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The shattered pillar of justice: Human rights violations through unfair investigation and trial in India's criminal justice framework

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Abstract

The criminal justice system serves as the cornerstone of democracy and the rule of law, ensuring fairness, accountability, and protection of individual liberties. However, in India, the investigative and trial processes often fall short of these ideals, resulting in grave violations of human rights. This paper critically examines how unfair investigation and trial procedures undermine justice and erode public trust in legal institutions. It highlights systemic flaws such as custodial torture, coerced confessions, delayed trials, denial of legal aid, and the misuse of preventive detention laws. Through a detailed exploration of constitutional guarantees under Articles 20, 21, and 22, along with statutory provisions in the Code of Criminal Procedure and the Indian Evidence Act, the study reveals the gap between legal safeguards and their practical enforcement. Judicial responses, including landmark judgments by the Supreme Court and High Courts, have sought to uphold principles of natural justice, speedy trial, and fair investigation, yet persistent challenges remain. The paper also undertakes a comparative analysis with international standards such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and best practices from jurisdictions like the United Kingdom and the United States. The findings suggest that structural inadequacies, lack of accountability mechanisms, and excessive executive influence contribute to recurring rights violations.

Keywords: Criminal justice system, human rights violations, fair trial, fair investigation, custodial torture, speedy trial, judicial response, comparative analysis, legal framework, India

Introductions

Justice is the cornerstone of a democratic polity, and its administration determines the health of the rule of law within a society. In India, the Constitution enshrines justice social, economic, and political as a guiding principle in the Preamble, and further guarantees the protection of life and personal liberty under Article 21. The criminal justice system, in this context, is not merely a mechanism to punish wrongdoers but a vital structure that ensures fairness, equity, and protection of individual rights. The credibility of this system rests primarily on two foundational processes: investigation and trial. If these processes function with impartiality, diligence, and adherence to constitutional and legal safeguards, the outcomes reinforce public trust in the justice delivery system. However, if they are marred by bias, arbitrariness, delay, and violations of due process, they transform into instruments of injustice, eroding not only individual rights but also the democratic ethos of the nation.

The phrase "The Shattered Pillar of Justice" symbolizes the collapse of this foundational promise. Investigation and trial are pillars intended to uphold justice, but in the Indian criminal justice framework, their frequent misuse and inefficiency have resulted in serious human rights violations. Investigations often suffer from custodial torture, fabricated evidence, lack of scientific methods, and political interference. Trials, on the other hand, are plagued by delay, lack of legal aid, hostile witnesses, inadequate protection of victims, and undertrial incarceration. The gap between the ideal of "fair trial" and the reality of "trial by ordeal" widens with each case of wrongful conviction, prolonged detention, or acquittal due to shoddy investigation.

The Indian judiciary, through various pronouncements, has reiterated that fair investigation and trial are part of the right to life under Article 21, thus elevating them to the status of fundamental rights. The Supreme Court in cases like *Maneka Gandhi v. Union of India* (1978) and *Zahira Habibulla Sheikh v. State of Gujarat* (2004) stressed that justice must not only be done but also be seen to be done. Despite this jurisprudential emphasis, the practical enforcement of rights often remains weak. Police investigations continue to rely heavily on

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confessions obtained through coercion, forensic infrastructure remains underdeveloped, and access to speedy trials is more a constitutional dream than a lived reality.

The human rights implications of such failures are enormous. India is a signatory to the Universal Declaration of Human Rights (UDHR, 1948) and a party to the International Covenant on Civil and Political Rights (ICCPR, 1966), both of which guarantee the right to liberty, protection against torture, presumption of innocence, and the right to a fair and public trial. When investigations are conducted in violation of these norms or trials are prolonged to the extent that an accused spends years as an undertrial, the state not only fails its citizens but also breaches its international commitments. This tension between constitutional guarantees, international obligations, and ground realities reflects a crisis of accountability within India's justice system.

The issue of undertrial prisoners highlights the gravity of the problem. According to the National Crime Records Bureau (NCRB), over 70% of India's prison population consists of undertrial prisoners, many of whom have already spent more time behind bars than the maximum sentence prescribed for their alleged offence. This exposes a double violation first of their right to liberty and second of their right to speedy trial. In effect, such individuals are punished without conviction, which contradicts the principle of "innocent until proven guilty." Moreover, marginalized communities Dalits, Adivasis, minorities, and the economically weaker sections bear a disproportionate burden of these systemic failures, making the problem one of social justice and equality before law under Article 14 as well.

