGAINST DISCRIMINATION

According to **Our Indian Constitution** every citizen is **Equal before the law** irrespective of their caste, creed, religion, gender, or economic status. All citizens of the country must be treated equally by the legal system.

But in reality, many under privileged communities, especially scheduled castes, scheduled tribals, and people belonging to economically weaker sections, face discrimination and obstacles in accessing justice.

This biases in the society result in:

- Lack of legal representation
- Wrongful accusations
- Delayed justice
- Violence and harassments in custody
- Harsh punishments

To protect the equality in Indian legal System efforts must be made to ensure that no one is discriminated against in the administration of criminal justice. This includes:

- Educating the accused of their rights and the process
- Providing access to qualified legal services
- Train the police how to handle them
- Monitoring custodial practices
- Preventing misuse of power on vulnerable people
- In addition, to this the role of Human rights commission should be increased to monitor violations, voice out the opinions of the illiterate and marginalized communities.

## **RIGHTS OF THE ACCUSED**

The main principle of criminal Justice system is assuming the accused of **innocence** until proven guilty. This principle protects individuals from wrongful punishment and compels the prosecution to prove guilt beyond a reasonable doubt. The basic rights of the accused are:

### **1. Right to be assumed Innocent until proven guilty**

- This is the fundamental principle of our Indian legal system.
- It is the responsibility of the police, prosecution and the defence to collect the proofs and to prove the accused either innocent or guilty.

### **2. Right to a Fair Trial**

For general queries or to submit your research for publication, kindly email us at [ijalr.editorial@gmail.com](mailto:ijalr.editorial@gmail.com)  
<https://www.ijalr.in/>

- The accused has the right to be heard in court in an unbiased manner.
- The judge has to take a neutral stance.
- The Defence lawyer and the Prosecution have to present their evidences and will be given a chance to present their arguments.
- After hearing both the arguments and examining the proofs and evidences submit, then only the judge has to take a fair decision.

### **3. Right to be Legally Represented**

- The accused can hire a lawyer to defend their case.
- If the accused is cannot afford a lawyer, they should be provided with free legal aid.
- The defence lawyer should collect all the proofs, evidences and witnesses which support the accused to be proved innocent.

### **4. Right to Information**

- When the accused is being arrested, they have the right be informed on what charges they have been accused. This is called right to information.
- This information allows him to collect proofs for his defence.

### **5. Right to Remain Silent**

- When the accused is being arrested or investigated, he has the right to remain silent.
- They should not be forced to testify or confess against themselves.

### **6. Right Against Arrest without reason**

- The accused cannot be arrested or detained without legal reasons or proper procedure.
- Arrest without proper reason or proper procedure is against the rights of the individual.

### **7. Right to Bail**

- The accused has the right to be released on bail, depending on the seriousness of the offence.
- Under specific conditions, the accused is granted bail even while the case is going.
- He/she has no permission to leave the country when their case is on Trial.

### **8. Right to Cross Examine Witnesses**

- When the Prosecutor brings the witnesses, the defence lawyer/ the accused party has the right to cross examine them.
- The Accused/Defence party may bring own witnesses to support the case.

### **9. Protection Against Double conviction and delayed trials**

- A convict under no circumstances be charged/punished for the same crime. He can be charged for another crime but never the same crime.
- The case should not be dragged due to unnecessary reasons, since justice delayed is justice denied.
- The individuals who are being charged and the case going on for a very long time brings emotional stress, emotional trauma and drains them economically also in many cases.

### **10. Right Against Torture and Violence**

- Even if you are accused of a crime, you have the right to be treated with dignity.
- Police or prison officials do not have the right to use violence or force during interrogation or custody.

### **11. Right to Appeal to Higher courts**

- If you're not satisfied with the court's decision, you have the right to appeal to a higher court.
- This gives you a second chance at justice.

## **WRONGFUL CONVICTIONS AND THEIR PREVENTION**

Despite of being given all the rights and taking all the measures, in reality there are lot of loopholes and wrongful convictions. Wrongful convictions occur due to multiple reasons like:

- Faulty investigations
- Forced confessions or confessions by accepting money
- Biased prosecution
- Corrupt or unreliable witnesses
- Political interference and pressures
- Corrupt police/legal authorities

- Improper legal representation

Due to a variety of reasons justice is denied to many and sometimes cause an irreversible damage to innocent lives and their families and public lose faith in the Judicial system.

To prevent wrongful convictions, the system should enforce:

- Regular audits for all departments
- Multiple and unbiased methods of investigation
- Scrutiny of the witnesses
- Implement online case tracking portals
- Strict adherence to proofs submitted without the scope to be tampered
- Proper interrogation of the witnesses with multiple proofs
- Consultation with independent Jury members
- Compensation to the family of wrongly accused

## REFORMS TO THE CRIMINAL JUSTICE SYSTEM

To achieve the principle that **no innocent should be punished and all should be treated equally**, the following reforms are crucial:

1. **Police:** The police department should be transparent and accountable in their line of operation. They should be trained in human rights and ensure that no act of violence should be done during the custody. Also, a commission should be laid on them in case of wrongful convictions and considered a punishable offence if proven.
2. **Speedy Trials:** As they say “**Justice Delayed is Justice Denied**”, we need to address delays by:
  - Increasing the number of judges
  - Fast tracking courts to clear out the pending cases
  - Digitizing court processes
  - Introduce e-courts and virtual hearings
  - Setting priority-based case resolutions
  - Promoting alternative dispute resolution.

3. **Legal Aid:** Increase the availability of free legal services and improve the quality of advocates in the system, especially for those who represent under privileged communities.
4. **Judicial Accountability:** Ensure judges follow ethical standards and are unbiased towards any citizen. Always try to maintain transparency in legal proceedings and prevent wrongful convictions to maintain public confidence.
5. **Digitalize the legal system:** Utilize the digital platforms to track cases, manage evidence, and improve access to justice. We can avoid the tampering of data by digitally submitting the results of the forensic evaluations, the evidences collected at the crime scenes, postmortem reports, criminal records, call histories, last seen location, transaction histories directly from the source, digital mapping of the finger prints, digital ids and digital footprints.

## CONCLUSION

The Indian criminal justice system has a great responsibility to ensure equanimity and that the guilty are punished, but more importantly ensuring that innocent is protected. Justice must never be selective or delayed and never must be discriminated based on caste, creed, gender or status.

A perfectly functional legal system must prioritize human dignity, equality before the law and fairness in all the procedures of law. A successful judicial system is only when no innocent person is punished and no criminals escape from the clutches of law, regardless of their background and influence. Every citizen must have equal access to justice, and justice should be served without any delay and impartiality.

This principle of justice requires constant monitoring, reforms in the current legal system and honest commitment from all departments like the police, legal professionals such as Defence lawyers, public prosecutors, and the judiciary to uphold the constitutional promise of equality, fairness, and justice for all.