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PUBLIC TRUST IN THE CRIMINAL JUSTICE SYSTEM IN INDIA: AN EMPIRICAL STUDY OF ACCOUNTABILITY, FAIRNESS AND ACCESS TO JUSTICE

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Abstract

Public trust is vital to the legitimacy and healthy functioning of any criminal justice system. This article explores public trust in India based on an empirical investigation of 126 people asked what they thought about the new criminal law regime following the introduction of the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023. A study measures four interrelated dimensions – fair play, accountability, accessibility of justice and institutional trust.

The findings indicate a significant discrepancy between citizens' normative beliefs about the values of criminal justice, and perceptions of performance of institutions.

Whereas, almost 9 out of 10 people in a study believed officials should be held accountable and just about 3 out of 4 people said criminal case should be resolved on facts, only one-sixth thought that police are able to conduct criminal probes impartially, and little less than quarter were in favour of courts conducting proceedings fair". Overall, about a quarter believed in our criminal justice system, but 8.5 out of 10 people also believed delay in criminal case proceedings reduces public trust. The study further observes that most of those surveyed did not have adequate knowledge of existing complaint channels and that such lack of knowledge was not significantly related to the education level of the individual. Such analyses did not find any strong relation between overall confidence and various demographic variables, leading to a conclusion of the presence of a delivery deficit instead of a values deficit.

The article discusses ways in which public trust may be re-established by means of effective implementation of procedures to enhance accountability and fair justice delivery, better accessibility of grievance mechanisms, and more visibility to legal services and client-sensitive approaches.

Even though with its limited non-probability sample generalising findings for India or Tamil Nadu is not possible, the paper suggests the practical value and necessity of conducting studies to highlight the differences between ideals professed in Constitution and experience of the people with criminal justice system.

Keywords: Public trust; criminal justice administration; police accountability; access to justice; procedural justice; institutional legitimacy; empirical legal research; Tamil Nadu.

1. Introduction

Criminal justice institutions are to some extent reliant on the support of the general public at virtually all levels of their operation. Citizens must be prepared to report crimes, make use of police stations, give evidence, seek representation and comply with court rulings. While it is true that criminal law is ultimately a coercive system, sustainable legitimacy should not be underpinned solely by the threat of violence.

A system that is perceived as being just, accessible and accountable is likely to win more voluntary acceptance, than one seen as remote, arbitrary and unaccountable.

Public confidence in the criminal justice system is therefore more than just a reflection of service satisfaction; it is an integral part of institutional legitimacy and effective administration. The constitutional framework of India offers this inquiry a firm normative framework. Articles 14, 21, 22 and 39A explicitly or implicitly offer the criminal justice institutions expectations against which their performance can be gauged and evaluated. While Article 14 demands equality before the law and equality of protection under the law, Article 21 condemns, life and personal liberty and has been held to enjoin fair, just and reasonable procedure. Article 22 regards arrest and detention and Article 39A to recognize state's duty to secure equal justice and free legal aid to prevent denial of access to justice because of economic or other disabilities. The question is now more pressing after the abolition of the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 in favour of the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023, which entered into force on 1 July 2024. This recodification was announced as a step towards decolonising and modernising the law of crime and procedure. Changes have been made to investigation, procedure, technology, victims and expeditious processing of cases.

Reform in law making does not automatically translate into legitimacy of the institution.

Whether the new paradigm achieves greater justice is an empirical inquiry.

Thus, the study seeks to determine if public mistrust is indicative of a general rejection of the tenets of the criminal justice system, or else a failure to trust the application of these principles to real life situations. It investigates these general issues using three main factors of the criminal justice process (fairness, accountability and access to justice) and relating them to general institutional trust. The study also takes into account variations in trust between individual demographic factors or past positive/negative experiences with the system.

The three primary research questions for this study are: how do citizens perceive differences in the fairness, accountability and accessibility of the criminal justice system? Is there a gap between what citizens find desirable of the criminal justice system and what they feel they actually receive? How do these gaps differ based on individual features and prior interaction with the justice system?

Three hypotheses were established.