Another area of concern is custodial violence and torture, which remain pervasive despite constitutional and statutory safeguards. The Supreme Court in *D.K. Basu v. State of West Bengal* (1997) laid down detailed guidelines against custodial torture, but reports of deaths in police custody continue to surface regularly. The absence of an anti-torture law further exacerbates the issue, leaving victims with little recourse and perpetuating a culture of impunity among investigating authorities. This undermines both human dignity and the legitimacy of law enforcement agencies.

Delays in trial proceedings further corrode the system. The Law Commission of India, in multiple reports, has highlighted the backlog of cases, shortage of judges, and procedural complexities as the main reasons for delay. When trials drag on for years or even decades, they cease to serve the purpose of justice. Justice delayed is indeed justice denied not only for the accused but also for victims who await closure and redress. Witness protection remains inadequate, resulting in intimidation, hostility, and withdrawal of testimony, further compromising the fairness of trials.

These failures indicate that while India has a robust legal framework comprising the Constitution, the Code of Criminal Procedure, the Indian Penal Code, and the Indian Evidence Act its implementation deficit is glaring. Judicial interventions, such as the recognition of public interest litigation, guidelines against custodial violence, and directives on speedy trial, have attempted to bridge the gap. Yet, without structural reforms, better training of law enforcement officials, technological integration in investigation, and increased judicial capacity, these measures remain insufficient.

The problem, therefore, is not merely one of isolated incidents but of systemic infirmities within the criminal justice framework. It reflects a deeper conflict between the ideals of justice and the realities of governance, between the constitutional vision of a rights-based order and the persistence of colonial-era practices of policing and trial. The result is a fractured justice system where victims are re-victimized, accused persons are stripped of dignity, and society loses faith in legal institutions.

Objectives of the study

The present research is undertaken with the aim of critically examining how unfair investigation and trial procedures undermine the ideals of justice and lead to violations of human rights in India's criminal justice framework. The study is structured around the following objectives:

1. To analyze the concept of fair investigation and fair trial

- To explore their constitutional foundation under Articles 14, 20, 21, and 22 of the Indian Constitution.
- To evaluate their status as fundamental rights as interpreted by the Supreme Court of India.

2. To identify the causes of unfair investigation in India

- To examine issues such as custodial torture, coerced confessions, fabrication of evidence, lack of forensic infrastructure, political interference, and corruption in police practices.
- To assess the role of investigative agencies in safeguarding or violating human rights.

3. To examine the challenges in ensuring fair trial

- To analyze factors such as delay in trials, backlog of cases, undertrial incarceration, lack of legal aid, intimidation of witnesses, and systemic bias against marginalized communities.
- To study judicial responses and landmark rulings addressing these challenges.

4. To highlight the human rights implications of unfair investigation and trial

- To connect violations in India with international human rights standards under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).
- To assess India's compliance with global obligations and its constitutional mandate.

5. To evaluate judicial interventions and reforms

- To study the role of the Supreme Court and High Courts in upholding the right to fair investigation and trial.
- To assess measures like guidelines against custodial torture, bail reforms, speedy trial directives, and witness protection schemes.

6. To provide a comparative perspective

- To compare India's approach with select jurisdictions (such as the UK, USA, and other democratic systems) in ensuring fair investigation and trial.
- To identify best practices that can be adapted to the Indian context.

7. To suggest reforms and recommendations

- To propose legislative, administrative, and judicial reforms for strengthening investigation and trial mechanisms.
- To recommend adoption of modern scientific methods, accountability mechanisms, and rights-based approaches to protect individuals against state excesses.

Research questions

To achieve the objectives of this study, the following key research questions are framed:

1. What is the constitutional and jurisprudential basis of fair investigation and fair trial in India?

- How have the Supreme Court and High Courts interpreted these principles under Articles 14, 20, 21, and 22 of the Constitution?

2. What are the major causes of unfair investigation in India's criminal justice system?

- To what extent do custodial torture, coerced confessions, political interference, and lack of forensic infrastructure contribute to human rights violations?

