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HUMAN RIGHTS AND CRIMINAL JUSTICE IN INDIA: A CONSTITUTIONAL AND PRACTICAL ANALYSIS

AUTHORED BY - HARWINDER SINGH

Abstract:

This research paper explores the intricate relationship between human rights and criminal justice in India, focusing on the protection of individual liberties at every stage of the criminal process. It examines the foundational role played by constitutional guarantees, particularly under Articles 20, 21, and 22 of the Indian Constitution, and analyzes the statutory framework including the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Through the lens of landmark judicial decisions, international conventions, and institutional mechanisms like the NHRC and Legal Services Authorities, this paper highlights systemic challenges such as custodial violence, prolonged trials, and inadequate legal aid. It concludes by suggesting reforms to strengthen the justice system and ensure that the rights of the accused and convicts are not merely theoretical but practical realities.

Keywords: Human Rights, Criminal Justice, Constitution of India, BNSS 2023, Custodial Violence, Legal Aid, Fair Trial, NHRC, Due Process, Judicial Accountability

1. Introduction The concept of justice in a democratic society hinges upon the protection of individual rights. In criminal jurisprudence, the conflict between state power and individual liberty becomes most apparent. While the state has a legitimate interest in preventing and punishing crime, it must not do so at the expense of fundamental human rights. In India, the legal architecture is rooted in the Constitution, which guarantees civil liberties to all individuals, including those accused of crimes. The balance between crime control and due process is delicate and often disrupted by overreach, abuse of power, or systemic failures. This paper seeks to explore how human rights are safeguarded or violated within the Indian criminal justice system and what steps can be taken to ensure accountability and fairness.

2. Human Rights in Criminal Justice: Theoretical Framework Human rights, as enshrined in instruments like the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), are universal, indivisible, and inalienable. In the context of criminal justice, they encompass rights such as the presumption of innocence, protection from torture, access to legal aid, and the right to a fair and speedy trial. The Indian legal system integrates these principles into its

constitutional and statutory framework. The notion of 'dignity' under Article 21 of the Indian Constitution has been interpreted by the Supreme Court to include a wide range of protections, including safeguards against arbitrary arrest, inhumane treatment, and denial of legal representation.

3. Legal Framework in India (a) Constitutional Protections:

Article 20: Grants protection against ex post facto laws, double jeopardy, and self-incrimination.

Article 21: Guarantees the right to life and personal liberty; expanded by judicial interpretation to include the right to legal aid, speedy trial, and humane conditions in custody.

Article 22: Provides safeguards against arbitrary arrest and detention, including the right to consult a legal practitioner and to be informed of the grounds of arrest.

(b) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023:

Aims to modernize procedural law with a focus on time-bound investigation and trials.

Introduces digital evidence, citizen-centric procedures, and better oversight mechanisms.

Provides guidelines for arrest, detention, bail, and rights of the accused in line with constitutional mandates.

(c) Role of NHRC and Legal Services Institutions:

NHRC monitors human rights violations in custody, prisons, and police actions; it has been instrumental in recommending compensation and policy reforms.

State and district legal services authorities work under the Legal Services Authorities Act, 1987, to provide free legal aid and awareness to marginalized groups.

4. Judicial Trends and Landmark Cases Indian judiciary has played a transformative role in interpreting and enforcing human rights within the criminal justice system. Some landmark decisions include:

D.K. Basu v. State of West Bengal (1997): Established mandatory guidelines for arrest and custodial interrogation.

Joginder Kumar v. State of U.P. (1994): Held that an arrest must not be made merely because it is lawful; necessity and reasonableness are essential.

Hussainara Khatoon v. State of Bihar (1979): Highlighted the plight of undertrial prisoners and declared the right to a speedy trial as fundamental under Article 21.

Sunil Batra v. Delhi Administration (1978): Addressed inhuman treatment in prisons and emphasized the need for prison reforms.

5. Challenges in Enforcement Despite robust legal provisions, implementation remains deficient:

Custodial Torture: NHRC data shows regular incidents of custodial deaths and torture; police accountability mechanisms are weak.

Undertrial Population: Over 75% of prisoners in India are undertrials, many languishing for years without conviction.

Legal Aid Deficiencies: Lack of awareness, inadequate infrastructure, and shortage of trained lawyers undermine legal aid services.

Delay in Trials: Judicial delays due to case backlogs, procedural complexities, and shortage of judges result in justice being denied.

6. Comparative Perspectives: International and Regional Standards

United Nations Conventions: India is a signatory to ICCPR and the Convention Against Torture (CAT), though the latter is not yet ratified.

UK and US Systems: These jurisdictions provide stronger safeguards, including Miranda rights in the US and the Independent Police Complaints Commission in the UK.

Asian Comparisons: Nations like Japan emphasize restorative justice and speedy trial mechanisms, offering lessons for India.

7. Reforms and Recommendations To strengthen the nexus between human rights and criminal justice in India:

Ratify CAT: Enforce stronger anti-torture laws and create independent investigative bodies.

Implement Police Reforms: As recommended by the Supreme Court in *Prakash Singh v. Union of India* (2006), separate investigation and law-and-order wings and ensure fixed tenures.

Improve Legal Aid Services: Increase funding, training, and outreach, especially in rural and tribal areas.

Use of Technology: Digitize court records, enable virtual hearings, and use AI for case management to reduce pendency.

Public Awareness Campaigns: Educate citizens on their rights and available legal remedies.

8. Conclusion The criminal justice system is the backbone of law enforcement, but its legitimacy is derived from its adherence to human rights. India's constitutional and statutory provisions provide a comprehensive legal framework to protect individual rights. However, the gap between law and practice continues to undermine justice. Human rights violations during arrest, investigation, and detention persist due to systemic issues. Bridging this gap requires a multidimensional approach involving legal reforms, institutional accountability, and public participation. Only when the justice system upholds

the dignity of every individual—accused or otherwise—can true justice be said to prevail.

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