H1 predicted that respondents' ratings of criminal justice system institutions would be significantly lower than their normative approval of these institutions' characteristics.

H2 predicted that respondents' trust of the police would be significantly lower than their trust of the judiciary.

H3 predicted that respondents' trust would be significantly associated with demographic factors and previous contact with criminal justice institutions.

The results found to support H1 and H2, but not H3.

This study is exploratory and is not nationally representative. It uses 126 valid responses and the respondents were selected using non-probability purposive and convenience sampling methods almost exclusively from Tamil Nadu. The sample is heavily skewed towards males, with more than 80 percent being educated and living in urban or semi-urban areas.

Thus, the results of the study should not be taken as representative of India or Tamil Nadu in general.

It is useful for identifying patterns for further systematic study, and for illustrating how empirical evidence links constitutional standards to perceptions of institutional performance.

2. Conceptual and Theoretical Framework

Public trust, confidence and legitimacy, while related to each other, are different concepts. Trust might be defined as an expectation of an institution's competence and fairness in situations of uncertainty, and that the institution will act in one's reasonable interests. Confidence is a more stable and general positive attitude towards an institution. Legitimacy

refers to how well institutional authority is regarded as rightful and citizen's general acceptance of such authority. For criminal justice, these concepts have a reciprocal relationship; fair and consistent behaviour by the institution will tend to enhance trust; this cumulative trust is likely to lead to increased confidence; and a solid basis of confidence will support legitimacy. The primary source of the theoretical framework can be found in Tom R. Tyler's work on procedural justice theory. Tyler contends that compliance with law and legal institutions is a product of citizens' normative beliefs about the legitimation of legal authorities, not simply a fear of sanctions. Tyler places a particular emphasis on the role of procedural justice. According to Tyler, procedural justice involves procedural fairness, where the procedures for reaching outcomes determine whether individuals will believe that legal authorities are legitimate. Voice, neutrality, respectful treatment, and evidence of trustworthy motives were among the procedural elements that shape citizens' beliefs about the legitimation of authorities. This framework is particularly useful for the study of criminal justice, in that the correct substantive outcome will fail to win public approval when the process by which it was produced is seen by citizens as unjust, obscure, or disrespectful.

It is in this regard that the distinction between instrumental and normative compliance is critically important. An instrumentalist model of compliance holds that individuals obey the law because their costs of non-compliance (e.g., penalties for detection and apprehension) exceed their gains from non-compliance (e.g., from, e.g., evading taxes). A normative compliance model stresses normative acceptance of institutional authority and that citizens volunteer to comply as part of accepting such authority. Procedural justice research indicates that citizens can become willing to conform when they perceive institutional procedures as just, and that the normative commitment of the citizens leads to an efficient functioning of institutions. The present study thus investigates whether respondents perceive the relevant dimensions of criminal justice to produce satisfactory results, rather than enquiring whether they approve of the outcomes of a process that, unbeknownst to them, is procedurally unjust or disrespectful.

Further insight from David Beetham's theory of legitimation can be drawn in interpretation of the present study. It is noted that for any political power to be legitimated there must be conformity to a rule or rules and justification of these rules by some shared beliefs, and assent of those subject to power to obey. Anthony Bottoms and Justice Tankebe extend this conceptualisation through a dialogic notion of legitimacy, seeing it as an "uncompleted argument" that continues to be "re-argued and renegotiated" (Bottoms & Tankebe, 2011, pp.235-36). It views the legitimacy of any criminal justice institution not as a resource of

goodwill with a bank-like quality, but rather as a claim that needs to be constantly validated by the public, which continues to endorse normative criminal justice, yet deplores its failures. For empirical testing purposes, the theoretical framework presented was translated into three broad constructs. Fairness deals with equal application of the law, fair treatment for accused persons, respectful treatment for victims and evidence-based adjudication. Accountability focuses on responsiveness of criminal justice officers to their actions, existence of complaint mechanisms, and transparent functioning of institutional operations. Access to justice pertains to ordinary citizens' capacity to reach criminal justice institutions, secure legal assistance, understand procedures and get swift justice. The three constructs and institutional trust form the relevant dimensions where independent variables were measured.