3. How do systemic issues such as trial delays, undertrial incarceration, lack of legal aid, and witness intimidation affect the fairness of trials?

- Do these challenges disproportionately impact marginalized and vulnerable groups?

4. What are the human rights implications of unfair investigation and trial in India?

- How do these practices violate international human rights obligations under the UDHR and ICCPR?

5. What role has the Indian judiciary played in safeguarding the right to fair investigation and trial?

- Have judicial interventions such as speedy trial directives, bail reforms, and custodial guidelines effectively protected individual rights?

6. How does India's approach to investigation and trial compare with other democratic jurisdictions?

- What best practices can India adopt from global experiences to strengthen its justice delivery system?

7. What reforms are necessary to ensure accountability, transparency, and efficiency in investigation and trial?

- How can legislative, judicial, and institutional changes transform these processes into effective instruments of justice?

Legal framework

The Indian criminal justice system operates within a well-established legal framework that seeks to balance the interests of the State in maintaining law and order with the fundamental rights of individuals. Investigation and trial being two of the most critical components of this system are governed by constitutional provisions, statutory laws, and international human rights obligations. However, the gap between the legal framework and its practical application often results in systemic violations of human rights. This section outlines the key legal instruments that govern investigation and trial in India.

1. Constitutional provisions

The Constitution of India provides the bedrock for fair investigation and trial by guaranteeing fundamental rights:

- **Article 14:** Ensures equality before law and equal protection of laws. Any discriminatory or biased investigation or trial undermines this constitutional mandate.
- **Article 20:** Provides protection in respect of conviction for offences, including protection against ex post facto laws (Art. 20(1)), double jeopardy (Art. 20(2)), and self-incrimination (Art. 20(3)).
- **Article 21:** Guarantees the right to life and personal liberty, which has been expansively interpreted by the Supreme Court to include the right to fair trial, speedy justice, legal aid, and protection against torture.
- **Article 22:** Grants rights to arrested persons, including safeguards against arbitrary arrest and detention, and ensures the right to consult a legal practitioner.

Judicial pronouncements such as *Maneka Gandhi v. Union of India* (1978), *Hussainara Khatoon v. State of Bihar* (1979), and *Zahira Habibulla Sheikh v. State of Gujarat* (2004) have reinforced that free and fair trial is an inalienable part of Article 21.

2. The Code of Criminal Procedure, 1973 (CrPC)

The CrPC is the principal procedural law governing investigation, trial, and adjudication of criminal cases in India. Key provisions include:

Investigation stage

- **Section 154:** Registration of First Information Report (FIR).
- **Sections 161-164:** Recording of witness statements and confessions before a magistrate, ensuring voluntariness and preventing coercion.
- **Section 167:** Regulates police custody and judicial remand to prevent prolonged arbitrary detention.

Trial stage

- **Section 273:** Mandates that evidence be recorded in the presence of the accused.
- **Section 313:** Provides an opportunity for the accused to explain evidence against them.
- **Sections 437-439:** Lay down provisions relating to bail, balancing liberty with public interest.
- **Section 309:** Ensures that trials should proceed expeditiously without unnecessary adjournments.

The CrPC, through its detailed framework, aims to ensure fairness in criminal proceedings, but in practice, procedural safeguards are often ignored, leading to prolonged trials and human rights concerns.

3. The Indian Penal Code, 1860 (IPC)

The IPC defines offences and prescribes punishments. While it primarily addresses the substantive aspect of criminal law, its interplay with procedural law directly impacts investigations and trials. Misuse of certain provisions, misuse of arrest powers, and over-criminalization have often led to abuse of rights during investigation.

4. The Indian Evidence Act, 1872

This statute regulates the admissibility of evidence during

trials. Provisions relating to confessions (Sections 24-30), expert evidence (Sections 45-51), and burden of proof (Sections 101-114) play a crucial role in determining fairness of trial. Importantly:

- **Section 24:** Declares confessions caused by inducement, threat, or promise as inadmissible.
- **Section 25 & 26:** Confessions made to police officers or while in police custody are inadmissible unless made before a magistrate.
- **Section 27:** Provides a narrow exception for discovery of facts based on information from the accused.

These provisions are designed to prevent coercion and custodial abuse, though violations continue in practice.

