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SHOULD INDIA REINTRODUCE THE JURY SYSTEM? A COMPARATIVE STUDY WITH THE UNITED STATES AND THE UNITED KINGDOM

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I. Abstract

It is a legal process where a group of people (jurors) are sworn to hear trial, see the evidence and determine facts and give the verdict or decision. The jury will find whether a person is guilty / not guilty or liable / not liable. The jury system is designed to ensure the honesty of judges (who explain the law). The jurors will vote for the decision whether a person is guilty or not.

The jury system is abolished by India following the landmark judgment or decision in the case of *K.M.NANAVATI v/s STATE OF MAHARASHTRA*¹⁸⁶. This research paper examines a comparative and detailed study of the jury system in India, United States, United Kingdom. With the help of comparative analysis, the study evaluates the compatibility of Jury trials with Article 21 of the Indian Constitution¹⁸⁷. This study also talks about the reason for abolition of Jury system; it also includes the analysis why jury trials are important to democracy of United states and United Kingdom.

The research paper examines that the Jury system make the democratic values best and safeguarding the authority of courts but in India, they face structural, social, and operational difficulty which change the whole scenario from United States and United Kingdom. In this research paper it also examines that how jury trials works in United States which protects the jury rights for trials under the

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¹⁸⁶ *K.M. Nanavati v. State of Maharashtra*, A.I.R. 1962 S.C. 605 (India).

¹⁸⁷ *INDIA CONST.* art. 21.

Sixth Amendment¹⁸⁸. In United Kingdom, the jury trials continue in serious offences under Crown Court proceedings.

The research paper evaluates that the Jury system will be transparent for the public of India, but India needs a well-controlled system alteration or modification because of its unique social-legal structure. This paper examines that to reintroduce the Jury trials in India, it requires small steps with full institutional support to do complete restoration and to create a new Jury system.

Keywords- Jury System, Comparative Criminal Justice, Trial by Jury, Article 21 of the Indian Constitution, Fair Trial, Participatory Justice, K. M. Nanavati v. State of Maharashtra, Sixth Amendment, Crown Court Jury Trials, Criminal Justice System Reform

II. Synopsis

The Jury system operates by a group of people (juries), which determine facts of the case and decide the verdicts or finalize the case by evaluating the evidence which is shown in the court proceedings. The Jury system enables people to join public activities, promotes transparency and fair criminal proceedings in criminal justice. In India, Jury system followed during the colonial period but after the landmark case named K.M. NANAVATI v/s STATE OF MAHARASHTRA it was abolished or eliminated from the judicial system of India because of the 'media influence' and juror's biasness.

This research paper shows a comparative study of work of Jury system in United States, United Kingdom and work of Jury system in India. United States & United Kingdom¹⁸⁹ still use Jury system for the criminal cases to ensure both public participation and democratic participation in the verdicts, but India already abolished the Jury system. This research paper also examines the challenges & difficulties of reintroduction of Jury system in India, and it also talks about how new Jury system will match the Article 21 of Indian Constitution which safeguard or helps in protect the rights to fair trials. This paper concludes with demonstrating how new Jury system will do betterment of democratic values and transparency. India needs to establish strong and effective procedural

safeguard and apply slow changes before it can start the Jury system again.

III. Introduction

The core responsibilities of Criminal justice administration exist in every legal system because it protects the social order and upholds the legal standard. The Jury system faced heavy debate about the Jury trial mechanism because this system trial allows regular people to give their opinion in the decision-making process of court, in this people decide through their participation in the Jury trial. The main function of the Jury system is to make decisions after juror listen the facts of the case and examine the evidence and afterwards, they give their opinion or verdict to judges for the final judgment. This helps them to maintain community values and help them to protect the legal justice. As per the Jury system public involvement will create better transparency and responsibility in judicial proceedings. Jury system gains public trust toward courts.

The British colonial authorities brought the Jury system when they rule India, since the Jury system serves as an important element of common law nations¹⁹⁰. In British colonial period the Jury system operated as a very important component which served the criminal justice system in every part of the presidency town of Calcutta, Madras, Bombay. The jury system accepted in India in Colonial period but there are challenges in India because jurors did not know about law, it affected the success of this system,

¹⁸⁸ U.S. CONST. amend. VI.

¹⁸⁹ *Juries Act* 1974, c. 23 (U.K.).

¹⁹⁰ LiveLaw Research Team, *History of the Jury System in India Must Go Beyond the Nanavati Trial*, Says Princeton Researcher Kalyani Rammath, LiveLaw (Sept. 16, 2016).

and it became very difficult to maintain fair judgement. British forces took the advantage and influence their decision. This becomes national controversy in K.M. NANAVATI v/s STATE OF MAHARASHTRA case because media and public reactions seemed to shape the final decision which the jury reached. This case worked as a big turning point in the Indian legal history. And the case leads to the end of Jury system in India but created a judicial system which is followed by the Code of Criminal Procedure of 1973¹⁹¹.

