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THE RIGHT TO A FAIR TRIAL AND CRIMINAL JUSTICE ADMINISTRATION IN INDIA: A CRITICAL ANALYSIS OF CONSTITUTIONAL SAFEGUARDS, PROCEDURAL CHALLENGES, AND RECENT REFORMS

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ABSTRACT

The right to a fair trial constitutes the bedrock of any civilized criminal justice system. In India, this right is not merely a statutory privilege but a constitutional fundamental right emanating from Articles 14, 20, and 21 of the Constitution. This research paper critically examines the constitutional safeguards guaranteeing fair trial, analyzes the procedural challenges that continue to impede effective criminal justice administration, and evaluates the transformative potential of recent legislative reforms, particularly the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Drawing upon landmark judicial pronouncements, including the Supreme Court's 2025 decisions in **Karandeep Sharma v. State of Uttarakhand** and **Mamman Khan v. State of Haryana**, this paper argues that while India's constitutional framework is robust, implementation gaps, prosecutorial opacity, and systemic biases undermine the promise of justice. The paper concludes with recommendations for strengthening procedural safeguards and ensuring that the right to a fair trial becomes a lived reality for all citizens.

Keywords: Fair Trial, Article 21, Criminal Justice Administration, BNSS 2023, Constitutional Safeguards, Prosecutorial Accountability

INTRODUCTION

"The history of liberty," observed Justice Felix Frankfurter, "has largely been the history of the observance of procedural safeguards." Few legal principles resonate as profoundly as the right to a fair trial—a principle that separates civilized jurisprudence from arbitrary exercises of state power. In India, the Supreme Court has consistently affirmed that a fair trial is the "sine qua non of the constitutional guarantee enshrined in Article 21".

The criminal justice system operates at the intersection of two competing imperatives: the

state's duty to punish wrongdoing and the individual's right to liberty and dignity. A fair trial serves as the fulcrum balancing these interests. It ensures that the innocent are protected, the guilty are justly punished, and public confidence in the rule of law is maintained. Conversely, when trials are unfair—whether through procedural shortcuts, suppression of evidence, or systemic bias—the entire edifice of justice crumbles.

This paper undertakes a critical analysis of India's fair trial framework against the backdrop of the most significant overhaul of criminal law in the nation's history. The replacement of colonial-era statutes—the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872—with the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam represents a watershed moment. These reforms, effective from July 1, 2024, aim to transform a system historically oriented toward punishment into one driven by justice and transparency.

The paper proceeds in five parts. Part II examines the constitutional foundations of the right to a fair trial. Part III analyzes procedural challenges that persist despite constitutional guarantees, drawing upon recent judicial decisions. Part IV evaluates the reforms introduced by the BNSS 2023 and their potential impact. Part V offers recommendations for strengthening the criminal justice system. The conclusion reflects on the enduring significance of procedural fairness in democratic governance.

CONSTITUTIONAL SAFEGUARDS: THE TRINITY OF PROTECTION

The Indian Constitution does not explicitly use the phrase "right to a fair trial," yet this right is woven into its fabric through multiple provisions. The Supreme Court has recognized that Articles 14, 19, 20, and 21 collectively form the constitutional basis for fair trial guarantees. This section analyzes these provisions and their judicial interpretation.

2.1 Article 21: The Right to Life and Personal Liberty

Article 21 declares that "no person shall be deprived of his life or personal liberty except according to procedure established by law." This seemingly simple formulation has been expansively interpreted to encompass a wide array of procedural and substantive rights. In *Maneka Gandhi v. Union of India* (1978), the Supreme Court held that the procedure contemplated by Article 21 must be "right, just and fair"—a pronouncement that fundamentally transformed the constitutional landscape.

The Court has since consistently held that a fair trial is an integral component of Article 21. In *Zahira Habibullah Sheikh v. State of Gujarat* (2004), the Court observed:

"The concept of fair trial is a fundamental pillar of justice. It ensures that no innocent person is wrongfully convicted due to suppression of evidence or procedural irregularities. Fair trial is a concomitant of Article 21 and any trial that is not fair violates the constitutional guarantee." This principle has been applied to require speedy trials, legal representation, disclosure of evidence, and impartial adjudication. In *Hussainara Khatoon v. State of Bihar* (1979), the Court recognized that the right to a speedy trial flows from Article 21, holding that prolonged pre-trial detention without trial violates fundamental rights.