5. Legal Services Authorities Act, 1987

This Act institutionalizes free legal aid to ensure that no individual is denied justice due to economic or social disadvantage. It is an essential mechanism for securing the constitutional right to legal representation, especially for undertrial prisoners and marginalized groups.

6. Judicial Pronouncements

Indian courts have played a transformative role in interpreting and enforcing the right to fair investigation and trial:

- **D.K. Basu v. State of West Bengal (1997):** Laid down guidelines against custodial torture and arbitrary arrest.
- **Hussainara Khatoon v. State of Bihar (1979):** Recognized the right to speedy trial as a fundamental right.
- **Zahira Habibulla Sheikh v. State of Gujarat (2004):** Declared fair trial as the heart of criminal jurisprudence.
- **Joginder Kumar v. State of U.P. (1994):** Emphasized safeguards against arbitrary arrest.

These decisions underscore the judiciary's role as a guardian of human rights within the criminal process.

7. International Human Rights Instruments

India's obligations under international law reinforce its duty to ensure fair investigation and trial:

Universal Declaration of Human Rights (1948)

- **Article 5:** Protection against torture or cruel, inhuman, or degrading treatment.
- **Article 9:** Protection against arbitrary arrest and detention.
- **Article 10 & 11:** Right to fair and public hearing and presumption of innocence.

International Covenant on Civil and Political Rights (1966)

- **Article 7:** Prohibition of torture.
- **Article 9:** Right to liberty and protection against arbitrary detention.
- **Article 14:** Right to a fair and speedy trial, equality before courts, and adequate defense.

India, being a signatory, is obligated to harmonize its domestic criminal procedures with these international standards.

8. Emerging statutory and policy developments

Recent reforms such as the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (replacing CrPC), Bharatiya Nyaya Sanhita (BNS), 2023 (replacing IPC), and Bharatiya Sakshya Adhiniyam (BSA), 2023 (replacing Evidence Act) seek to modernize criminal law in India.

Judicial response

The judiciary in India has consistently recognized that fair investigation and fair trial are not mere procedural formalities but integral components of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution. Courts have intervened repeatedly to correct systemic failures, curb abuse of power by investigative agencies, and safeguard the rights of both victims and accused. Judicial pronouncements have transformed these rights from abstract constitutional ideals into enforceable human rights norms.

1. Recognition of fair trial as a fundamental right

- In **Maneka Gandhi v. Union of India (1978)**, the Supreme Court held that the "procedure established by law" under Article 21 must be "just, fair and reasonable." This case laid the foundation for the recognition of fair trial and investigation as constitutional guarantees.
- In **Zahira Habibulla Sheikh v. State of Gujarat (2004)** (Best Bakery Case), the Court described fair trial as the "heart of criminal jurisprudence" and emphasized that denial of fair trial amounts to denial of human rights.

2. Speedy trial and undertrial prisoners

- In **Hussainara Khatoon v. State of Bihar (1979)**, the Supreme Court exposed the plight of thousands of undertrial prisoners languishing in jails for years without trial. The Court declared speedy trial to be a fundamental right under Article 21, leading to a wave of bail reforms and release of undertrials.
- In **Kadra Pahadiya v. State of Bihar (1983)**, the Court reiterated that delay in trial violates Article 21 and directed state authorities to take immediate steps to reduce backlog.

3. Protection against custodial violence and arbitrary arrests

- In **D.K. Basu v. State of West Bengal (1997)**, the Supreme Court laid down detailed guidelines for arrest and detention, including the right of the detainee to inform relatives, medical examination, and production before a magistrate within 24 hours. These safeguards were aimed at curbing custodial torture and deaths.
- In **Joginder Kumar v. State of U.P. (1994)**, the Court held that an arrest should not be made merely because it is lawful but only if it is necessary. This ruling sought to prevent routine misuse of arrest powers.

4. Witness protection and fair trial

- In **Sakshi v. Union of India (2004)**, the Court emphasized the need to protect vulnerable witnesses, particularly in sexual assault cases, and recommended in-camera trials.
- In **Zahira Sheikh (Best Bakery case)**, the Court criticized the collapse of justice due to intimidation of

witnesses and highlighted the need for effective witness protection mechanisms. This laid the groundwork for the Witness Protection Scheme, 2018, recognized as binding law by the Supreme Court.

