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NEGLIGENCE BY LAW ENFORCEMENT AUTHORITIES DURING CRIMINAL TRIAL IN INDIA

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ABSTRACT

This article critically examines negligence by law enforcement authorities during the criminal trial process in India. It situates the problem across the investigation–pre-trial–trial continuum and analyses how investigative lapses, prosecutorial omissions, and custodial non-compliance corrode the constitutional guarantee of a fair trial. Using a doctrinal method with selective empirical references, it re-reads the Supreme Court’s jurisprudence (from *Hussainara Khatoon* to *Satender Kumar Antil*, *Lalita Kumari*, *Zahira Sheikh*, *Prakash Singh*, *Paramvir Singh Saini*, *Arjun Panditrao* and others) alongside the 2023 criminal law codes—Bharatiya Nagarik Suraksha Sanhita (BNSS), Bharatiya Nyaya Sanhita (BNS) and Bharatiya Sakshya Adhinyam (BSA). The paper maps typical patterns of negligence (delay, defective investigation, non-seizure or mishandling of exhibits, non-compliance with arrest and interrogation safeguards, failure to protect witnesses/victims, and poor case conduct by the prosecution) to doctrinal consequences, including acquittals, adverse inferences, vitiated trials and wrongful prosecution. It argues that the 2023 codes create new opportunities for accountability—mandatory forensic visitation greater digital procedures, timelines (e.g., committal and framing of charge), creation/expansion of the Directorate of Prosecution, and evidence rules for electronic records (BSA)—but emphasizes that implementation gaps persist. The article concludes with a ten-pillar reform plan spanning command responsibility, metrics and dashboards, forensic capacity, chain-of-custody, victim and witness protection, training, budgetary allocations, and statutory accountability with personal consequences for egregious negligence.

Keywords: BNSS, BNS, BSA, fair trial, negligence, police investigation, prosecution, defective investigation, forensic science, chain of custody, witness protection, electronic evidence, India.

1. Introduction

Negligence by law enforcement during the criminal trial is neither episodic nor trivial. It is systemic: reflected in non-registration or late registration of FIRs, perfunctory investigation, omission to secure and preserve material objects, indifference to custodial safeguards, failure to locate and produce key witnesses, fragile case diaries, and perfunctory or conflicted prosecution. The result is predictable—acquittals in serious offences, attrition, wrongful prosecutions, and loss of public confidence. At a constitutional level, such negligence threatens Articles 14 and 21 (due process, fairness, and speed), and Article 20 (protection against arbitrary prosecution).

The 2023 codes—BNS (procedure), BNS (substantive offences) and BSA (evidence)—mark the most consequential re-codification since 1860–1872. They codify several best practices that Indian courts had been articulating for decades. Yet, the promise of statutes must be tested against practice: the problem is not a dearth of rules, but the routine non-compliance with them. This paper offers (i) a conceptual map of “negligence” in the criminal process, (ii) a doctrinal synthesis of controlling precedents, (iii) a statutory analysis keyed to BNS–BNS–BSA, and (iv) a realistic reform blueprint attentive to ground constraints.

1.1 Objectives and Research Questions

1. To define “negligence by law enforcement” within the Indian criminal process and distinguish it from mala fides and mere error.
2. To identify the common patterns and systemic drivers of negligence that manifest before and during trial.
3. To map such negligence against doctrinal consequences in Supreme Court and High Court jurisprudence.
4. To test whether the 2023 codes reduce negligence risks and what institutional design is still missing.

1.2 Methodology and Sources

The paper relies on doctrinal research (constitutional and criminal jurisprudence), statutory analysis (BNS, BNS, BSA), and secondary policy sources (Law Commission Reports, NCRB data, government circulars), supplemented by illustrative case studies. Primary material includes Constitution Bench and three-judge bench authorities on fair trial, arrest and

investigation safeguards, and electronic evidence. Secondary sources include Law Commission Reports 239 (Expeditious Investigation & Trial), 268 (Bail), and 277 (Wrongful Prosecution), along with policy reports on police and prosecution reform. Citations are placed frequently in-text; a full bibliography appears at the end.