These dimensions of public perception of criminal justice institutions reflect constitutional imperatives. Article 14 defines minimum constitutional standards to prevent discriminatory or arbitrary exercise of power, while Article 21 embodies concepts of a right to fair procedure and to swift justice. Article 22 spells out certain protective measures for persons under arrest or detention when the citizen is particularly vulnerable in the face of institutional power. Article 39A embodies a constitutional commitment to promote access to justice and the Legal Services Authorities Act, 1987 forms the statutory framework, in India, for the provision of such services.

In sum, there is a direct link between the theory, constitutionalism and empirical measurement of the dependent and independent variables. It is argued that if there is a deficit, that deficit is more indicative of institutional failure in making the normative order visible in practice rather than a lack of public acceptance of that normative order.

3. Review of Literature

The trust literature within the sphere of criminal justice can be found to be strongly correlated with preadjusted in criminal justice trust is strongly tied with procedural justice. Tyler's, "Why People Obey the Law," remains a cornerstone in legal and social theory providing major theoretical and empirical evidence towards the idea that citizens' perceived legitimacy through fairness is a key determining factor in institutional trust and voluntary compliance. His more recent study, co-authored with Yuen J.

Huo, further explored trust in policing and judicial bodies as well as looking into what factors drive positive interactions between public and institutional actors.

One essential take-away from Tyler's research is that, citizens appraise the performance of legal authorities not by results achieved, but by the fair nature of procedures executed. In a manner

similar to Tyler, Jackson and Bradford separated police efficacy confidence with police legitimacy confidence while further corroborating the theory that public confidence is important toward gaining compliance and cooperation. Going beyond, Bottoms and Tankebe present models where legitimacy is characterized not as an instance of public confidence but a "dialogue between power and populace," further in his work, Tankebe reiterates the ability for public confidence and trust to be analytically separated with regards to perceived police performance and justice. The above two lines of research provides two essential guidelines applied in this study: The first, the concept of breaking down trust per institution as public citizens will treat this institution, and the second guideline from these studies indicates the importance to differentiate trust from a desire for specific performance versus a perceived actual performance.

The ability to receive a satisfactory outcome may hide actual shortcomings in one institution's performance compared to its peers' performance and general constitutional mandate.

Indian empirical literature concerning crime trust is yet to be as advanced and detailed as that existing outside of the legal field. Some of the more notable surveys, the Status of Policing in India Reports, produced between Common Causes and Lokniti-CSDS have presented public opinions regarding the police based on national samples of fifteen to thirty thousand individuals and exploring issues like: police trust, performance, abuse and discrimination (report data is not fully representative, but this will be shown later), with more detailed inquiries expanding beyond the criminal justice practitioners themselves to look at officer's families also. This shows how public perception, combined with on-ground factors affect police legitimacy positively and negatively.

This research has the benefit of providing two important lessons towards the application of this concept: the need to evaluate each criminal justice institution on a case by case basis as public opinions of the performance and function of the judiciary will most likely differ from citizen perceptions of how the police operate, and second, the crucial need to differentiate a desire for how it ought to be (normative expectations) versus how it is perceived that an institution actually is in reality (actual performance of its functions), something that general public questions inquiring simple 'trust' will fail to ascertain. The India Justice Report presents a structural account of criminal justice in India, drawing upon quantitative state-level data in an assessment of the entire system of courts and the supplementary system of legal, human rights and prisons institutions drawing heavily on budgetary and personnel data among other resources, it stresses the idea that perceptions should not completely divorce institutions from realities like budget constraints, working environments and human rights compliance standards

which would certainly impact citizen perception. Access to Justice research led by Daksh offers economic perspective of the institutional criminal justice system and stresses the complexity and costs associated in acquiring justice and that public knowledge on its availability is one part of public trust too in part as it addresses the legal right to obtain a remedy.

Tamil Nadu is an ideal candidate for study because of its large capacity for administrative justice and institutions and established community engagement efforts with the police, and however, public estimations will differ state-wide due to variance and so focusing on only and within Tamil Nadu gives us scope to assess perceptions amongst different types of localities: the urban, peri-urban, and rural.

