Advances in Economics and Business Management (AEBM)
p-ISSN: 2394-1545; e-ISSN: 2394-1553; Volume 4, Issue 6; April-June, 2017, pp. 375-375

http://www.krishisanskriti.org/Publication.html

# Plea Bargaining: Why it has Failed so Far: Indian Experience

**Ajay Kumar and Aditya Kumar Singh**

*[1]JIMS School of Law, GGS IP University, New Delhi*
*[2]Student of BBA LLB- IIIrd year at JIMS School of Law, GGS IP University*
*E-mail: [1]kumar.ajay@jagannath.org)*

*"The greatest drawback of the administration of justice in India today is because of delay of cases..... The law may or may not be an ass, but in India, it is certainly a snail and our cases proceed at a pace which would be regarded as unduly slow in the community of snails. Justice has to be blind but I see no reason why it should be lame. Here it just hobbles along, barely able to work."*

—NANI PALKHIWALA

*Plea Bargaining is a bit new concept under Indian Law, introduced after the Amendment Act of 2005 in Code of Criminal Procedure .The inherent assumption behind upholding plea bargaining as a constitutional mechanism is that it is considered as a voluntary practice. Mechanisms are put in place to ensure that the deal offered to the accused is accepted with free consent. For a valid plea bargaining, awareness of the direct consequence of pleading guilty and the benefits offered by the prosecutor must be present, in addition to absence of inducement,harassment or misrepresentation. However, the ground reality depicts otherwise.*

*Also, NCRB data for 2015 shows that only 0.5% of the persons charged with crimes under IPC opted for Plea bargaining in India, putting forth a big questin mark on Plea Bargaining as an effective tool for a speedy criminal justice.*

*This paper concerns with the conceptual critique of the process to demonstrate cases which fall under coercion and establish futher that no case can fall under the free will category and further dwell upon the factors affecting the success of Plea bargaining in India and suggest remedial measures thereof.*