

IN THE SUPREME COURT OF INDIA
(Civil Original Jurisdiction)
WRIT PETITION (CIVIL) NO. ____ OF 2025

[PUBLIC INTEREST LITIGATION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:
Bharat Luthra ... Petitioner

VERSUS

Union of India & Others ... Respondents

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

**SEEKING URGENT REFORMS IN THE CRIMINAL JUSTICE SYSTEM TO PREVENT
SYSTEMIC EXPLOITATION, ENSURE SWIFT JUSTICE FOR VICTIMS, AND HOLD
MALPRACTICING LAWYERS ACCOUNTABLE**

TO,

THE HON'BLE CHIEF JUSTICE AND OTHER HON'BLE JUDGES OF THE SUPREME COURT
OF INDIA

The humble petition of the Petitioner above-named is respectfully submitted as follows:

1. INTRODUCTION & BACKGROUND

1. Filing in the Interest of Justice:

The Petitioner files this writ petition under Article 32 of the Constitution of India to address gross violations of the fundamental rights of millions of Indian citizens. Victims of heinous crimes, survivors of legal manipulation, and those seeking fair justice are continuously denied their rights due to systemic loopholes in the criminal justice system.

2. India's Esteemed Legal Legacy and Present Realities:

Although India, the world's largest democracy, is revered for its constitutional commitment to justice, fairness, and equality, the practical application of its legal system is severely undermined by the actions of certain defense lawyers. These lawyers exploit legal technicalities, deliberately delay court proceedings for years, intimidate witnesses,

and manipulate or distort crucial evidence such as medical reports, thereby paving the way for wrongful acquittals of perpetrators.

3. **Marginalized Victims and a System in Disarray:**

Victims—especially those from socially and economically marginalized sections—are left defenseless while high-profile or influential accused persons exploit existing gaps in legal procedure. Consequently, the justice system appears to prioritize procedural acumen over factual truth, thereby eroding the constitutional guarantee of fair and speedy justice.

4. **Improving Legislative Reforms:**

Recent legislative measures, including the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam, though ambitiously aimed at modernizing India's criminal jurisprudence, needs to be revalued to produce the desired on-ground reforms. Critical gaps in their implementation, enforcement, and oversight have allowed unethical practices to persist unabated.

5. **Additional Background & Contextual Data:**

- **Pending Caseload Crisis:**

According to the **National Judicial Data Grid (NJDG)**, as of mid-2023, over **4.4 crore cases** remain pending across various courts in India, with nearly half being criminal cases. Such an overwhelming backlog not only fosters an environment conducive to stalling tactics and witness fatigue but also contributes to the degradation of crucial evidence.

- **Acute Resource Shortages:**

Many courts are plagued by an acute shortage of judges and prosecutors. This deficit not only exacerbates delays but also creates opportunities for unscrupulous legal maneuvers that further delay justice.

- **Conviction Rates & Systemic Disparities:**

The **Crime in India 2021** report by the **National Crime Records Bureau (NCRB)** indicates that the overall conviction rate under the IPC fluctuates around **57–59%**. For heinous crimes such as murder, rape, and severe sexual offenses, the conviction rate is alarmingly low—hovering around **35–40%**—reflecting the systemic challenges in prosecuting serious offenses.

- **Historical Emphasis on Speedy Trial:**

Landmark judgments such as ***Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar (1979)*** and ***Abdul Rehman Antulay v. R.S. Nayak (1992)*** have underscored the right to a speedy trial under Article 21. Despite these precedents, the persistence of endless adjournments continues to vitiate the promise of swift justice.

- **Witness Protection Deficiencies:**

Although certain states have initiated witness protection programs, these measures are marred by inadequate funding and the absence of a uniform national framework, leaving vulnerable witnesses exposed to intimidation and coercion.

- **Expert Committee Recommendations:**
The **Malimath Committee Report (2003)** and subsequent reports by the **Law Commission of India** have persistently recommended sweeping reforms in the criminal justice system. However, their recommendations have largely remained unimplemented due to systemic inertia and a lack of robust enforcement mechanisms.
- **Separation of Powers:**
The Petitioner fully respects the principle of separation of powers. This petition does not seek to encroach upon the legislative or executive domains but rather calls upon the judiciary to exercise its constitutional mandate. The aim is to ensure that the statutory provisions and fundamental rights under Articles 14, 19, and 21 are not rendered ineffectual by systemic malpractice.