These three significant questions will remain unanswered when looking at nation-state averaged and separate reports on each component of the criminal justice system, especially as much has been presented pre-2023 as prior to the application of new law. Lastly, it is due to these national generalizations being insufficient that this study will present a unique set of information pertaining to criminal justice perception. This study presents a method where public perception, criminal justice performance, and constitutional standards may be studied simultaneously rather than only within isolated compartments of a few well-funded research firms or non-profits; furthermore, the exploratory baseline results will serve a foundation from where the impact of the newest criminal justice regime in India can be assessed with future research attempts.

4. Research Methodology

This study uses a descriptive and exploratory quantitative design. It is descriptive as it describes how Public Perceptions are distributed across fixed concepts. And it is exploratory in as much as it explores the link between norms and practices of institution performance on Indian conditions.¹⁰ A Structured Questionnaire The respondents completed a structured questionnaire with 6 questions on respondent characteristics and 16 substantive questions.

It contained an item which prompted the respondents to list reforms they deemed important to increasing public trust.

The questions addressed: fairness accountability and Transparency; Accessibility to Justice; Institution Confidence and overall, Trust; and several others including an open-ended reform question with a list choice selection. The multiple-choice format questions used was simplified to 3 responses (Yes/ No /Not Sure) for clarity and access to non-educated legal audience. Sampling Design Non- probability purposive and convenience sampling were adopted. The respondents were invited via an electronic medium to complete the survey in Tamil Nādu; there

were 126 complete valid responses obtained out of these invites.

We define a valid response as completed to include at least the 17th item inclusive.

No response was removed on specific (substantive) ground. There was no over burden in asking information like crime cases or specific victim and perpetrator's information by the institute. Profile of the respondents of the 126 respondents, 101 were males and only 23 females with 2 "no answer".

Majority of the respondents (approx. 56.4%) fell within the 36-60 age cohort. A majority (approx. 75.4%) held tertiary education qualifications.

The largest occupational groups included the self-employed (32.5%) and employees of the private sector (26.2%).

Just over half the respondents (approx. 51.6%) resided in urban areas, about a third (34.9%) in semi-urban/ towns and a smaller share in rural areas (13.5%). Critically, more than half (around 57.1%) reported that they or a family member (within two remove) had at one point interacted with police, courts or any justice institute. Analysis Frequency and percentage analysis of key responses are presented. Association between demographic or experiential characteristics and perceptions were examined using cross-tabulation.

Pearson's chi-square statistics at the 5% level of significance were calculated where expected cell size permitted, complemented by Cramer's V for association strength.

When cell size became too small in categories to carry significance testing and reliable estimation, categories were collapsed if it appears reasonable. The 'reform prompt' question was interpreted not as rankings but as highlighting prominent measures favoured for public trust reform by the respondents. Ethical considerations responses were voluntary.

No information regarding the commission of any specific crime, offence, or other sensitive data (personal or case) was requested. All analysis based on aggregate responses. The main methodological weakness of this study is that non probability sampling has been adopted, which does not permit generalisation of findings to the larger population.

Further, the sample is biased in term of gender (Males dominated); education (a vast majority are highly educated); the presence of previous interactions (about half had previous interaction).

The 3 levels response option has simplification but reduce ability to distinguish degree / intensity of belief. Hence, the study findings are indicative rather than representative estimates of public opinion in the Indian context.

5. Data Analysis and Findings

The empirical results demonstrate a wide discrepancy between agreement with criminal justice norms and trust in institutional performance. For fairness, large majorities agree on criminal justice normative principles: 76.2 per cent believe criminal justice decisions should be fact-based, 73.8 per cent believe victims should be treated well, 69.0 per cent support a fair trial before conviction, and 66.7 per cent agree on legal equality. These figures reflect broad acceptance of Article 14 and 21.

However, several respondents disagree on the core norms: 26.2 per cent do not agree on legal equality, and 15.9 per cent do not agree on victims being treated well.

