



Transparency in the Criminal Justice Administration

This editorial is based on “[Charge sheet scrutiny is not a case of prying eyes](#)” which was published in the Hindu on 04/02/2023. It talks about the top court's order against public scrutiny of a charge sheet which is seen as a setback to greater transparency in the criminal justice system.

For Prelims: Chargesheet, First Information Report (FIR), Criminal Code of Procedure (CrPC), Right to Information Act, the Indian Evidence Act, Police Act of 1861, Police (Amendment) Act of 2008

For Mains: Judiciary, Reforming Criminal Laws

Transparency in criminal justice administration **refers to the openness and accountability of law enforcement agencies and the criminal justice system as a whole.** It involves making information about policies, procedures, and decision-making processes available to the public, as well as ensuring that these processes are fair and impartial.

The Supreme court decision to live telecast of some of its hearings and translate its hearing in four languages (Hindi, Gujarati, Odia and Tamil, as “the English language in its ‘legal avatar’ is not comprehensible to 99.9% of the citizens”) is a significant step towards making judicial processes more accessible.

Against this backdrop, the recent ruling by the Supreme Court regarding charge sheets appears to be a setback for transparency in the criminal justice system. The Court **recently ruled that a charge sheet in a criminal case is not considered a public document** under the [Right to Information Act](#) or the [Indian Evidence Act](#) and should not be made public.

The judgment seems to contradict an order passed by the Court where, in **Youth Bar Association of India vs Union of India (2016)**, it directed that the **First Information Report (FIR)** in any case should be on the relevant investigating agency’s website within 24 hours of its registration.

It is a step that may be viewed as a **setback for those pushing for greater transparency in the criminal justice administration** as this has several implications as far as investigating officials and victims of crime are concerned.

What are the Advantages of Making a Chargesheet Public?

- **Increased Transparency and Accountability:**
 - By making chargesheets publicly available, the **general public can have access to the evidence and allegations against the accused.** This promotes transparency and accountability in the legal process, as the general public can scrutinize the charges and hold the authorities responsible for their actions.
- **Promoting Fairness and Due Process:**

- Having chargesheets in the public domain allows for greater public scrutiny, which can help ensure that the prosecution is following fair and due process.
- It can also **prevent the authorities from manipulating or suppressing evidence**, which can ensure that the accused receives a fair trial.
- **Thorough and Impartial Investigation:**
 - Making chargesheets publicly available can **help ensure that the prosecution is conducting a thorough and impartial investigation**. This can increase public confidence in the justice system and encourage witnesses and other relevant parties to come forward with information.
- **Increased Public Confidence in the Justice System:**
 - When chargesheets are **available to the public, it can increase public confidence in the justice system**.
 - People can see that the authorities are following the law and conducting a fair and impartial investigation. This can help to restore public trust in the legal process.
- **Deterring Criminal Behaviour:**
 - By making chargesheets publicly available, the authorities can send a message that they are committed to ensuring that criminal behaviour is punished.
 - This can serve as a deterrent to potential criminals, as they will be aware that the authorities are closely monitoring their actions and will take appropriate action if they engage in criminal behaviour.

What are the Other Challenges in Reforming Criminal Justice Administration?

- **Overcrowding of Prisons:**
 - India's prisons are overcrowded, leading to poor living conditions for inmates and difficulties in managing the facilities.
- **Delay in Justice:**
 - The judicial process in India is often slow, leading to long delays in the resolution of criminal cases.
- **Corruption:**
 - Corruption is a major challenge in the criminal justice system and can affect the impartiality of the police, judiciary, and other justice-related institutions.
- **Lack of Resources:**
 - The criminal justice system in India faces a shortage of resources, including financial resources, manpower, and technology, which can hinder its effectiveness.
- **Bias and Discrimination:**
 - There are concerns about biases and discrimination in the criminal justice system, particularly towards marginalized communities and women.
- **Lack of Modern Technology:**
 - The criminal justice system in India has not been able to keep pace with advancements in technology, leading to inefficiencies in the process.

What are the Related measures taken by the Government?

- **Amendment of Criminal Procedure Code:**
 - The Code of Criminal Procedure has been **amended multiple times to ensure a fair and speedy trial**, protection of human rights, and streamlining the criminal justice process.
- **Establishment of Fast Track Courts:**
 - To reduce the backlog of cases in the criminal justice system, [fast-track courts](#) were **established to deal with criminal cases quickly**.
- **Introduction of Technology:**
 - Technology such as e-filing, video conferencing, and digital storage of evidence to make the process more efficient has been adopted.
- **Reforms in the Bail System:**
 - Reforms have been **made in the bail system to ensure that the accused are granted bail only in appropriate cases**, while ensuring that the interests of justice are not jeopardized.
- **Police Reforms:**

- The government has taken **steps to make the police force more accountable, transparent and efficient** by implementing measures such as the [Police Act of 1861](#) and the [Police \(Amendment\) Act of 2008](#).

What should be the Way Forward?

- **Making Chargesheet a Public Document:**
 - Making chargesheet a public document will help **prevent false prosecution of innocent individuals and improve the quality of the criminal justice system** in India and also bring transparency.
 - Allowing the public to review charge sheets in important cases before trial starts will reduce the number of poorly framed charge sheets.
- **Improving Police Reforms:**
 - Police Reforms include **increasing transparency and accountability in police procedures**, modernizing the police force and improving working conditions for police personnel.
- **Strengthening the Judicial System:**
 - This includes **reducing backlogs, speeding up trials and increasing the efficiency of the courts**. It also involves filling vacancies in the judiciary and training judges on human rights and due process.
- **Improving Prison Conditions:**
 - This includes ensuring that **prisons are in compliance with international human rights standards**, reducing overcrowding and providing rehabilitation programs for prisoners.
- **Addressing Corruption:**
 - Corruption undermines the criminal justice system and must be dealt with effectively. Measures to tackle **corruption include implementing anti-corruption laws, increasing transparency, and improving accountability mechanisms**.
- **Protecting the Rights of Marginalized Groups:**
 - The criminal justice system must be reformed to protect the rights of marginalized groups, including women, children, and minorities. This includes improving access to justice and addressing discrimination and abuse.
- **Enhancing the Role of Technology:**
 - Technology can be **used to modernize and improve the efficiency of the criminal justice system**. This includes using electronic filing, video conferencing and other forms of technology to improve the delivery of justice.
- **Improving Access to Legal Aid:**
 - Access to legal aid is critical for ensuring that individuals have a fair trial. Reforms must be made to ensure that everyone has access to legal representation, regardless of their financial situation.

Drishti Mains Question

How can the criminal justice administration in India be made more transparent and accountable to ensure the protection of individual rights and the promotion of the rule of law?