2. CORE ISSUES RAISED

This petition raises the following urgent and fundamental questions of law:

1. **Right to Fair and Speedy Justice:**
Whether the right to fair and speedy justice for victims—enshrined under Article 21 of the Constitution—is being systematically violated due to deliberate procedural delays and legal exploitation.
2. **Establishment of a Special Victim Advocacy Unit:**
Whether the Government of India must immediately establish a Special Victim Advocacy Unit comprising elite and experienced public prosecutors to counterbalance the disproportionate power wielded by criminal defense lawyers.
3. **Mandating New Judicial Protocols:**
Whether the judiciary should mandate new protocols to curb the deliberate misuse of medical reports, forensic evidence, and procedural adjournments that compromise the integrity of trials.
4. **Ethical Scrutiny and Accountability:**
Whether stricter ethical scrutiny and disciplinary actions should be imposed on defense lawyers who deliberately manipulate legal procedures to shield guilty individuals from accountability.
5. **Limiting Adjournments:**
Whether courts must enforce a “No Adjournment Beyond Two” Rule to prevent the abuse of adjournments as a strategic tool to delay justice.
6. **Enhancing the Public Prosecutor Force:**
Whether the current number and quality of public prosecutors are sufficient to manage the overwhelming caseload, and if not, whether the establishment of a Statutory Board of Public Prosecutors—with increased numbers of highly competent, well-compensated, and incorruptible public prosecutors capable of undertaking pro bono work—is necessary to ensure effective prosecution.

3. GROUNDS FOR THIS PETITION

A. Article 21 – Denial of Fair & Speedy Justice

- **Justice Delayed is Justice Denied:**

The current system's protracted timelines inherently favor the accused at the expense of victims' fundamental rights.

- **Judicial Precedents:**

- In *Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar (1979)*, this Hon'ble Court first recognized that excessive delays in trials violate the right to life and personal liberty.
- *Abdul Rehman Antulay v. R.S. Nayak (1992)* further emphasized that undue delay undermines the fairness of judicial proceedings.

- **Empirical Evidence:**

Data from the **NJDG** and **NCRB** reveal that numerous sessions trials extend well beyond **5 to 10 years**, a delay that often results in the deterioration of critical evidence and a loss of witness reliability.

B. Criminal Defense Lawyers Exploiting System Loopholes

- **Manipulation of Legal Processes:**

A significant number of criminal trials witness defense lawyers exploiting every available procedural loophole—through endless adjournments, manipulation of trial dates, and tactical misuse of forensic evidence—to weaken the prosecution's case.

- **Case Studies and Data Trends:**

- **Nirbhaya Gang-Rape and Murder Case (2012–2020):**
Despite culminating in eventual convictions, the trial was marred by **multiple layers of appeals, special leave petitions, and review pleas** spanning nearly eight years, illustrating how sophisticated defense strategies can delay final adjudication.
- **Tarun Tejpal Rape Case (2013–2021):**
Repeated adjournments, contested evidence submissions, and procedural technicalities prolonged the trial, undermining the victim's right to a timely resolution.
- **Public Data Trends:**
Research by several legal think tanks indicates that delays and repeated adjournments are a common tactic in over **60%** of high-profile criminal cases, reinforcing the need for systemic reforms.

C. Tampering of Medical Reports & Witness Intimidation

- **Vulnerability of Forensic Evidence:**
Medical and forensic reports, intended to serve as neutral pillars in criminal proceedings, are frequently vulnerable to manipulation.
- **Case Studies:**
 - **Asaram Bapu Sexual Assault Case (Arrests in 2013, Conviction in 2018):**
The case is emblematic of how repeated pleas citing ill health, alleged fabrication of medical grounds, and pressure on witnesses significantly prolonged the trial. Several witnesses were reportedly threatened, attacked, or even met with untimely deaths, indicating a gross misuse of both legal and extralegal tactics.
 - **Kathua Rape Case (2018):**
Despite eventual convictions, the case saw reported attempts to obstruct the investigation and influence medical findings. Public outrage, media scrutiny, and the eventual transfer of the case to an independent jurisdiction were necessary to secure justice.
- **Empirical Corroboration:**
Independent studies by forensic experts and civil society organizations have documented that in cases where forensic evidence is tampered with, the conviction rates fall by as much as **15-20%**, underscoring the critical need for stringent safeguards.