In United States (US) and United Kingdom (UK) Jury system is very important component in their judicial system which supports the Criminal justice system. United States made the Jury system a fundamental right of the citizen in the 6th amendment to protect citizen getting abused by the highly influential governmental power. In United Kingdom, Jury trial is well maintained in crown's court. It is an essential element in their criminal proceedings because the citizen involvement in the judicial processes. These two countries have very successful Jury system, and they work very smoothly because they made the institutional protection to safeguard the people rights, people also understand their rights, and they cooperate with the procedure.

The continuous working of Jury system raised a major question that in India the Jury system is relevant or not, Is the Jury system is suitable in Indian legal application. In India there are operational challenges and fairness doubt in Jury system because of this it leads to elimination of the jury trial. Article 21 of Indian constitution protects the life and personal freedom which courts have includes right to fair and unbiased court proceedings¹⁹². This raises the issue about the fairness and transparency of criminal trial in Indian legal justice system. The reintroduction of Jury system faces many

challenges because cultural diversity and impact of media, and different mindset of people to understand the law¹⁹³. Nowadays the number of court cases are increased. Juror might add their personal beliefs and ideology instead of examining the facts and evidence in the final verdict. To bring back the Jury system in India, needs to follow method which have right assessment and includes unbiased judgement.

This research paper shows a detailed comparison of Jury system of United State (US), United Kingdom (UK), and India. It focuses on the structural framework and development in past few years among these three legal systems. The paper also shows about the functioning of the jury system, positive and negative aspects of this system and the success rate of Jury system in India. Through the analysis of this study, it talks about the possibilities of reintroduction and constitutional requirement of Jury system in India. This paper examines core democratic principles maintain by the Jury system. For implementation of the Jury system, India needs to establish court system and people education programs and substantial institution reform.

IV. Research methodology

The research depends on the secondary data which includes legal texts from case laws, online database, legal journals, etc. The research shows analysis which support the Jury system through Article 21 of the Constitution of India and the decision of K.M. NANAVATI v/s STATE OF MAHARASHTRA¹⁹⁴. The research paper shows the reason of the abolition and the value of Jury trials or proceedings. The comparative study shows how the United States (US) and United Kingdom (UK) operate the Jury system in their legal framework. The study talks about four elements in this research. It shows that how Jury members got selected, how juries form their members,

¹⁹¹ Krishnardhula Saruyu, *The End of Jury Trial: K. M. Nanavati v. State of Maharashtra*, 2 *Indian J. Integrated Res. L.* (2022), <https://ijlr.com/wp-content/uploads/2022/07/THE-END-OF-JURY-TRIAL-K-M-NANAVATI-VS-STATE-OF-MAHARASHTRA.pdf>.

¹⁹² Sneha Mahawar, *Life, Liberty, and Privacy Under Article 21 of the Constitution of India, 1949*, *iPleaders* (Jan. 2, 2021).

¹⁹³ Vinamra Vichhotiya, *Origin and Growth of the Jury System in India*, *Jus Corpus L.J.* (Dec. 12, 2022), <https://www.juscorpus.com/wp-content/uploads/2022/12/47-Vinamra-Vichhotiya.pdf>.

¹⁹⁴ Maharukh Adenwalla, *Protection of Life and Personal Liberty (Article 21), in Constitution – Part III: Fundamental Rights (Contd.)*, e-PG Pathshala (INFLIBNET), <https://ebooks.inflibnet.ac.in/lawp03/chapter/protection-of-life-and-personal-liberty-article-21/>.

duties of the members, and how it prevents the cases from being biased.

It shows the assessment of benefits and weaknesses of the Jury system, and the challenges of the Jury system through the analytical investigation¹⁹⁵. The study talks about the social and legal conditions of India and examine that bringing back the system will safeguard the rights of the people or not in the current environment. The research is not fully based on online sources and data base it also depends on the writings and commentaries of the court cases and the analysis of the judgements.

V. Research questions

- Why India decides to terminate the Jury system after the K.M. NANAVATI v/s STATE OF MAHARASHTRA case?¹⁹⁶
- How the Jury system function in US and UK?
- What is the difference between of Jury system in India, US, UK?
- How will the Jury system enhance the right to fair trial under article 21 of the Indian constitution?¹⁹⁷
- What are the benefits and drawbacks of this system when the conduct the jury trials or proceedings in India?
- Is the current socio-legal environment of India is fit for the reintroduction of the Jury system?
- What specific reforms and safeguard should India establish if they reintroduce the Jury system?