Because the same respondents then express low confidence in actual institution work, this is to be read cautiously as possibly indicating an inability to comprehend normative questions accurately, or as indicative that the questions were understood descriptively. This serves to point out the necessity to test question formulation. Accountability received support by nearly everyone (90 per cent), who believes the government should be accountable for police and criminal justice system employees. Similar, nearly eighty percent believe there should be more transparency to build public trust.

Though, not even fifty percent are familiar with how to make complaints against police or the criminal justice system.

The accountability mechanism has limited practical importance for most individuals. Access to Justice is viewed as a mixed picture: slightly under fifty percent of respondents believe ordinary citizens freely visit the courts, and fifty-seventh percent believe legal assistance will be given to an unable person. These figures likely represent perceived availability rather than use/quality.

The most compelling factor to the people regarding access to justice is time. Almost eighty-seven percent believe long criminal proceedings can undermine public trust in criminal justice system. These find reflect the association between time and access to the system.

Among the trust results, the institutional trust is clearly the more significant.

Only 16.7 percent of people believe the police are doing fair investigations. Only about a quarter of people (23.8 per cent) have any trust in fair judicial decisions. The overall confidence in the criminal justice system is only 23 percent, while more than forty percent have negative outlook on the system, with a fairly large portion remaining uncertainty. It is interesting to note the courts received more confidence than police (7.1 percentage point difference).

To summarize the empirical findings, the central evidence confirms H1: there is a widespread affirmation of criminal justice values combined with a remarkably low level of confidence

toward institutional practice.

While 89.7 percent accept accountability, a staggering 73 percentage points less express confidence in the police investigations, with 52.4 percentage points less agreeing on fact-based adjudication than trusting courts' fair decisions. H2 also stands correct, given that courts' trust level is slightly higher than that of police, though the gap is narrow. The possible reason could be attributed to their contact with law-abiding state mechanisms.

Public support of fairness and equitable treatment was prioritized by 53.2 percent of respondents, followed by timely resolutions for criminal cases, enhanced accountability, improved transparency, and the upgrade of the criminal justice system with technology. It is clear that majority of people wanted to achieve better criminal justice practice with improvement of the system's process rather than upgrading with technology. With regard to the examination of the cross-tabulation, the result is only one statistically significant finding where the relationship between the type of dwelling and public perception toward approachability of the criminal justice system.

A slightly lower percentage of respondents living in cities (25.8 percent) or towns (35.3 percent) compared with semi-urban residents (35.5 percent) would agree that institutions allow easy access to it, although rural area residents have significantly higher percentages (45 percent).

Nevertheless, due to the smaller sample sizes within the rural setting, the significance of the result is regarded as preliminary. There were no other statistically significant relationships in the study between the overall trust score and any one of these factors including any previous experience with the justice system ($p = 0.493$), overall police trust and any of these factors ($p = 0.879$), ages, genders, residence locations and the overall confidence in the system. After appropriately combining into broader categories, there was no significant relationship between education level and general knowledge regarding how to seek a complaint, which would be H3, therefore the null hypothesis would fail to reject. In short, there appears to be no identifiable demographic characteristic strongly associated with the level of public confidence in the criminal justice system, although this finding may not generalize to other contexts.

Overall, the findings suggest that public confidence in the criminal justice system within the given sample is not narrowly distributed across the sample population but a pervasive concern. Significant proportions of people who remain unsure with the courts and the entire criminal justice system indicate an immense potential for change based on the actions of the institutions.

6. Discussion

The primary findings can be captured as a gap between normative understanding and perceived experiences of citizens. While general principles like equality, accountability, evidence-based decisions making, fairness and victim dignity elicit support from citizens, the belief in institutions responsible for their implementation is weak, substantiating the premise that distrust stems primarily from the failures in actual delivery rather than the denial of norms. Beetham's framework provides a useful interpretation of this distinction. The sense of shared normative understanding is quite strong as the citizenry affirms the principles of criminal justice. What is however weak is the confidence that powers wielded within those institutions are deployed in accordance with these norms. This aligns with bottom- and Tankebe's dialogic conceptualization that institutional legitimacy is continuously claimed and must be continuously validated. It is apparent that citizens still reckon the claim of legitimacy in this case; however, they do not continuously validate the delivery that underlies this claim. Tyler's model of procedural justice supports this perspective as well. It seems that it is of concern to citizens as to how institutions of the justice system perform - fair, transparency, dignity, accessibility and time. This study thus suggests a paradigm of reform not focusing on just selling the system and persuading its acceptance, but rather focusing on demonstrable institutional performance.

