



## Innocent until proven guilty

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In India, accused individuals are entitled to the protection of their rights and to a fair trial under the Indian Constitution,<sup>1</sup> and various laws, including the Code of Criminal Procedure, 1908 and the Indian Penal Code, 1960.<sup>2</sup> However, in practice, the treatment of accused individuals in Indian society can be influenced by a range of factors, including social, economic, and political factors. They are considered guilty even before their trial gets complete, which simply destroys their reputation in society and affects their personal life as well both mentally and physically.

In some cases, accused individuals may face discrimination and prejudice, which can result in them being treated unfairly or unjustly by the criminal justice system. This may include the violation of their rights, such as the right to a fair trial, the right to counsel, and the right to be protected from self-incrimination.

On the other hand, in some cases, accused individuals may receive support from their families and communities, and may be treated fairly by the criminal justice system. However, this can vary depending on the nature of the case, the evidence that has been gathered, and the social and economic status of the accused person.

It's important to note that the treatment of accused individuals in Indian society is influenced by several factors, including the nature of the crime, the strength of the evidence, the social and economic status of the accused person, and the political climate.

It is the right of accused to know the grounds of arrest and after effects of the same. Under Indian law, an accused person has the right to know the grounds of their arrest in section 57 of Code of Criminal Procedure. This right is enshrined in the which states "Person arrested to be informed of grounds of arrest and of right to bail" and is considered to be an important aspect of the right to personal liberty and the right to a fair trial.

<sup>1</sup> The Indian Constitution.

<sup>2</sup> The Code of Criminal Procedure, 1908 and Indian Penal Code, 1960.

The grounds of arrest must be communicated to the accused person as soon as they are taken into custody, and must be recorded in writing. The grounds of arrest must be specific and must clearly set out the reason for the arrest. This information is necessary to allow the accused person to challenge the legality of their arrest and to prepare a defence.

In addition to the grounds of arrest, an accused person has the right to be informed of the charges against them, the evidence that has been gathered, and the nature of the case against them. This information is essential for the accused person to prepare an effective defence and to receive a fair trial.

It's important to note that the grounds of arrest must be communicated to the accused person in a language that they understand, and that an accused person has the right to seek legal counsel to assist them in understanding the grounds of their arrest and the charges against them.

Overall, the right to know the grounds of arrest is considered to be a cornerstone of the legal system in India and is essential to ensure that the rights of accused individuals are protected and that justice is served in a fair and impartial manner.

In India, the rights of accused individuals are protected under the Constitution of India and various laws and judicial precedents. Some of the most important rights include:

- Right to legal representation: An accused person has the right to engage a lawyer of their choice to defend them in court.
- Presumption of innocence: The accused is assumed innocent until proven guilty beyond reasonable doubt.
- Right against self-incrimination: An accused person cannot be forced to give evidence against them.
- Right to bail: An accused person has the right to be released on bail, unless the charges against them are of a serious nature.
- Protection from torture: The use of torture or any other form of cruel, inhuman or degrading treatment is prohibited.



• **Right to fair trial:** An accused person has the right to a fair trial, including impartial proceedings, and a fair and impartial judgment.

All the rights, fair trials and all other things are on one hand whereas on other hand there is another factor which might affect the case and trial that is delay in proceedings. Delays in legal proceedings can have a significant impact on the rights of accused individuals, as well as the administration of justice. In India, long delays in criminal trials can result in an accused person being held in custody for extended periods of time, and can also result in the loss or deterioration of evidence.

There are several factors that contribute to delays in legal proceedings in India, including:

• **Overburdened courts:** India's judicial system is facing significant challenges, including a large backlog of cases, a shortage of judges, and inadequate funding.

• **Inefficient processes:** The legal process in India can be slow and cumbersome, with several stages of appeal and a large number of adjournments.

• **Lack of infrastructure:** India's judicial system is also facing significant infrastructure challenges, including a shortage of courtrooms and a lack of access to technology.

• **Unavailability of witnesses:** In some cases, witnesses may not be available to give evidence, which can result in delays in the proceedings.

• **Interference by external actors:** In some cases, proceedings may be delayed by the interference of external actors, including politicians, businessmen, and organized crime.

To address these issues and reduce delays in legal proceedings, the government of India has implemented a number of reforms, including the introduction of fast-track courts, the use of technology to improve the efficiency of the legal process, and the appointment of additional judges. Nevertheless, much work remains to be done to ensure that the rights of accused individuals are protected and that justice is served in a timely and efficient manner.

Overall, the treatment of accused individuals in Indian society remains an on-going challenge, and it is important to ensure that all accused individuals receive a fair trial and are protected from discrimination and prejudice. This can only be achieved through the continued efforts of the government, civil society, and the legal community to uphold the rule of law and to protect the rights of accused individuals.