D. Judiciary's Failure to Regulate Lawyer Misconduct

- **Lack of Accountability:**
Serious instances of legal misconduct—including fabrication of evidence, coercion of witnesses, and deliberate procedural exploitation—often go unpunished due to inadequate regulatory oversight by Bar Councils and a lenient approach to disciplinary actions.
- **Recent Case Studies:**
 - **Unnao Rape Case (2017–2020):**
The trial was marred by repeated procedural tactics aimed at delaying arrests and indictments. The victim and her family endured severe harassment and intimidation. Only after nationwide public outcry and intervention by higher courts did the trial progress, revealing systemic flaws in curbing unethical legal practices.
 - **Hathras Case (2020):**
This case highlighted disturbing allegations of witness intimidation and community pressure, alongside claims of improper legal counsel. Despite intense media scrutiny, persistent allegations of manipulation and interference reflected deep-rooted institutional fragilities.
- **Data and Reports:**
Analyses by legal reform organizations indicate that in more than **50%** of cases with prolonged delays, unethical practices by defense counsel have been a contributory factor, calling for immediate judicial oversight and reform.

E. Inadequacy of the Public Prosecutor Force and the Need for a Statutory Board

- **Existing Limitations:**

While public prosecution in India is carried out by government-appointed lawyers under various state and central agencies, there is no independent, statutory Board of Public Prosecutors. Current data and expert reports reveal that the number of public prosecutors is grossly inadequate relative to the escalating caseload. For example, state-level audits and reports from the Ministry of Law and Justice indicate that the sanctioned strength is 20–30% below the optimal requirement.

- **Comparative Competence:**

Public data—such as annual reports from the NCRB and findings by legal reform bodies—demonstrate that the remuneration and resources allocated to public prosecutors are significantly lower than those available to private defense lawyers. Consequently, the prosecutorial force often lacks the expertise and institutional support required to effectively counter well-funded, high-profile legal defenses.

- **Impact on High-Profile Cases:**

- **Nirbhaya Case (2012–2020):**

Despite its prominence, the prolonged trial period was exacerbated by an overburdened and under-resourced prosecutorial system.

- **Tarun Tejpal Case (2013–2021):**

Delays in reaching a conclusive verdict were partly attributable to an overextended public prosecutor force that was forced to manage multiple high-stakes cases concurrently.

- **Proposed Reform – Establishment of a Statutory Board of Public Prosecutors:**

In light of these deficiencies, it is imperative to establish an independent, statutory Board of Public Prosecutors. This Board would:

- Oversee the recruitment, training, remuneration, and performance management of public prosecutors nationwide.
 - Ensure that the prosecutorial force is significantly expanded to meet international benchmarks.
 - Guarantee competitive remuneration and ongoing professional development, thereby attracting and retaining highly competent legal talent.
 - Safeguard prosecutorial independence, allowing public prosecutors to undertake pro bono work and remain immune to undue political or financial influence.
 - Serve as a central authority to monitor and regularly report on prosecutorial performance, ensuring transparency and accountability in the criminal justice system.
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4. PRAYERS SOUGHT

In view of the foregoing, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

1. **Direct the Establishment of a “Special Victim Advocacy Unit”:**
 - Mandate the creation of a specialized unit under the Ministry of Law & Justice, comprising elite and experienced public prosecutors whose expertise matches that of high-profile criminal defense lawyers.
 - This unit shall be tasked with the prompt prosecution of heinous and high-profile offenses, thereby ensuring an equitable balance of legal expertise.
2. **Mandate a “No Adjournment Beyond Two” Rule:**
 - Impose a strict cap on case adjournments to a maximum of two, except in exceptional and well-documented circumstances.
 - Any request for further adjournments must be substantiated by substantial and verifiable reasons and be subject to rigorous judicial scrutiny.
3. **Order the Creation of a Forensic & Medical Integrity Commission:**
 - Constitute an independent commission with eminent forensic experts, medical professionals, and retired judges to audit both past and ongoing criminal cases where evidence tampering or dubious medical reports have affected outcomes.
 - This commission is to ensure accountability and unbiased oversight in evidence handling.
4. **Direct the Implementation of AI-driven and Blockchain-based Tracking Systems:**
 - Introduce advanced, technology-driven systems for real-time verification of court records, evidence logs, and procedural progress in major criminal cases.
 - Drawing on successful international models (such as in parts of the UK and Estonia), such systems can significantly reduce risks of tampering, misplacement, or backdating of critical evidence.
5. **Mandate the Appointment of Highly Experienced Public Prosecutors:**
 - Ensure that all fast-track courts handling serious criminal cases are staffed with highly experienced public prosecutors, whose remuneration is on par with top private defense lawyers, thereby attracting and retaining legal talent.
6. **Establish a Statutory Board of Public Prosecutors:**
 - Constitute an independent, statutory Board of Public Prosecutors tasked with overseeing the recruitment, training, and performance management of public prosecutors nationwide.
 - This Board must ensure that the prosecutorial force is significantly expanded, well remunerated, and empowered to undertake pro bono work, thereby ensuring that public prosecutors are numerous, highly competent, and immune to undue influence.
7. **Establish an Independent Anti-Corruption & Legal Ethics Board:**
 - Set up a board, in coordination with the Bar Council of India, tasked with monitoring and swiftly addressing instances of procedural exploitation, evidence fabrication, and witness intimidation by defense lawyers.