1.3 Literature Review

The issue of negligence by law enforcement authorities within the criminal justice process has attracted increasing academic and institutional attention in recent decades. Scholars examining the Indian criminal justice system have consistently argued that investigative lapses, procedural non-compliance, and weak prosecutorial coordination contribute significantly to delays and miscarriages of justice. The literature reveals that negligence is rarely an isolated act of individual incompetence; rather, it is embedded within structural weaknesses such as inadequate training, institutional pressure, lack of accountability, and systemic delays.

Early scholarly discussions on criminal justice administration in India emphasize the structural challenges faced by investigative agencies. K.N. Chandrasekharan Pillai observes that the criminal justice process in India is often undermined by poorly conducted investigations and insufficient adherence to procedural safeguards. According to Pillai, investigative negligence frequently manifests in the form of improper evidence collection, failure to maintain proper documentation, and delays in filing charge sheets, all of which weaken the prosecution during trial stages.¹ These procedural lapses not only affect the outcome of individual cases but also erode public confidence in the justice system.

Similarly, Madhav Menon's work on criminal justice reforms highlights that the investigative stage forms the backbone of the trial process, and any negligence at this stage inevitably affects the fairness of the trial. Menon argues that police officers often operate within a system that prioritizes case closure rates over investigative quality, resulting in incomplete investigations and reliance on weak evidence.² He emphasizes that systemic reforms, including better training, independent oversight, and improved coordination between police and prosecution, are essential to prevent negligence from affecting criminal trials.

Another strand of literature focuses on the consequences of investigative and prosecutorial negligence for the rights of the accused and victims. Aparna Chandra and her colleagues, in their empirical studies on the Indian criminal justice system, point out that delays in

investigation, failure to produce witnesses, and improper handling of evidence often prolong trials and undermine the constitutional guarantee of a speedy trial.³ These lapses disproportionately affect undertrial prisoners and marginalized communities, highlighting the broader human rights implications of law enforcement negligence.

Institutional reports have also addressed the issue extensively. The Law Commission of India, in several of its reports, has acknowledged that deficiencies in police investigation and prosecutorial coordination frequently lead to acquittals in serious criminal cases. The Commission has recommended structural reforms such as professionalizing the prosecution service, improving forensic infrastructure, and establishing clear accountability mechanisms for investigative lapses.⁴ Similarly, reports by the Commonwealth Human Rights Initiative (CHRI) highlight that police negligence is often linked to lack of training, political interference, and absence of independent oversight mechanisms.⁵ These reports argue that meaningful reform requires institutional independence, transparent disciplinary processes, and effective monitoring of investigations.

Recent academic and policy-oriented scholarship also emphasizes the role of judicial intervention in addressing investigative negligence. Scholars note that courts have increasingly attempted to correct systemic failures by issuing procedural guidelines and accountability mechanisms. For example, several studies discuss how judicial directives on mandatory FIR registration, witness protection, and proper evidence handling have sought to reduce investigative negligence.⁶ However, scholars also caution that judicial directives alone cannot resolve structural deficiencies unless accompanied by institutional reforms within policing and prosecution systems.

In addition, contemporary legal scholarship has explored the intersection between investigative negligence and technological reforms. Authors examining the role of digital evidence, forensic science, and surveillance technologies argue that while technological tools can improve evidentiary reliability, they also require proper training and institutional capacity.⁷ Without adequate infrastructure and professional expertise, technological reforms may fail to address the underlying problem of negligence in criminal investigations.

Overall, the existing literature demonstrates a broad consensus that negligence by law enforcement authorities during criminal trials is a systemic issue rather than a sporadic failure.

Scholars and institutional reports consistently identify deficiencies in investigation, lack of coordination between police and prosecution, inadequate accountability mechanisms, and structural constraints within the criminal justice system as major contributing factors. However, despite extensive discussion on investigative shortcomings and criminal justice reforms, relatively limited scholarly work specifically examines negligence during the trial stage itself, particularly the interaction between investigative lapses and courtroom procedures. This research therefore seeks to contribute to the existing scholarship by analysing how law enforcement negligence manifests across the investigation–trial continuum and how judicial interventions have attempted to address these failures within the Indian criminal justice framework

2. Bias and Corruption in Policing

Bias and corruption within the police force significantly contribute to negligence during criminal trials. Bias can manifest in the selective registration of FIRs, differential treatment of accused persons based on caste, class, or political influence, and deliberate weakening of investigations to favour powerful individuals. The Supreme Court in ¹*Prakash Singh v. Union of India* (2006) 8 SCC 1 recognized the urgent need for police reforms to reduce political and bureaucratic interference in policing, noting that such interference results in compromised investigations and miscarriage of justice.