2.2 Article 14: Equality Before Law

Article 14 guarantees equality before law and equal protection of laws. In the criminal justice context, this provision mandates that all accused persons, regardless of their social status, wealth, or political connections, receive equal treatment. The Supreme Court's 2025 decision in *Mamman Khan v. State of Haryana** powerfully illustrates this principle.

In that case, Mamman Khan, a sitting Member of the Haryana Legislative Assembly, was accused in the July 2023 Nuh communal violence. The Trial Court ordered the police to file a separate charge-sheet against Khan, citing his status as an MLA and the need for expeditious disposal. The High Court upheld this segregation. The Supreme Court, however, set aside these orders, holding that preferential segregation of an accused on the basis of legislative status violates Article 14. The Court emphasized that joint trials are the rule under Section 223 of the CrPC, and expeditious disposal cannot override procedural safeguards. Justice Pardiwala, writing for the Bench, reaffirmed that equality before the law admits no exceptions based on political office.

2.3 Article 20: Protection Against Arbitrary Criminal Process

Article 20 provides three critical protections: ex post facto laws (clause 1), double jeopardy (clause 2), and self-incrimination (clause 3). The privilege against self-incrimination ensures that no accused person can be compelled to be a witness against themselves—a safeguard crucial to ensuring that confessions are voluntary and that the burden of proof remains on the prosecution.

2.4 Article 39A: Equal Justice and Free Legal Aid

Though part of the Directive Principles, Article 39A has acquired justiciable significance

through judicial interpretation. Inserted by the 42nd Amendment, it mandates that the State shall provide free legal aid to ensure equal justice. In **Hussainara Khatoon**, the Supreme Court held that the right to free legal aid for indigent accused flows from Articles 21 and 39A, making it a fundamental right rather than a mere policy aspiration.

2.5 The Brady Gap: An Absent Safeguard

Notwithstanding these robust constitutional provisions, Indian law lacks an explicit mandate requiring prosecutors to disclose all exculpatory evidence to the defense. The US Supreme Court's ruling in **Brady v. Maryland** (1963) established that suppression of material evidence favorable to the accused violates due process. While Indian courts have emphasized fairness, there is no codified equivalent of the Brady Rule.

Section 207 of the CrPC (and corresponding provisions in BNSS) requires furnishing certain documents like witness statements and police reports, but does not explicitly compel disclosure of exculpatory material. As legal commentator Mohsin Dar notes, this gap allows prosecutorial discretion to operate without adequate transparency, potentially leading to wrongful convictions.

PROCEDURAL CHALLENGES: WHERE THE SYSTEM FALTERS

Despite constitutional safeguards, India's criminal justice system faces persistent procedural challenges that undermine the right to a fair trial. This section examines three critical areas of concern.

3.1 Delays and Undue Haste: The Paradox of Speedy Justice

The right to a speedy trial has been recognized as a fundamental right, yet India's courts are burdened with millions of pending cases. Delays result in prolonged pre-trial detention, witness attrition, and erosion of evidence. Conversely, as the Supreme Court observed in **Karandeep Sharma v. State of Uttarakhand** (2025), "undue haste" in judicial proceedings can be equally damaging.

In *Karandeep Sharma*, the appellant was convicted and sentenced to death in a case involving the rape and murder of a minor. The Supreme Court quashed the conviction, noting that the trial was a "classic example of undue haste." Charges were framed on the same day documents were provided, denying the accused a fair opportunity to prepare his defense. The amicus curiae had insufficient time to prepare, and the trial court improperly referenced a coerced confession during charge framing.

The case highlights a paradox: while delays deny justice, procedural shortcuts taken in the name of expediency can result in wrongful convictions. The Court emphasized that a fair trial requires adequate time for defense preparation, and "undue haste" undermines justice as surely as undue delay.

3.2 Prosecutorial Opacity and Evidence Disclosure

The absence of a mandatory disclosure rule for exculpatory evidence remains a significant procedural gap. In practice, prosecutors often have close associations with investigating agencies, leading to selective presentation of evidence aimed at securing convictions rather than ensuring justice.

The Karandeep Sharma case illustrates the consequences of prosecutorial opacity. DNA evidence presented by the prosecution was ultimately held inadmissible because the expert was not examined and the chain of custody was not established—a deficiency that could have been exposed earlier had there been mandatory disclosure obligations.

Similarly, the "last seen" evidence in that case was found unreliable because witnesses failed to identify the accused in court and no test identification parade was conducted. The prosecution had withheld information about these deficiencies, and the absence of a structured disclosure rule prevented timely challenge.

