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**PROCEEDINGS OF THE NATIONAL CONFERENCE**

**ON**

**LEGAL ASPECTS OF BHARATIYA NYAYA  
SANHITA AND ITS IMPACTS ON INDIAN CRIMINAL  
JUSTICE SYSTEM**

**VOLUME - II**

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## 2. INTEGRATING INQUISITORIAL ELEMENTS INTO THE INDIAN JUDICIARY: A PATH TO REDUCING INVESTIGATION DELAYS AND ENSURING SPEEDY TRIALS

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### **Abstract**

*The Indian judicial system, predominantly adversarial, faces a severe backlog of cases due to prolonged investigations and delayed trials, undermining the fundamental right to a speedy trial. The new Criminal law has brought several procedural time bound deadlines into the investigation as well as in the judgement delivery however there are still some improvements that are necessary for gathering the public trust on the fair and speedy disposal of the cases. This paper explores the feasibility of incorporating selective inquisitorial elements to enhance the efficiency of criminal justice delivery in India.*

*Unlike the adversarial system, where judges act as neutral arbiters, the inquisitorial model grants them an active role in fact-finding, ensuring more structured investigations and reducing procedural inefficiencies. Drawing insights from successful implementations in European nations, this study proposes a hybrid framework where judicial oversight is enhanced in the pre-trial and trial stages. Key recommendations include empowering judges with limited investigative authority, integrating judicial-led case management, streamlining evidence collection, and fostering greater collaboration between law enforcement and the judiciary.*

*By blending inquisitorial principles within the existing legal framework, the Indian judiciary can significantly reduce investigation delays, expedite trial proceedings, and uphold the constitutional mandate of fair and speedy justice. This reform-driven approach aims to strengthen public trust in the judicial process while ensuring a balance between efficiency and due process.*

**Keywords:** *speedy trial, adversarial system, fair trial, inquisitorial system, reforms in judiciary, Indian judiciary*

## **Introduction**

The Indian judiciary, despite its robust framework, has long been plagued by delays in investigations and trials, leading to a staggering backlog of over 5 crore pending cases.<sup>1</sup> The adversarial system, which India follows, places the burden of proof on the prosecution and relies heavily on the contest between opposing parties. While this system has its merits, it often results in prolonged trials, inefficiencies, and a lack of judicial oversight during investigations. To address these challenges, there is a growing call to integrate elements of the inquisitorial system, as followed in countries like France, Germany, and Japan, into the Indian judicial process. This article explores how such integration can reduce investigation delays, ensure speedy trials, and enhance the overall efficiency of the justice system.

## **Delays in the Adversarial System**

India's adversarial system, inherited from the British colonial era, is characterized by its reliance on the prosecution and defense to present evidence and arguments. While this system ensures a fair contest between parties, it often leads to significant delays. Investigations in India are often marred by inefficiencies, lack of resources, and corruption. The police, who are responsible for gathering evidence, are frequently overburdened and under-trained, leading to delays in filing chargesheets.<sup>2</sup> Judges in the adversarial system act as neutral arbiters and do not actively participate in evidence collection or witness examination. This can result in weak cases being presented in court, leading to acquittals or retrials.<sup>3</sup> The adversarial system places the entire burden of proof on the prosecution, which can lead to delays if the prosecution fails to gather sufficient evidence or if the defense employs delaying tactics.<sup>4</sup>

## **Integrating Inquisitorial Elements**

In the inquisitorial system operating in the continental countries of Europe, including the Soviet Union, the responsibility of a trial judge is to discover the truth. The judge is assisted by a judicial police officer, who submits the investigation to the concerned prosecutor who after making a thorough scrutiny of the case can move the judge to take over the responsibility of supervising the investigation of such a case. Since the investigation is undertaken under the guidance of the Judge, the entire investigation process takes minimum

time. The case is then forwarded to the trial judge or disposal of the case. The inquisitorial system, followed in countries like France, Germany, and Japan, offers a contrasting approach. In this system, judges play an active role in investigating facts, collecting evidence, and questioning witnesses. This system has several advantages that can address the shortcomings of India's adversarial system. In the inquisitorial system, judges take a proactive role in managing trials, ensuring that proceedings are conducted efficiently and without unnecessary delays.<sup>5</sup> By reducing the reliance on parties to present evidence, the inquisitorial system can expedite trials and ensure timely justice.<sup>6</sup> Judges in the inquisitorial system actively examine evidence and question witnesses, leading to stronger cases and higher conviction rates.<sup>7</sup>