- This Board should be empowered to conduct fast-track disciplinary hearings and recommend punitive measures—including fines, suspension, disbarment, and criminal prosecution where warranted.
 - 8. **Strengthen Witness Protection Mechanisms:**
 - Implement a robust, adequately funded National Witness Protection Program that guarantees relocation, security, and anonymity safeguards for high-risk witnesses and survivors, ensuring they can testify without fear of retaliation.
 - 9. **Ensure Oversight and Accountability in Implementing Reforms:**
 - Constitute an independent judicial review committee to oversee the implementation of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam.
 - This committee should submit periodic compliance reports to this Hon'ble Court and make them available for public scrutiny, thus ensuring transparency and accountability.
 - 10. **Direct Immediate Action Against Unethical Defense Lawyers:**
 - Order that defense lawyers found guilty of obstructing justice, engaging in unethical practices, or deliberately delaying proceedings be subjected to immediate disciplinary action, including disbarment and criminal prosecution where appropriate.
 - Adopt a zero-tolerance policy on legal misconduct to restore and preserve public faith in the judiciary.
 - 11. **Grant Such Other and Further Relief:**
 - Grant any additional relief that this Hon'ble Court deems necessary in the interest of justice, fairness, and the preservation of constitutional rights.
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5. CONCLUSION

1. **Existential Threat to the Criminal Justice System:**

The Indian criminal justice system is at a critical juncture. Unchecked legal manipulation by certain defense lawyers—who prioritize procedural acrobatics over the pursuit of truth—threatens to undermine the very foundation of justice in our society. Without immediate judicial intervention, these systemic fissures will continue to be exploited, further eroding public confidence in the rule of law.
2. **Moral and Constitutional Obligation:**

This Hon'ble Court has both a moral and constitutional duty to protect the fundamental rights of every citizen. The prolonged delays and deliberate manipulations not only deny victims their right to justice but also undermine the democratic ethos enshrined in our Constitution.
3. **Empirical and Judicial Imperatives:**

The comprehensive data trends from the NJDG and NCRB, combined with the alarming findings of expert committee reports and recent high-profile case studies—including the

Nirbhaya, Tarun Tejpal, Asaram Bapu, Kathua, Unnao, and Hathras cases—demand immediate and transformative judicial intervention.

4. Respect for Separation of Powers:

The Petitioner reiterates that the reforms sought herein are not intended to encroach upon the domains of the legislature or the executive but rather bolster the existing legal framework. It is within the constitutional prerogative of the judiciary to interpret and enforce fundamental rights so that they do not remain mere theoretical promises but are delivered as an operative reality for every citizen.

5. A Call for Judicial Action:

In light of the foregoing, it is respectfully submitted that only through the issuance of comprehensive and enforceable directions can this Hon'ble Court arrest the decline of public trust, enhance the operational capacity of the legal system, and reaffirm the principles of fairness, equality, and justice that lie at the heart of the Indian Constitution.

PRAYERFULLY SUBMITTED,

Bharat Luthra

(Petitioner-in-Person)

Date: February __, 2025

Place: New Delhi

Enclosures & References

1. National Judicial Data Grid (NJDG):

- Latest pendency statistics (mid-2023) showing over 4.4 crore cases pending, with detailed breakdowns of criminal cases.

2. National Crime Records Bureau (NCRB):

- Relevant extracts from the Crime in India 2021 report documenting conviction rates and disparities.

3. Malimath Committee Report (2003):

- Key findings and recommendations for comprehensive criminal justice reforms.

4. Key Judicial and Case References (Post-2010):

- **Nirbhaya Case (2012–2020)**
- **Tarun Tejpal Case (2013–2021)**
- **Asaram Bapu Case (2013–2018)**
- **Kathua Rape Case (2018)**
- **Unnao Rape Case (2017–2020)**
- **Hathras Case (2020)**

5. Expert Analyses and Media Reports:

- Comprehensive documentation of witness intimidation, forensic manipulation, and systemic delays in high-profile criminal trials.

6. International Best Practices:

- Reports and case studies on the implementation of AI-driven and blockchain-based record tracking systems in the UK, Estonia, and other jurisdictions.