RECENT REFORMS: THE BNSS 2023 AND BEYOND

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaced the Code of Criminal Procedure, 1973, represents the most comprehensive overhaul of criminal procedure in India since independence. This section evaluates key reforms and their implications for fair trial.

4.1 Digital Transformation and Electronic Evidence

The BNSS introduces a comprehensive framework for electronic litigation, addressing one of the most significant deficiencies in the old CrPC. Key provisions include:

Electronic filing and service: Citizens may lodge complaints electronically, and courts may issue summons and warrants through digital means.

Video conferencing: Accused persons may be produced via video conferencing, and witnesses may testify remotely—a measure that protects witnesses from intimidation and reduces custodial risks.

Electronic evidence: The BNSS clarifies that electronic records, including those stored in the cloud, are admissible as evidence, provided their integrity is verified through digital signatures

and other authentication mechanisms.

Home Minister Amit Shah has noted that these provisions are already yielding results: "Within a year of implementation, over 50% of charge sheets are now being filed on time in the country. I am confident that this figure will rise to 90% in another year".

4.2 Time-Bound Procedures

The BNSS introduces stricter timelines to address the chronic problem of delays:

- Investigation must be completed within 90 days for most offenses, extendable to 180 days with judicial approval.
- Judgment must be delivered within 45 days of trial completion.
- Charges must be framed within 60 days of the first hearing.

For undertrial prisoners, the BNSS provides that if an accused has been detained for half the maximum term of imprisonment (or one-third for first-time offenders), they shall be released on bail.

4.3 Victim and Witness Protection

The BNSS strengthens protections for victims and witnesses—a significant advance given that witness intimidation often undermines fair trial. Key provisions include:

- Victims may obtain copies of preliminary investigation reports and arrest details.
- Women and child victims are entitled to free emergency medical care.
- Witnesses may receive safe housing and economic assistance under formal protection plans.

The Supreme Court's decision in **Karandeep Sharma** implicitly underscores the importance of such protections, as the failure to secure reliable witness testimony was central to the conviction's reversal.

RECOMMENDATIONS FOR STRENGTHENING FAIR TRIAL SAFEGUARDS

Based on the preceding analysis, the following recommendations are offered:

5.1 Codify the Brady Rule

India should amend the BNSS to explicitly require prosecutors to disclose all material exculpatory evidence to the defence, regardless of whether the defence requests it. Such a provision should include sanctions for non-compliance, including dismissal of charges or

reversal of convictions where suppressed evidence might have affected the outcome.

5.2 Strengthen Legal Aid Infrastructure

Article 39A's promise of free legal aid remains unfulfilled in many parts of India. Greater funding for legal aid programs, improved quality control, and timely appointment of counsel are essential. The *Karandeep Sharma* case illustrates that inadequate legal representation—particularly when counsel is appointed late—can vitiate the entire trial.

5.3 Enhance Judicial Training on Scientific Evidence

The increasing reliance on DNA, digital, and forensic evidence demands specialized judicial training. The Supreme Court's observations in *Karandeep Sharma*—that DNA evidence is inadmissible without expert testimony and proof of chain of custody—should inform judicial education programs.

CONCLUSION

The right to a fair trial is not a mere technicality; it is the foundation upon which the edifice of criminal justice rests. India's constitutional framework, with its robust guarantees under Articles 14, 20, and 21, provides a strong normative foundation for this right. Judicial decisions—from Maneka Gandhi to Zahira Habibullah to Karandeep Sharma—have consistently reinforced that fairness is non-negotiable.

Yet the gap between constitutional promise and lived reality remains significant. Procedural delays, prosecutorial opacity, and systemic biases continue to undermine the administration of criminal justice. The BNSS 2023 represents a historic attempt to address these challenges through digital transformation, time-bound procedures, and enhanced protections for victims and witnesses. Early implementation data suggests progress, with charge sheet timeliness improving and conviction rates rising in some jurisdictions.

The ultimate measure of these reforms, however, will be whether they secure for every accused person—regardless of wealth, caste, or political connection—the right to a trial that is truly fair. As the Supreme Court observed in *Mohd. Hussain Julfikar Ali v. State*:

A fair trial is an absolute right guaranteed to every individual... Public trust in the justice delivery system is crucial to upholding the rule of law and fostering societal stability."

In a democracy committed to the rule of law, the right to a fair trial must be not merely a constitutional aspiration but a lived reality for all.

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