Corruption further aggravates the problem. Investigating officers often succumb to bribery or external pressure, leading to tampering of evidence, non-examination of key witnesses, and deliberate omission of crucial facts in the charge-sheet. Studies by the ²National Police Commission (1981–1982) and subsequent reports of the Second Administrative Reforms Commission (2007) highlight that corruption in law enforcement remains endemic, especially in cases involving influential accused persons. The nexus between police, politicians, and criminals often ensures that trials are deliberately weakened, resulting in acquittals despite strong prima facie evidence.

The effect of corruption and bias is visible in high-profile acquittals where the prosecution fails to establish guilt beyond reasonable doubt due to manipulated investigations. For example, in ³*Best Bakery Case* (*Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158), the Supreme Court lamented how police bias and negligence led to hostile witnesses and collapse of the trial, necessitating a retrial. Such cases demonstrate that negligence rooted in bias and

corruption undermines not just individual justice but the legitimacy of the entire criminal justice system.

3. Overburdened Police Force and Resource Deficiency

A major structural cause of negligence by law enforcement is the chronic shortage of personnel and infrastructure in India's criminal justice system. According to the ⁴Bureau of Police Research and Development (BPRD), India's police-population ratio stands at approximately 152 per lakh population, far below the United Nations recommended standard of 222 per lakh (BPRD Data, 2022). This deficiency results in each investigating officer handling 70–150 cases simultaneously, leaving little time for quality investigation and trial preparation.

The consequences are predictable: superficial investigations, perfunctory documentation, delays in filing charge-sheets, and inability to produce witnesses on time. Forensic laboratories are also grossly under-resourced, with pendency of biological and DNA samples stretching into months. This creates a direct link between structural shortage and negligence during trial.

The Supreme Court in ⁵*State of Gujarat v. Kishanbhai* (2014) 5 SCC 108 acknowledged that overburdened investigators and prosecutors often fail to perform their duties diligently, leading to acquittals. It directed state governments to establish accountability mechanisms to review acquittals and identify lapses in investigation and prosecution. Similarly, the Law Commission of India in its 239th Report (2012)⁶ stressed that inadequate manpower and training were central to investigative failures.

Resource deficiency also manifests in lack of technology adoption. The law enforcement must adapt to technological advancements in order to reduce negligence⁷. Failure to properly use digital case management, CCTV monitoring, or electronic evidence protocols leads to avoidable lapses in trial. Thus, negligence here is not merely personal but systemic, arising from chronic under-investment in policing and forensic infrastructure.

4. Witness Hostility and Protection Failures:

One of the gravest manifestations of negligence during trial is the inability of law enforcement to secure, protect, and present witnesses. Witness testimony remains the backbone of the adversarial system, yet systemic lapses—ranging from non-issuance of summons, poor case coordination, to outright intimidation—render many witnesses hostile or unavailable. The

Supreme Court in *Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158 (“Best Bakery Case”) emphatically held that failure to protect witnesses corrodes the right to a fair trial under Articles 21 and 14. The Court observed that when witnesses are silenced through fear or inducement, the trial itself becomes a “mockery of justice.”

Despite judicial admonition, witness protection has remained fragile. The ⁸Malimath Committee on Reforms of Criminal Justice System (2003) and the Law Commission of India, 198th Report (2006) stressed the urgent need for a statutory scheme. The eventual Witness Protection Scheme, 2018, approved by the Supreme Court in ⁹*Mahender Chawla v. Union of India*, (2019) 14 SCC 615, was intended to institutionalize safeguards like anonymity, relocation, and in-camera proceedings. However, ground implementation remains patchy: state witness protection funds are under-utilized, local police are often unaware of protocols, and trial courts hesitate to invoke protective measures.

The 2023 codes create new procedural levers. BNSS 398 empowers courts to take measures for protecting witnesses during trial, while BNS provisions on aggravated offences against justice (e.g., tampering of evidence or threatening a witness) seek to deter interference. The BSA’s recognition of electronic records also enables pre-recorded statements and video-link testimony, which could reduce exposure to intimidation. Yet, negligence persists: police often fail to update witness contact details, secure their presence, or record supplementary statements in a timely manner.

