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Justice in India: Between Retribution and Reform

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Balancing popular desire for immediate justice with the principle of due process is a delicate act, especially when there is distrust against the system and frustrations at delays. The tensions underscore the ongoing struggle for a fair and effective judicial system.

The principle of retribution has historically served as a foundational pillar of justice. In ancient times, the idea was simple: wrongdoings warranted equal punishment. However, as societies grew more complex, so too did their understanding of justice. The emergence of legal frameworks aimed to provide a more equitable approach to punishment, emphasising rehabilitation over mere retaliation.

In contemporary discourse, the theory of reformation has gained traction. It posits that individuals can change and reintegrate into society if given the right support and opportunities. Yet, this ideal is often overshadowed by real-world frustrations with a system perceived as slow, ineffective, and riddled with loopholes.

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In the evolving concept of justice in India, there is a tension between retributive impulses and the need for reform within the criminal justice system. Popular media often glorifies vigilantism, reflecting public frustration with systemic inefficiencies, such as lengthy legal proceedings and perceived corruption. If these issues persist, society risks regressing to an eye-for-an-eye mentality, where extrajudicial actions become the norm rather than the exception. We require urgent reforms to restore faith in the legal system, aiming to emphasise transparency, expedite processes, and foster community engagement.

An 'eye for an eye'

Early societies operated on the principle of an eye for an eye, where retribution was seen as a necessary means to restore balance and order. As civilisations evolved, so too did the understanding of justice. This led to the establishment of legal systems that intended to uphold the rule of law.

Despite these advancements, many individuals continue to express a longing for instantaneous justice, often manifested in calls for retribution against criminals. This sentiment is particularly evident in India, where popular media frequently glorifies vigilantism and extrajudicial killings, reflecting a pervasive distrust in the criminal justice system.

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In India, cinema has played a significant role in shaping public perceptions of justice. Films such as *Gangs of Wasseypur*, *Jai Bhim*, and *Jolly LLB* delve into the complexities of crime and punishment while highlighting systemic failures within the criminal justice system. These narratives resonate deeply with audiences who may feel that the legal system fails to deliver justice in a timely manner. For instance, *Jai Bhim* portrays the struggle of marginalised communities against systemic oppression and injustice. The film's powerful message underscores the urgent need for reform while simultaneously tapping into the audience's frustrations with a system that often seems indifferent to their plight. Such portrayals can lead viewers to yearn for instant retribution, a desire for swift action against those who evade justice.

The growing inclination towards vigilantism can be attributed to several factors. Many people believe that criminals exploit legal loopholes to escape punishment. High-profile cases involving political influence or corruption further exacerbate this belief, leading to disillusionment with the rule of law. As Martin Luther King Jr. poignantly stated, "Injustice anywhere is a threat to justice everywhere." Films and television shows often glorify acts of revenge and vigilantism. This portrayal can create a narrative where

extrajudicial actions are seen as justified responses to systemic failures. For victims and their families, the slow pace of legal proceedings can be excruciating. The desire for immediate justice often stems from deep emotional pain and frustration over perceived injustices. Additionally, in many parts of India, traditional beliefs about honour and revenge still hold sway, contributing to a preference for retributive justice over rehabilitative approaches.

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While calls for retribution may seem justified in the light of systemic failures, they pose significant risks to society as a whole. When individuals take justice into their own hands, it undermines the very foundation of legal systems designed to protect rights and ensure fairness. Vigilantism can lead to an escalation of violence, where retaliatory actions perpetuate cycles of revenge rather than fostering resolution. Moreover, extrajudicial actions often disproportionately affect marginalised groups who may already be victims of systemic injustices. As public faith in legal institutions diminishes, it becomes increasingly difficult to implement meaningful reforms aimed at improving the system.

Reforming criminal justice delivery

To rebuild trust in the criminal justice system in India, several key reforms are essential. Enhancing transparency is crucial. Legal processes must be made more open to ensure accountability at all levels. This includes public access to information regarding ongoing cases and judicial decisions. Expediting legal proceedings is equally important. Streamlining court processes can help reduce delays that frustrate victims and their families. Implementing technology solutions such as e-filing and virtual hearings could enhance efficiency significantly. Plea bargaining and compounding of offences, particularly those of a petty character, must be encouraged to free up the scarce resources of courts.

As for serious crimes, the Supreme Court has mandated the fixing of timelines for trials which must be strictly adhered to. We must however realise that our magistracy is undoubtedly overburdened. Opening more courts is not a complete solution. In a world increasingly obsessed with numbers, we must not aim only to expand dockets, as the quality of our adjudicative processes is also a constitutional imperative.

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Strengthening legal aid services is another vital step. Providing robust legal aid ensures that marginalised communities have access to representation and support within the legal system. Building trust between law enforcement agencies and communities is crucial as well. Initiatives that promote dialogue and collaboration can help bridge gaps in understanding and foster mutual respect. Furthermore, educating citizens about their rights and the workings of the legal system through public awareness campaigns can empower them to seek justice through appropriate channels rather than resorting to vigilantism.

Of equal importance is a fair and efficient investigative machinery. Time and again we have seen that the police have yielded to extra-statutory influences resulting in biased outcomes. Investigation provides the fodder for adjudication. If biased results are presented by the investigation officer, the court is at an immediate disadvantage as the entire case has already waned far from the truth. Nearly two decades ago, in *Prakash Singh* (2006), the Supreme Court had observed that the police must be freed from the leash of the executive. We can only lament that this directive has remained on paper owing to a lack of political will, as crime investigation remains firmly under the control of the executive thereby being susceptible to political influences.

The quest for justice is complex and multifaceted, particularly within the context of India's diverse society. While frustrations with the criminal justice system are understandable, turning towards retribution poses significant risks that could further erode public trust in legal institutions.

Conclusions

As we navigate this challenging landscape, it is essential to consider profound questions that remain unanswered. How can we effectively balance societal desires for immediate justice with the principles of due process? What role should media play in shaping

public perceptions without glorifying violence? How can we ensure that reforms address not only systemic inefficiencies but also cultural attitudes towards justice? What mechanisms can be implemented to hold law enforcement accountable while fostering community trust?

As we reflect on these issues, we are reminded of Cornel West’s assertion that “justice is what love looks like in public.” This perspective challenges us to envision a society where compassion guides our pursuit of fairness rather than vengeance or retribution. The path forward requires not only introspection but also collective action toward creating a system that embodies fairness, accountability, and respect for human dignity – a system where true justice prevails over vengeance and where hope replaces despair in our quest for a just society.

In this journey toward reforming our understanding of justice, we must heed Martin Luther King Jr.’s words: “Returning hate for hate multiplies hate.” Instead, let us strive for a future where “justice grows out of recognition of ourselves in each other—that my liberty depends on you being free too,” as Barack Obama eloquently stated. Only by fostering empathy and understanding can we hope to create a society where every individual feels valued and protected under the law.

Ultimately, these questions highlight the ongoing struggle between retributive impulses and the need for a fairer judicial process—a struggle that defines our collective pursuit of justice in an increasingly complex world.

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