Particular emphasis needs to be paid to low levels of confidence towards the police. Given that the police is, generally, the front-runner of interaction between an average citizen and the administration of criminal justice; and has coercive powers at the initial stages of a criminal procedure; issues at custodial interface would have constitutional significance since article 22 of the constitution ensures safe guards in case of arrest and detention, which has been further substantiated by various Supreme Court's pronouncements such as the case of D.K. Basu, Vs State of West Bengal, and the case of Prakash Singh Vs Union Of India, wherein such institutional mechanisms to address accountability of police have been recognized. Uncertainty regarding the method of complaint and effectiveness thereof naturally debilitates institutional confidence.

The complaint-awareness finding is indeed noteworthy, with as little as 49.2 per cent of respondents being aware of the procedure for complaints against the police or justice services. Remarkably, this awareness did not vary with education levels, implying that general educational initiatives alone may not be sufficient to address the deficiency. Thus, a need for focused outreach programs imparting specific information on grievance redressal mechanisms is indispensable for access to justice initiatives to become meaningful, requiring more than

merely access to the justice system.

Delay is another salient concern with 87.3 per cent of respondents relating delay to lack of trust. This echoes the concern for speedy trial under Article 21 of the constitution articulated in the case of *Hussainara Khatoon vs. State of Bihar*, as any criminal proceeding unduly prolongs, to the detriment of the victims, accused persons, witnesses and their families. The BNSS introduces procedural time-frames for various stages of proceedings; however, a matter of significant empirical concern is to what extent these provisions translate into meaningful improvements in disposal of cases. For the public, prompt disposal of cases may be seen as a success of the system of justice and not just merely an administrative feat.

Legal Aid is another area where there is a gulf between entitlement and the perception of citizens, where 57.1 per cent felt that the poor will not be able to afford Legal Aid despite there being a legal frame work under the Legal Services Authorities Act, 1987 which provides Legal Assistance to those unable to afford legal representation. This suggests that accessibility, awareness and quality of Legal aid are as much concerns as the existence of a legal provision. It is imperative that the relatively large proportion of the undecided respondents is not automatically conflated with hostile attitude. The undecided segment may indeed be a reflection of either insufficient information or a perceived lack of engagement of the individual in question. Note that a majority 57.1% of the surveyed people have been exposed previously to the system of justice, and thus the response of the undecided cannot be explained as a result of complete indifference towards the administration of justice.

Further detailed inquiry through qualitative approaches is needed to explore the factors influencing 'undecided' responses. Further evidence for the focus on substantive and procedural delivery can be found in the areas of reform priorities. The citizens placed more value on fair and equal treatment, prompt disposal, accountability and transparency in greater numbers than on technology. This is not to say that technology is unimportant, but rather that the introduction of new technology by itself may not contribute to confidence. Technology would build legitimacy if it demonstrably enhances accessibility, communication, transparency, or responsiveness, as experienced by the public.

The findings therefore suggest a delivery-based model of reform. Public confidence in the justice system can increase if its institutions repeatedly demonstrate through their day-to-day engagement with the citizens that they are adhering to the relevant standards and constitutional and statutory safeguards. Building trust is less about artificially generating confidence and more about ensuring that the institutional conditions exist to naturally create it.

7. Suggestions and Recommendations

The below recommendations are from the empirical results, ranked from the strongest evidence. The recommendations reflect pragmatic steps that criminal justice institutions in India could adopt, in principle, anywhere.