Case law demonstrates the consequences. In ¹⁰*Ramesh & Others v. State of Haryana*, (2017) 1 SCC 529, the acquittal of accused persons in a murder trial was directly linked to the prosecution’s inability to protect key witnesses, who turned hostile. Similarly, in ¹¹*Swapan Kumar Chatterjee v. CBI*, (2019) 14 SCC 328, lapses in securing witness attendance resulted in prolonged delays and diluted evidence. Such failures highlight that without robust witness management, the doctrinal guarantee of a fair trial collapses into formalism.

Negligence in witness protection thus reflects both structural deficits (absence of infrastructure, funds, coordination) and personal lapses (indifference of police officers, prosecutors, or judicial officers). Unless accountability is fixed at each stage—police for securing and protecting witnesses, prosecutors for follow-up, and courts for proactive monitoring—the constitutional promise of justice remains illusory.

5. From Systemic Weakness to Procedural Negligence: When Institutional Failure Undermines the Fair Trial Guarantee

Negligence by law enforcement authorities during the criminal trial process is frequently misunderstood as isolated administrative inefficiency or mere professional incompetence. However, when examined within the constitutional framework governing criminal adjudication in India, such negligence assumes far greater significance. It is not limited to overt abuse of power or mala fide conduct; rather, it encompasses a spectrum of procedural failures that arise from systemic weakness, structural pressures, and institutional indifference. Unlike deliberate fabrication or malicious prosecution, negligence may occur without explicit intent to harm. Nevertheless, when investigative duties are performed carelessly, incompletely, or mechanically, the resulting procedural distortion directly affects the fairness, reliability, and legitimacy of the criminal trial.

The Supreme Court has consistently held that fairness in criminal adjudication extends beyond judicial neutrality to include the integrity of the investigative process itself. In *Zahira Habibullah Sheikh v. State of Gujarat*¹², the Court observed that a fair trial is the heart of criminal jurisprudence and that failure of investigation or prosecution can amount to denial of justice.¹ This doctrinal expansion makes it clear that negligence in investigation—whether manifested in selective evidence collection, failure to pursue material leads, or indifference toward witness protection—cannot be dismissed as a minor irregularity. Where the investigative agency neglects its duty to present a complete and balanced evidentiary record, the trial court is deprived of the very foundation upon which adjudication must rest.

One of the most recurring manifestations of negligence is defective investigation resulting in acquittals not because of innocence but because of evidentiary collapse. The Supreme Court in *State of Gujarat v. Kishanbhai*¹³ acknowledged that faulty investigation frequently results in miscarriage of justice and directed trial courts to identify lapses so that corrective steps could be taken against erring officials.² This recognition is significant because it shifts attention from outcome-based reasoning to process-based accountability. A criminal trial cannot achieve substantive justice if its evidentiary structure is compromised at the investigative stage. When officers fail to preserve forensic materials, neglect chain-of-custody requirements, or mechanically file charge-sheets under administrative pressure, such conduct falls squarely within the domain of procedural negligence.

Delay constitutes another critical dimension of negligent law enforcement. Investigative stagnation prolongs undertrial detention, weakens testimonial memory, and undermines the right to speedy adjudication. In *Hussainara Khatoon v. State of Bihar*¹⁴, the Supreme Court constitutionalized the right to speedy trial under Article 21, holding that prolonged detention without timely procedure is itself violative of personal liberty.³ Although that decision focused primarily on undertrial incarceration, its reasoning applies with equal force to investigative delay caused by institutional indifference or resource mismanagement. When law enforcement authorities fail to complete investigations within reasonable timelines without justification, the resulting deprivation of liberty transcends administrative lapse and becomes a constitutional wrong.

Negligence also manifests through non-compliance with procedural safeguards governing evidence. The evidentiary regime surrounding electronic records, clarified in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*¹⁵, underscores the importance of strict adherence to statutory certification requirements.⁴ Failure to comply with such evidentiary mandates does not merely weaken the prosecution; it destabilizes the trial process itself. Where investigating officers neglect statutory formalities, whether due to ignorance or haste, the admissibility of crucial evidence is jeopardized, thereby frustrating adjudicative accuracy.