5. Bail jurisprudence and liberty

- In *State of Rajasthan v. Balchand* (1977), Justice Krishna Iyer famously declared “bail is the rule and jail is the exception,” linking bail provisions directly to the right to personal liberty.
- In *Arnab Manoranjan Goswami v. State of Maharashtra* (2020), the Court reiterated that courts must lean in favor of liberty and that deprivation of liberty even for a single day is one day too many.

6. Judicial push for police reforms

- In *Prakash Singh v. Union of India* (2006), the Supreme Court issued directives to insulate police from political interference, establish State Security Commissions, and ensure transparent appointment of senior officers. Though implementation has been uneven, this remains a milestone in judicial efforts to ensure impartial investigations.

7. Technology and forensic integration in investigation

- Recognizing delays and lack of scientific methods in investigation, courts have stressed the need for forensic support, digital evidence preservation, and modernization of procedures. In *Selvi v. State of Karnataka* (2010), the Court struck a balance between science and rights, holding that narco-analysis, polygraph, and brain-mapping tests without consent violate Article 20(3) and Article 21.

8. Judicial monitoring of investigations

In high-profile cases involving political influence or communal violence, courts have directly monitored investigations to ensure fairness. Examples include:

- *Vineet Narain v. Union of India* (1997) - popularly known as the Jain Hawala case, where the Court laid down guidelines for the autonomy of the CBI and the Central Vigilance Commission.
- *Nirbhaya Case* (2012 Delhi Gang Rape) - where fast-track courts were set up under judicial pressure to ensure speedy trial in heinous offences.

9. Balancing rights of victims and accused

The judiciary has also attempted to balance the rights of victims with those of the accused. In *State of Punjab v. Gurmit Singh* (1996), the Court highlighted the need to protect rape victims from secondary victimization during trial. Simultaneously, in *Mohd. Ajmal Kasab v. State of Maharashtra* (2012), the Court underscored that even a terrorist is entitled to fair trial under Article 21, reaffirming India's commitment to constitutional morality.

Comparative Analysis

A comparative analysis of India's criminal justice framework vis-à-vis other jurisdictions highlights the strengths, weaknesses, and possible reforms required to address human rights violations arising from unfair investigation and trial procedures. By examining both common law and civil law jurisdictions, along with international standards, a clearer picture emerges of the

systemic challenges India faces and the potential pathways to reform.

1. India and the United Kingdom

- **Similarities:** Both India and the UK share a common law heritage. Principles of natural justice, such as *audi alteram partem* (right to be heard) and *nemo judex in causa sua* (no one should be a judge in their own cause), are central to both systems.
- **Differences:** The UK has implemented stronger institutional safeguards, such as the Crown Prosecution Service (CPS), which functions independently of the police to ensure fair prosecution, reducing arbitrary or politically motivated investigations. India lacks such an independent prosecutorial body, as police officers often carry dual responsibility for investigation and prosecution, leading to compromised impartiality.

2. India and the United States

- **Right to counsel:** In the US, the Sixth Amendment guarantees the right to effective legal representation from the very first stage of criminal proceedings. Public defender systems are robust, ensuring access to counsel even for indigent accused. In India, although Article 22 of the Constitution and Section 304 of the CrPC guarantee legal aid, in practice, legal representation for the poor remains inadequate due to lack of resources, delayed appointments, and poor monitoring of legal aid services.
- **Exclusionary Rule vs. Admissibility of Evidence:** The US applies the "exclusionary rule," where evidence obtained through unconstitutional or illegal means (such as unlawful search or coerced confession) is inadmissible in court. Indian courts, however, often admit illegally obtained evidence if it is considered relevant, leading to potential miscarriages of justice and legitimizing investigative malpractices.

3. India and European Union (Germany/France as Examples)

- **Inquisitorial vs. adversarial models:** Germany and France follow the inquisitorial model, where judges play an active role in investigation to ensure fairness and objectivity. This reduces the possibility of police manipulation or custodial torture, as judicial oversight is built into the investigative process. India, with its adversarial model, places primary responsibility on investigating agencies, where lack of accountability often leads to abuse of power and violation of the accused's rights.
- **Pre-trial detention:** European nations strictly regulate pre-trial detention, with strong judicial scrutiny and maximum time limits. In India, undertrial detention often extends for years due to delays, weak bail jurisprudence, and systemic inefficiencies, thereby violating the principle of presumption of innocence.