### **A Quasi-Inquisitorial Model**

Japan's judicial system, which incorporates elements of the inquisitorial system, offers valuable lessons for India. In Japan, judges play an active role in trials, and the prosecution has significant discretion in deciding whether to charge a suspect. This has resulted in a conviction rate of over 99% and significantly faster trials.<sup>8</sup> Japanese prosecutors conduct thorough investigations before filing charges, ensuring that only strong cases proceed to trial.<sup>9</sup> Trials in Japan are conducted continuously, with limited adjournments, ensuring that cases are resolved quickly.<sup>10</sup> Japan promotes mediation and conciliation to resolve disputes outside the courtroom, reducing the burden on the formal judicial system.<sup>11</sup>

### **Recommendations from the Malimath Committee**

The Malimath Committee, formed in 2000, submitted its report in 2003 with comprehensive recommendations to reform India's criminal justice system. Many of its recommendations align with the principles of the inquisitorial system and provide a roadmap for integrating these elements into the Indian judiciary. The Committee recommended that judges play a more active role in trials, similar to the inquisitorial system, by examining evidence and questioning witnesses.<sup>12</sup> The Committee emphasized the need for time-bound trials and recommended the establishment of fast-track courts to handle cases involving serious offenses.<sup>13</sup> The Committee advocated for a victim-centric approach to justice, ensuring that victims are given a voice in the trial process and are provided with adequate compensation and support.<sup>14</sup> The Committee recommended the use of technology to improve the efficiency

of the judicial process, including the digitization of court records and the use of video conferencing for witness testimonies.<sup>15</sup>

### **239th Law Commission Report: Integrating Inquisitorial Advantages**

The 239th Law Commission Report (2012) also highlighted the need to integrate the advantages of the inquisitorial system into India's adversarial framework. The Commission suggested that judges should have greater oversight over investigations to ensure that they are conducted fairly and efficiently.<sup>16</sup> The Commission proposed a hybrid model that combines the best elements of both the adversarial and inquisitorial systems. This would involve judges playing a more active role in trials while maintaining the adversarial system's emphasis on the rights of the accused.<sup>17</sup> The Commission recommended the establishment of specialized courts to handle specific types of cases, such as commercial disputes and sexual offenses, to ensure expertise and faster resolution.<sup>18</sup>

### **Case Study: Ankush Maruti Shinde v. State of Maharashtra:**

The Ankush Maruti Shinde v. The State of Maharashtra case highlights the importance of judicial oversight in ensuring fair trials. In this case, the Supreme Court emphasized that the prosecution must prove its case beyond a reasonable doubt and that the accused cannot be convicted based on mere suspicion or weak evidence.<sup>19</sup> The Court's ruling underscores the need for a more active role for judges in examining evidence and ensuring that trials are conducted fairly and efficiently. The apex court held that a serious lapse on the part of the investigation agency which affects fair investigation and fair trial, is violative of Articles 20 and 21 of the Constitution.

### **Case Study: Vinay Tyagi v. Irshad Ali:**

The Vinay Tyagi v. The Irshad Ali case dealt with the limits of judicial intervention in criminal investigations. The Supreme Court held that once a chargesheet is filed, the court does not have the power to order a fresh investigation or re-investigation unless there are compelling reasons, such as gross negligence or bias in the original investigation.<sup>20</sup> This case highlights the need for greater judicial oversight during investigations to ensure that they are conducted fairly and efficiently.

## Conclusion:

Integrating elements of the inquisitorial system into India's adversarial framework offers a promising path to reducing investigation delays and ensuring speedy trials. By adopting a hybrid model that combines the strengths of both systems, India can address the inefficiencies in its judicial process and deliver timely justice to its citizens. Key steps which include Judges should play a more active role in trials, examining evidence and questioning witnesses to ensure that cases are conducted efficiently. Greater judicial oversight during investigations can ensure that they are conducted fairly and efficiently. Strict timelines should be imposed for the completion of trials, with the establishment of fast-track courts to handle serious offenses. Technology should be leveraged to improve the efficiency of the judicial process, including the digitization of court records and the use of video conferencing for witness testimonies. Specialized courts should be established to handle specific types of cases, ensuring expertise and faster resolution. By adopting these reforms, India can move closer to achieving a judicial system that is efficient, transparent, and accessible to all.

## Footnotes:

1. National Judicial Data Grid (NJDG), Case Pendency Statistics, 2023.
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16. 239th Law Commission Report, 2012, Chapter 4.
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