The persistence of such negligence is deeply embedded in structural realities. Overburdened police personnel, inadequate forensic infrastructure, hierarchical pressure to demonstrate rapid results, and evaluation systems premised on disposal rates collectively incentivize speed over diligence. Moreover, the absence of robust supervisory review prior to charge-sheet submission enables incomplete investigations to proceed unchecked into the trial stage. These institutional conditions convert systemic weakness into procedural defect. When negligence becomes normalized as an operational inevitability, constitutional guarantees are reduced to formal declarations rather than enforceable protections.

Addressing this transformation requires structural recalibration. First, investigative standards must be codified with enforceable accountability mechanisms rather than relying solely on judicial exhortation. Second, supervisory certification of evidentiary completeness prior to filing of charge-sheets should become mandatory in serious offences. Third, performance evaluation metrics must prioritize sustainability of convictions and procedural compliance rather than mere statistical disposal. Finally, trial courts should be institutionally empowered

to formally record instances of investigative negligence and transmit such findings for departmental review, consistent with the spirit of *Kishanbhai*. Without such structural correctives, negligence will continue to erode trial integrity under the guise of administrative limitation.

Ultimately, negligence by law enforcement authorities during criminal trial is not an episodic aberration but a structural phenomenon with constitutional consequences. When investigative carelessness leads to wrongful incarceration, evidentiary collapse, or retrial, the harm extends beyond individual cases to public confidence in the rule of law. The fair trial guarantee under Articles 14 and 21 demands not only absence of malice but presence of diligence. Where the State undertakes prosecution, it assumes a duty of procedural care; failure to discharge that duty faithfully constitutes not mere inefficiency but institutional betrayal of constitutional trust.

6. Trial-Stage Breakdown and the Failure of Police–Prosecution Coordination:

Negligence Beyond Investigation

While investigative lapses often attract primary scrutiny, negligence by law enforcement authorities does not cease upon submission of the charge-sheet. A significant yet underexamined dimension of procedural failure arises during the trial itself, particularly in the coordination between police authorities and the prosecutorial machinery. The criminal trial in India is structurally dependent upon continuous engagement between investigating officers and public prosecutors. When this coordination falters—whether through indifference, inadequate preparation, or institutional fragmentation—the consequences manifest in evidentiary inconsistency, witness hostility, and ultimately acquittals attributable not to judicial error but to prosecutorial collapse.

The Supreme Court has repeatedly underscored that a fair trial is not a passive judicial exercise but an active, coordinated process involving investigation, prosecution, and adjudication. In *Manu Sharma v. State (NCT of Delhi)*¹⁶, the Court emphasized that the criminal justice system must ensure that prosecution is conducted with seriousness and fairness, warning that casual or negligent handling of evidence can undermine public confidence in the system.¹ The decision is significant in highlighting that fairness applies equally to the accused and to the societal interest in effective prosecution. When law enforcement agencies fail to properly brief prosecutors, neglect to secure attendance of key witnesses, or produce incomplete case diaries, they weaken the prosecution's ability to present a coherent narrative before the trial court.

Witness management constitutes one of the most critical areas where negligence during trial becomes visible. As previously discussed, witness hostility often arises from intimidation, delay, or lack of institutional protection. However, beyond these causes lies a more technical dimension: the failure of investigating officers to maintain regular contact with witnesses, ensure their presence on scheduled dates, and adequately prepare them for courtroom examination. The collapse of witness testimony due to non-production or contradictory statements is frequently symptomatic of systemic indifference rather than deliberate sabotage. In *Zahira Habibullah Sheikh v. State of Gujarat*¹⁷, the Supreme Court recognized that failure to protect and properly present witnesses results in denial of justice and may necessitate retrial.² The Court's intervention in ordering retrial in that case illustrates how trial-stage negligence can contaminate the adjudicative process to such an extent that ordinary appellate correction becomes insufficient.

Another dimension of trial-stage negligence arises from evidentiary non-compliance, particularly in relation to documentary and electronic materials. The evidentiary value of electronic records depends upon strict adherence to statutory requirements, as clarified in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*.¹⁸ Failure to furnish mandatory certification under Section 65B of the Evidence Act renders electronic evidence inadmissible. Such lapses often occur not because of malicious intent but due to poor training, lack of coordination with forensic experts, or last-minute preparation before trial. Nevertheless, the legal consequence remains severe: crucial evidence may be excluded, resulting in acquittal despite substantive proof of wrongdoing. Thus, procedural negligence at the evidentiary stage directly impacts trial outcomes.