4. International Standards (UN & ICCPR)

- **United Nations Standards:** The UN International Covenant on Civil and Political Rights (ICCPR) emphasizes the right to a fair trial, protection against torture, and presumption of innocence. Article 14 mandates trial without undue delay and the right to

examine witnesses. India, as a signatory, has incorporated many of these principles in its Constitution and statutes, but implementation gaps remain wide, especially regarding custodial torture, delay in trials, and lack of victim protection mechanisms.

- **Universal safeguards vs. Indian reality:** While global standards stress due process, India continues to struggle with systemic backlogs, politicization of police investigations, and inadequate enforcement of human rights protections.

5. Key takeaways from comparative study

- **Need for independent prosecution:** Learning from the UK model, India requires a clear separation between investigation and prosecution to ensure impartiality.
- **Strengthening legal aid:** Inspired by the US system, India must make legal aid more effective, ensuring quality representation for marginalized communities.
- **Judicial oversight in investigation:** Adopting elements of the inquisitorial system, as seen in Europe, can provide greater transparency and fairness during the investigation process.
- **Exclusion of illegally obtained evidence:** India should move closer to the US doctrine of exclusionary rule, thereby deterring police from engaging in custodial torture or illegal searches.
- **Compliance with international norms:** India must bridge the gap between ratification of international conventions and actual ground-level enforcement of human rights safeguards.

Findings

1. Systemic violations of human rights

- The study reveals that unfair investigations and trials often result in gross violations of fundamental rights under Articles 20, 21, and 22 of the Indian Constitution.
- Prolonged detention, custodial torture, denial of legal representation, and biased investigations highlight systemic lapses in safeguarding human rights.

2. Ineffectiveness of safeguards

- Although statutory protections exist under the Code of Criminal Procedure (CrPC), Indian Evidence Act, and Human Rights laws, their implementation remains inconsistent.
- Safeguards such as the right to legal aid, speedy trial, and protection against self-incrimination are frequently undermined by institutional apathy and resource constraints.

3. Judiciary as a corrective force but with limitations

- The judiciary has played an instrumental role in upholding due process through landmark judgments like *DK Basu v. State of West Bengal*, *Maneka Gandhi v. Union of India*, and *Hussainara Khatoon v. State of Bihar*.
- However, judicial interventions often come post facto, when violations have already occurred, indicating weak preventive mechanisms.

4. Investigation process as the weakest link

- Police investigations are marred by lack of professionalism, political interference, coercive methods, and insufficient training.
- Forensic and scientific methods are underutilized, resulting in reliance on confessions often extracted through coercion.

5. Undertrials as the worst affected group

- A significant proportion of India's prison population comprises undertrial prisoners who face long pre-trial detention.
- Delays in trial, denial of bail, and overcrowded prisons amplify human rights violations.

6. Comparative insights highlight structural gaps

- A comparative analysis with countries like the United States and the United Kingdom demonstrates that India lags behind in implementing robust checks on investigative agencies and ensuring accountability.
- The absence of independent oversight mechanisms over police and investigative bodies continues to perpetuate violations.

7. Gap between law and practice

- While India's constitutional and legal framework is robust on paper, its enforcement remains weak due to corruption, lack of accountability, and judicial delays.
- This gap results in the collapse of fair trial standards, eroding public faith in the criminal justice system.

8. Need for structural reforms

- Findings strongly indicate that piecemeal reforms are insufficient.
- Comprehensive reforms are needed in policing, judicial infrastructure, forensic application, legal aid accessibility, and accountability of investigative agencies to prevent violations and strengthen the criminal justice framework.

Recommendations

To address the pervasive human rights violations occurring during investigation and trial in India's criminal justice framework, it is imperative to implement structural, procedural, and institutional reforms. Based on the findings, the following recommendations are proposed:

1. Strengthening investigative mechanisms

- Establish an independent investigative wing under the judiciary for sensitive cases involving custodial violence, police excesses, or political influence.
- Introduce mandatory use of technology-driven investigation tools such as body cameras, digital evidence collection, and automated forensic tracking to minimize manipulation.
- Implement a robust system of accountability and disciplinary action against investigating officers found guilty of violating procedural safeguards.