- First, Police Complaint mechanisms should be made truly visible, accessible and independent. Between public support for police accountability and trust in police investigations, there is a 73 percentage-point difference - a clear sign that police accountability institutions can and should perform better. The recommendations of Prakash Singh should be fully realized in their intent: ensuring complaint mechanisms have fully independent members and the public has easy access to information on complaint lodging and their outcomes, without needing to seek out the institution being complained about.
- Second, statutory time limits need to be combined with transparent compliance information. 87.3 per cent noted that they linked the delay with their declining trust, and faster disposal was among their top priorities for reforms. Courts and justice institutions must make transparent, simplified, information on the pendency of cases, rates of disposal, and causes of the most significant delays publicly available on a periodic basis. Making delay a measured problem would convert a formless administrative challenge into an accountably institutional responsibility.
- Third, awareness of remedy needs to be framed as a component of access to justice under Article 39A. State Legal Services Authorities and all concerned bodies must make comprehensible and locally-language information available at the police stations, courts and legal services facilities on how and where citizens can get legal aid, lodge their complaint and seek remedies. This awareness must be specifically designed with remedy (instead of legal information) in mind, avoiding too general legal education campaigns.
- Fourth, more transparency in case management is urgently required. Accessible publicly available information in the progress of cases, including details of stages and any delays (such as at the current criminal and civil stages), will contribute significantly to the understanding of justice in practice for citizen users. Public transparency through technological solutions is an important enabler, not a separate fix for falling trust.
- Fifth, institutionally sensitive victims must become central to procedural practice. With 73.8 per cent favouring a culture of respect and care for victims of crime, institutions need to actively inform them about where the complaints regarding their victimisation

are in the process and their outcomes through clear, and well documented communications. While victim sensitivity, at this level, need not conflict with due-process rights of the accused.

- Sixth, periodic public trust measures need to be routinely incorporated into criminal justice evaluation. India already has comprehensive structural data (India Justice Report) as well as perception data (Status of Policing in India Report series). A stable and transparent measure for trust in each element of the criminal justice process – Police, Courts, Prosecutors, Legal Aid as well as in the process itself – would enable the tracking of changes over time, not just one-off measures.

These findings are particularly pertinent post implementation of the 2023 Criminal Code.

India would need a longitudinal study that will test the correlation between reform implementation and the public legitimacy of its criminal justice system.

- Finally, future research requires robust, larger probability-based sampling with more sophisticated mixed methods, and deliberate emphasis on Gender balanced and rural representative samples inclusive of lower-educated respondents and careful sampling design on the grounds of social justice categories. Qualitative interviews must focus on the drivers and impediments to trusting or disbelieving the system. Additionally, future research should focus on the nature and origins of the rural perception that courts are more approachable than cities. This ‘rural approachability’ could be more reflective of a distinct construct than of how these specific institutions function.

8. Conclusion

This study has assessed the level to which distrust in the criminal justice system in India results from questioning its norms or disillusion with its practices. Evidence from all 126 respondents points clearly to the second. High support for, accountability, equal treatment, dignification of victims, and rule-based adjudication contrast with significantly lower levels of confidence regarding their operationalisation: only 16.7% were confident of fair police investigations, 23.8% were confident of fair judgements by courts; for the entire system this stood at 23.0%. The 73 percent points gap between support for accountability for and confidence in police Investigations stands out.

Delays and poor awareness about mechanisms to address and report grievances were also identified as key issues: 87.3% viewed delay as hostile to building trust; less than half could identify the appropriate venue for lodging a complaint about justice services. The absence of

significant links between trust and most of the demographic characteristics indicate the issue does not discriminate between social groups in the sample. I conclude that the findings be interpreted within the confines of the study's limitations. The sample is neither probability based nor representative, is relatively small and heavily gender skewed (male predominant), educated and urban or semi urban.

The evidence from this study does indicate however that the gap between constitutional ideals and the citizens' experienced reality can be empirically measured and assessed. The major policy implication is that there is no shortcut to building trust but through demonstrating improved institutional performance. Enhancement of independent accountability mechanisms, reduced delays, better information dissemination on remedies, greater public visibility of legal aid and improved treatment of victims and suspects are likely to foster greater legitimacy through better practices rather than rhetoric.

The people's trust will not be an institutional privilege but an institutional right earned through continuous practice, not simply aspired to and the performance should be measured and developed accordingly.

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