The structural roots of these failures lie in the institutional design of prosecution services in India. In many states, prosecutors remain administratively dependent upon the police department or the executive branch, limiting their functional autonomy. Investigating officers frequently treat charge-sheet submission as the culmination of their responsibility, disengaging from the trial thereafter. This fragmented approach disrupts continuity between investigation and prosecution. Unlike jurisdictions where prosecution services operate independently with dedicated case-preparation teams, the Indian model often relies on ad hoc communication and overburdened officers managing multiple cases simultaneously. The result is inconsistency in witness production, delayed responses to court queries, and inadequate cross-examination preparedness.

Judicial pronouncements have sought to mitigate such breakdowns. In *State of Gujarat v. Kishanbhai*¹⁹, the Supreme Court directed that courts should identify and document investigative lapses so that corrective action may be initiated.⁴ However, such directives remain reactive rather than preventive. Without structural reform of police–prosecution coordination mechanisms, trial-stage negligence continues to recur across jurisdictions.

Addressing this dimension of negligence requires institutional recalibration rather than episodic judicial intervention. First, the establishment of an independent Directorate of Prosecution insulated from police hierarchy would ensure professional continuity and case ownership throughout the trial. Second, mandatory pre-trial evidentiary review conferences between investigating officers and prosecutors should be institutionalized to verify completeness and admissibility of materials. Third, digital case-management systems integrating investigation records with prosecutorial access would reduce documentation gaps and ensure transparency. Finally, accountability metrics must extend beyond investigation completion to include trial sustainability, thereby incentivizing long-term procedural diligence rather than short-term statistical closure.

Negligence during trial is particularly damaging because it operates at the decisive stage of adjudication. Whereas investigative errors may still be corrected through supplementary inquiry, trial-stage breakdown often results in acquittal, retrial, or irreversible loss of public trust. The constitutional promise of fairness under Articles 14 and 21 requires not merely proper commencement of prosecution but sustained procedural integrity until final judgment. When law enforcement authorities disengage or coordinate inadequately with prosecutorial institutions, the resulting collapse is not merely a failure of strategy; it is a failure of constitutional governance.

7. Institutional Accountability and Structural Reform: Preventing Systemic Negligence in the Criminal Trial Process

Negligence by law enforcement authorities during criminal trial cannot be meaningfully addressed through case-specific judicial correction alone. While appellate intervention, retrials, and judicial criticism serve important remedial functions, they remain reactive mechanisms. The recurring nature of investigative lapses, trial-stage breakdowns, and procedural non-compliance indicates that negligence is not merely the product of individual incompetence but is deeply embedded in institutional design. The absence of structural accountability

mechanisms, combined with hierarchical dependency and political interference, has allowed procedural carelessness to persist without sustained corrective oversight. If negligence is systemic, reform must likewise be systemic.

The Supreme Court's landmark decision in *Prakash Singh v. Union of India*²⁰ recognized that structural deficiencies within the police establishment undermine professionalism and accountability.¹ The Court issued binding directives mandating, inter alia, the establishment of State Security Commissions, fixed tenure for senior police officers, separation of investigation from law-and-order functions, and the creation of Police Complaints Authorities at state and district levels. These directives were intended to insulate policing from extraneous influence and to promote functional specialization. Yet, despite the constitutional authority of the judgment, compliance across states has been uneven and, in several instances, diluted through executive notifications that undermine the spirit of reform. The incomplete implementation of these directives has perpetuated the very conditions—political pressure, overburdening, and lack of independent oversight—that facilitate negligence.

The failure to operationalize separation between investigation and law-and-order duties is particularly significant in the context of trial-related negligence. When the same personnel are required to manage crowd control, VIP security, and routine law-and-order obligations alongside complex criminal investigations, investigative rigor inevitably suffers. The result is superficial evidence collection, delayed forensic analysis, and inadequate witness coordination—deficiencies that later manifest during trial. The structural logic of *Prakash Singh* recognized this institutional tension; however, without genuine administrative restructuring, investigative negligence remains structurally incentivized.

