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“INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE: INDIA’S JUSTICE SYSTEM ON TRIAL”

SANA SACHDEVA

The criminal justice system is the cornerstone of civilized society. It upholds natural justice, the rule of law and also ensures public order, safety, and security of the citizens. Citizens have faith in the judiciary that justice will be served and everybody will be treated equally. They say that “we shall see you in court” with a lot of confidence in the judiciary. That's why embracing an organised and impartial judicial system is important in a democratic country. In India, justice has been delayed for the victims because of the pendency of cases, corruption, lengthy trial processes and even overcrowded prisons. At the same time, there have been some reforms that have been introduced to bring about positive change in the country, maintain public order and security.

This blog focuses on exploring the justice system of India, its persistent challenges and reforms that have been carried out to ensure justice to the people, as this is the end goal for the legislature and the judiciary as well.

Some pillars work together to ensure justice. The police investigate the cases to maintain law and order and punish the culprits. Then the judiciary conducts trials and ensures justice to the people by giving their verdict of innocence or guilt. Then the prisons administer punishment, either reformatory or rehabilitative. The last pillar, which is prosecution, acts as a crucial link and presents the case in the court and gives punishment to the accused and justice to the victim.

MAJOR CHALLENGES IN THE JUDICIAL SYSTEM

The biggest problem is DELAY AND PENDENCY OF CASES. According to the data, more than 4 crore cases are pending in Indian courts and 70% prisoners are under trial. The population is growing day by day, and there are not enough resources available to fulfill the demands of all. A limited number of judges, coupled with an overwhelming caseload¹, results in excessive workload, rushed hearings, a decline in the overall quality and efficiency, which leads to a lack of productivity. Another significant barrier is ACCESS TO JUSTICE. Legal aid services are available to the marginalized sections of society, but they are not aware of their rights. There is a lack of knowledge and awareness. There is a gap between the law on paper and its implementation in the real world that often leads to injustice to the vulnerable. Lawyers are not interested in taking up these cases, so vulnerable people suffer discrimination due to their poverty, which needs to change. POLICE REFORMS have always been a concern, and it seems a distant reality. Despite the Supreme Court landmark ruling in 2006, Prakash Singh V. Union of India² which emphasized the police reforms that need to be followed by the state and the union territories. Some of the major provisions in the judgment are that the police should not be politically influenced, the police should be properly trained with forensic and technologically expert, but its a harsh reality that the implementation has been uneven. The states are not fully bound by the recommendation and have also found ways to circumvent the guidelines. This leads to custodial torture, fake encounters, and also violation of the fundamental rights of the accused. Furthermore, OVERCROWDED PRISONS remains a persistent issue; India's prisons are overflowing due to population rise(crimes). Jails operate beyond their capacity and this leads to poor living conditions and strain on the staff. The prisoners from the marginalized sections remain in jail simply because they can't afford bail procedures.

MAJOR REFORMS IN THE JUDICIAL SYSTEM

The Indian government introduced some major laws to replace the colonial-era laws. These include Bhartiya Nyaya Sahita, which replaces the Indian Penal Code, 1860; the Bhartiya Nagarik Suraksha Sahita that replaces the Code of Criminal Procedure, and the Bhartiya Sakshya Adhinyam, which

1 Ministry of Law & Justice, **National Mission for Justice Delivery and Legal Reforms**, Govt. of India (2010).

2 **Prakash Singh v. Union of India**, (2006) 8 SCC 1 (India).

takes the place of the Indian Evidence Act. This step was taken by the government to modernize the criminal law and bring into effect new offences that are mob lynching, organized crime, and petty offences. Now, community service is also recognised as a form of punishment, which makes the legal system more responsive and reformative. To expedite the delivery of justice, FAST TRACK COURTS have been set up to speed up the trial process in the cases of rape, child abuse. This helps to reduce dependency, backlogs, provides timely justice to the people, and also enhances the confidence of the public in legal procedures. Furthermore, in 2006 DIGITIZATION OF COURTS under the E-E-Courts project ³was launched as a part of the National e-governance plan by various orders and directions by the court. It aims to digitize the filing, digitize case records, proceedings and make it easier for lawyers to be present in the court. During COVID-19, the potential of technology in judicial functioning came out so now it has made the life of lawyers easier to have access to courtrooms from anywhere. The major concern was the difficulty of storing bulky files and now it is easily traceable electronically. Another development is the shift towards a VICTIM CENTRIC APPROACH⁴ The recent reforms ensure protection, rehabilitation and compensation for the victims. For instance, the acid attack survivors are provided with financial compensation and also medical support. The introduction of victim protection schemes aims to support victims to alleviate emotional, financial and physical burdens caused by the crime, which was introduced in 2022. This positive shift in the criminal justice system is more humane and empathetic that representing a just and equitable legal system.

CONCLUSION

Many expert committees and judicial directives have been instrumental in recommending reforms to India's criminal justice system. Which are ⁵Vohra committee(1993),⁶ Malimath committee (2003),⁷Madhav Menon committee(2007), whose recommendations lay down a strong foundation. Criminal justice reform is not merely about fixing broken systems but it's about reimagining the

³ Department of Justice, Govt. of India, **E-Courts Mission Mode Project**, Phase II (2006), available at <https://ecourts.gov.in>.

⁴ Ministry of Women and Child Development, **Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes**, Govt. of India (2022).

⁵ **Vohra Committee Report**, Ministry of Home Affairs, Govt. of India (1993).

⁶**Malimath Committee Report**, Committee on Reforms of Criminal Justice System, Ministry of Home Affairs, Govt. of India (2003)

⁷ **Madhava Menon Committee**, Draft National Policy on Criminal Justice, Ministry of Home Affairs, Govt. of India (2007).

concept. Justice must not only be done but also be seen to be done. It's time to shift our focus from old colonial laws to modern constitutional values of dignity, equality, and fairness. India is on a path of progress, evolving with time and abiding by the principles of law.