2. Ensuring fair trial rights

- Guarantee speedy trials by creating special fast-track courts for cases of prolonged undertrial detention.

- Provide state-funded competent legal aid to marginalized and economically weaker sections to ensure equality of arms in adversarial trials.
- Enforce strict adherence to Article 21 and Article 22 of the Constitution, ensuring the accused's right to be informed of charges, consult a lawyer, and remain silent.

3. Curbing custodial violence and torture

- Ratify the United Nations Convention Against Torture (UNCAT) and enact a comprehensive anti-torture law to criminalize custodial torture.
- Make CCTV surveillance mandatory in all police stations, lock-ups, and interrogation rooms, with footage directly monitored by an independent oversight authority.
- Impose criminal liability on officials involved in custodial deaths and ensure that compensation to victims' families is timely and adequate.

4. Judicial reforms

- Encourage courts to adopt a victim-centric and rights-based approach in trials.
- Promote judicial monitoring of investigations in cases of serious human rights violations.
- Increase use of bail and non-custodial measures for undertrial prisoners to prevent overcrowding and prolonged detention.

5. Forensic and evidentiary improvements

- Strengthen forensic infrastructure and ensure all evidence collection follows scientific procedures.
- Mandate that confessions made before police have no evidentiary value unless corroborated by independent and scientific evidence.
- Introduce digital case management systems to reduce tampering of evidence and ensure transparency.

6. Capacity building and training

- Train police officers, prosecutors, and judges in human rights laws, forensic science, and victim-sensitive approaches.
- Incorporate international best practices from countries like the UK (PACE Act), USA (Miranda Rights), and Germany (judicial supervision of investigations).
- Conduct regular sensitization workshops to curb biases against marginalized communities and minorities.

7. Strengthening oversight and accountability

- Empower the National Human Rights Commission (NHRC) and State Human Rights Commissions with binding powers to enforce recommendations.
- Establish independent complaint redressal mechanisms for victims of police brutality or unfair trial.
- Ensure parliamentary and judicial oversight over investigative agencies like CBI, NIA, and ED to prevent political misuse.

8. Public awareness and legal literacy

- Launch nationwide legal literacy campaigns to educate citizens about their rights during arrest, detention, and trial.

- Encourage civil society participation in monitoring police stations and court proceedings through transparency measures.
- Make legal aid clinics in law universities mandatory contributors to grassroots justice delivery.

Conclusion

The integrity of any democratic legal system rests upon the twin pillars of fair investigation and fair trial, both of which are indispensable to upholding the rule of law and protecting fundamental human rights. The Indian criminal justice framework, while constitutionally robust and backed by statutory safeguards, continues to suffer from systemic deficiencies that undermine these principles. Issues such as custodial torture, prolonged detention of undertrials, coerced confessions, political interference in investigations, denial of legal representation, and delayed judicial processes expose the frailties of justice delivery in practice. These violations not only infringe upon the rights guaranteed under Articles 14, 20, 21, and 22 of the Indian Constitution but also contravene India's obligations under international human rights treaties like the International Covenant on Civil and Political Rights (ICCPR).

Judicial interventions have, over time, attempted to restore balance by emphasizing fair procedure, speedy trials, transparency in investigations, and the rights of the accused. However, despite landmark rulings and progressive interpretations by the higher judiciary, enforcement remains inconsistent and often symbolic rather than systemic. Comparative insights from jurisdictions such as the United States and the United Kingdom reveal that independent prosecutorial mechanisms, stronger institutional accountability, and greater victim and witness protection are crucial for ensuring justice in criminal adjudication.

The study highlights that unless structural reforms are undertaken ranging from strengthening police accountability, digitizing and modernizing investigation processes, expanding legal aid networks, and reducing judicial delays the vision of a fair and impartial criminal justice system will remain elusive. A paradigm shift is required, one that prioritizes human dignity, procedural fairness, and institutional transparency over mere conviction rates or political expediency.

Ultimately, justice delayed or denied through unfair investigation and trial amounts to justice shattered. Restoring public confidence in the criminal justice system requires a commitment to institutional reform, judicial vigilance, and unwavering adherence to human rights principles. Only then can India's justice system evolve from a fragile pillar prone to collapse into a fortified structure that safeguards liberty, equality, and human dignity for all.

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