Judicial articulation of constitutional safeguards has similarly emphasized accountability as intrinsic to Article 21. In *Hussainara Khatoon v. State of Bihar*, the Court transformed the right to speedy trial into a constitutional guarantee, thereby imposing affirmative obligations upon the State to prevent undue delay.² Yet, the enforcement of such rights depends upon administrative machinery capable of monitoring compliance. Where no independent review body evaluates delays attributable to police inaction, constitutional pronouncements risk becoming symbolic rather than operational. Negligence thus persists not because norms are absent, but because enforcement architecture is weak.

Accountability must therefore extend beyond disciplinary proceedings triggered by extreme misconduct. A preventive framework requires routine auditing of investigative quality, formal recording of judicial findings on procedural lapses, and institutional feedback loops capable of translating courtroom criticism into departmental reform. In *State of Gujarat v. Kishanbhai*, the Supreme Court directed trial courts to document investigative deficiencies and recommended corrective action against erring officials.³ This directive implicitly acknowledges that trial courts occupy a critical vantage point for detecting negligence. However, absent statutory backing or binding administrative protocols, such documentation often remains case-specific and does not culminate in systemic change.

A robust accountability framework would incorporate three interrelated components. First, Police Complaints Authorities envisaged in *Prakash Singh* must be granted binding adjudicatory powers, adequate staffing, and transparent reporting obligations. Second, annual public disclosure of acquittals attributable to investigative lapses would introduce data-driven oversight, transforming anecdotal criticism into measurable performance indicators. Third, statutory codification of supervisory responsibility—wherein senior officers certify evidentiary sufficiency prior to charge-sheet filing—would distribute accountability vertically rather than isolating blame at the lowest operational level.

Compensation jurisprudence further underscores the constitutional imperative of institutional responsibility. Where wrongful prosecution or custodial abuse results from negligent investigation, courts have recognized compensatory relief as a public law remedy. Although compensation has primarily been awarded in cases of custodial violence and illegal detention, the doctrinal foundation suggests that egregious investigative negligence leading to wrongful incarceration may similarly attract State liability. Such financial accountability mechanisms create tangible deterrence and incentivize administrative vigilance.

Ultimately, preventing negligence during criminal trial requires reimagining law enforcement accountability not as episodic punishment but as continuous structural supervision. The legitimacy of the criminal justice system depends upon public confidence that prosecutions are conducted with diligence, neutrality, and procedural integrity. Where investigative carelessness repeatedly results in acquittals, retrials, or prolonged detention, the harm extends beyond individual litigants to systemic credibility. Articles 14 and 21 of the Constitution demand equality before law and protection of life and personal liberty; these guarantees are hollow if

institutional design permits persistent procedural failure without corrective response.

Structural reform, therefore, is not merely an administrative preference but a constitutional necessity. By operationalizing the directives of *Prakash Singh*, strengthening supervisory accountability consistent with *Kishanbhai*, and institutionalizing monitoring mechanisms that give practical force to the right to speedy and fair trial articulated in *Hussainara Khatoon*, the criminal justice system can transition from reactive correction to preventive governance. Only through such structural recalibration can negligence by law enforcement authorities during criminal trial be meaningfully reduced, thereby restoring coherence between constitutional promise and institutional practice.

8. Suggestions

The preceding analysis demonstrates that negligence by law enforcement authorities during criminal trial is neither episodic nor purely individual; it is structurally produced and institutionally sustained. Any meaningful reform must therefore operate simultaneously at the normative, administrative, technological, and accountability levels. Judicial exhortations—from *Hussainara Khatoon v. State of Bihar*²¹ to *Prakash Singh v. Union of India*²² and *State of Gujarat v. Kishanbhai*²³—have already articulated the constitutional grammar of diligence, fairness, and accountability. The challenge is institutional translation.

First, separation of investigation from law-and-order functions must be implemented in substance rather than form. Specialized investigative wings with protected tenure, independent budgetary allocation, and exclusive case responsibility would reduce superficial inquiry driven by competing field duties. Without functional specialization, procedural negligence remains structurally incentivized.

Second, supervisory certification mechanisms should be statutorily embedded prior to filing of the final report under the BNSS. In serious offences, a senior officer should formally certify evidentiary completeness, forensic integration, and compliance with arrest and custodial safeguards. This would vertically distribute responsibility and discourage mechanical charge-sheet filing.

Third, police–prosecution coordination must be institutionalized through an independent Directorate of Prosecution insulated from routine police hierarchy. Mandatory pre-trial

evidentiary conferences, digital access to case diaries, and shared accountability for witness production would mitigate trial-stage collapse. The recognition in *Manu Sharma v. State (NCT of Delhi)*²⁴ that prosecution must be conducted with seriousness and fairness underscores that effective coordination is integral to Article 21 compliance.

Fourth, forensic and digital capacity must be substantially expanded. The promise of electronic evidence under the BSA and the certification discipline emphasized in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*²⁵ will remain illusory without trained personnel, accredited laboratories, and enforceable chain-of-custody protocols. Time-bound forensic reporting and standardized digital evidence management systems are essential to prevent evidentiary exclusion.

Fifth, witness protection must transition from scheme-based formalism to operational reality. Although affirmed in *Mahender Chawla v. Union of India*²⁶, implementation deficits persist. Dedicated witness protection cells, ring-fenced funds, anonymity safeguards, and real-time monitoring by trial courts should become routine features of serious prosecutions.

Sixth, accountability metrics must shift from disposal-based evaluation to sustainability-based evaluation. Investigating officers and prosecutors should be assessed not merely on the number of cases filed, but on evidentiary robustness, compliance with procedural safeguards, and conviction sustainability after appellate scrutiny. Annual public disclosure of acquittals attributable to investigative lapses would introduce data-driven oversight consistent with the remedial spirit of *Kishanbhai*.

Seventh, statutory recognition of wrongful prosecution and compensatory liability should be strengthened in line with the normative foundations identified in Law Commission Report No. 277²⁷. Financial consequences for egregious negligence—borne institutionally and, in extreme cases, personally—would embed deterrence within administrative culture.

Eighth, continuous professional training is indispensable. Investigators, prosecutors, and forensic officers must receive structured training in electronic evidence, victim-sensitive procedures, constitutional safeguards, and courtroom presentation. Procedural literacy is a constitutional necessity, not an optional skill.

Finally, trial courts should be institutionally empowered to record formal findings of investigative or prosecutorial negligence and transmit them to designated oversight authorities. Such documentation, systematically compiled, would create an internal accountability archive capable of informing structural reform.

These reforms, taken together, move beyond reactive judicial correction toward preventive governance—aligning institutional design with constitutional command.=

9. Conclusion

Negligence by law enforcement authorities during criminal trial in India represents a structural tension between constitutional aspiration and institutional capacity. The fair trial guarantee under Articles 14 and 21 demands more than absence of malice; it demands presence of diligence. When FIRs are registered belatedly, forensic materials mishandled, witnesses left unprotected, electronic evidence rendered inadmissible, or prosecutions conducted perfunctorily, the resulting harm transcends individual cases. Acquittals born of evidentiary collapse, prolonged undertrial detention, retrials, and wrongful incarceration collectively erode public confidence in the rule of law.

The jurisprudence of the Supreme Court—from *Hussainara Khatoon*'s constitutionalization of speedy trial, to *Prakash Singh*'s structural police reform directives, to *Kishanbhai*'s insistence on documenting investigative lapses—reveals a consistent doctrinal thread: procedural integrity is a constitutional obligation of the State. The 2023 criminal law codes (BNSS, BNS, BSA) provide renewed statutory architecture, incorporating digital procedures, evidentiary clarity, and expanded procedural safeguards. Yet codification alone cannot cure institutional inertia. Implementation gaps, resource deficits, and accountability weaknesses continue to convert systemic strain into procedural negligence.

This study has argued that negligence is best understood not as episodic incompetence but as a product of structural design. It emerges where supervision is weak, specialization absent, forensic capacity inadequate, and performance metrics distorted. Consequently, reform must be systemic—embedding accountability vertically and horizontally across investigation, prosecution, and trial.

Ultimately, the legitimacy of criminal adjudication depends upon public assurance that the State prosecutes with fairness, neutrality, and professional competence. Where negligence persists unchecked, constitutional guarantees risk becoming declaratory rather than operational. Bridging the gap between constitutional promise and institutional practice requires structural recalibration grounded in accountability, capacity-building, and enforceable oversight. Only then can the criminal justice system move from reactive correction toward preventive integrity, ensuring that the right to fair trial is realized not merely in doctrine but in lived adjudicative reality.

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