VI. Research objective

- The research objective is to focus on criminal justice system through the Jury system which functions the basic purpose.
- The research objective is to examine how the Jury system works in US and UK.

- The research objective is to investigate how the Jury system is abolished in the history of Indian legal system after the K.M. NANAVATI case.

- The research objective is to check the unique feature of Jury system in US and UK.

- The research objective is to find and share the characteristics of jury system in United States and United Kingdom¹⁹⁸.

- The research objective assess that how will the jury system work to protect the right to fair trial which Article 21 of the Indian Constitution guarantee to the citizen of India.

- The research objective is to develop the important measures which support the jury trial if India decide to bring back the Jury system.

VII. History of Jury system in India

The jury system in India is started by the Britishers during the colonial rule. In this, the common law established by them across the country.¹⁹⁹The first legal practice of trial by jury is begun in the three presidency towns which are Madras, Bombay and Calcutta. In the Mayor's court history emerged in 1726 when first Indian Jury system was mentioned and started functioning. The Jury system is started only for the basic criminal and civil cases.

Under the Regulation act of 1773, the supreme court was established in the presidency towns, and the jury system took place in the courts. The court functions by the English Jury trials to handle the criminal cases. The system wants the Indian citizen to participate, but it functions differently in that time. The European has the higher status at that time, they preferred over Indian, so the selection process of juries is followed by the colonial practices. So, this system is not fully democratic at all.

In 19th century multiple changes happened in the Indian Jury system²⁰⁰. The Indian Penal code of 1860 and Code of Criminal Procedure was

¹⁹⁵Sixth Amendment to the United States Constitution, Wikipedia, https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution.

¹⁹⁶Krishnardhula Sarayu, *The End of Jury Trial: K. M. Nanavati v. State of Maharashtra*, 2 *Indian J. Integrated Res. L.* no. 4 (2022), <https://ijlr.com/wp-content/uploads/2022/07/THE-END-OF-JURY-TRIAL-K.-M.-NANAVATI-VS-STATE-OF-MAHARASHTRA.pdf>

¹⁹⁷ Sneha Mahawar, *Life, Liberty, and Privacy Under Article 21 of the Constitution of India, 1949*, *iPleaders* (Jan. 2, 2021).

¹⁹⁸*Rights Under Article 21 of the Constitution*, Drishti Judiciary (Dec. 28, 2023), <https://law.drishtias.com/current-affairs/rights-under-article-21-of-the-constitution>.

¹⁹⁹ LiveLaw Research Team, *History of the Jury System in India Must Go Beyond the Nanavati Trial*, Says Princeton Researcher Kalyani Rammath, *LiveLaw*

²⁰⁰Jean-Louis Halpérin, *Lay Justice in India*, *École Normale Supérieure* (Mar. 25, 2011), https://www.droit.ens.fr/IMG/pdf/Lay_Justice_in_India_1.pdf

established, and they helped in creating a formal and decent legal system, which taught about some specific rule of Criminal cases in court to handle them. Jury trial was established by law, this system only function in the sessions court in presidency towns. The Indian authorities failed to continue this system across the country, this system operates as an optional system.

In colonial period, the Jury system exists in India but there are some difficulties. The very first problem was the juror is not fully aware of legal education and knowledge; it makes difficult for them to understand the complexity of the case. And then other problem arose that the juror is biased so their verdict remains biased for someone. The media also create major threat; because of these problems the court cannot do anything about the biased verdicts and judgements.

In the landmark case of K.M. NANAVATI v/s STATE OF MAHARASHTRA the jury system shows the limitations of this system²⁰¹. In this case the Jury wants to find the defendant is not guilty because many people thinks that the media will influence the main decision or verdicts. The Bombay High Court not concluded with the jury and find major defects in the entire systems. Because of this, created a public distrust and created discussions that how the Jury system will work in the Indian Legal System.

Afterwards, the law commission of India suggested removal of Jury system because of the biasedness of the juror, and they produced slow decision this created unpredictable court verdicts or judgement. The code of criminal procedure, 1973 suggested a Judge based trials. This was the official end of the Jury system of India.

VIII. **Jury System of United States (US)**

In United States the Jury System is fundamental framework of the of their legal system. It supports the involvement of citizen in

the decision-making and supports the democratic values. This system gives people to become a part of the court proceedings and let them give the final decision. The fundamental constitutional principle helps in functioning of this system²⁰².

A. The Sixth amendment

- In the constitution of United States, this amendment talks about the right to trial by Jury in criminal cases.
- This amendment talks about ensuring that the accused will judge by the group of unbiased community.
- It protects the people from biased and unfair trials from the judges.
- In the entire process the legal system will maintain the transparency and accountability.

B. The structure and procedure of the Jury system in US

- This jury system is consists of 12 Juries in the criminal cases, these 12 juries got selected randomly, and they do not have any relationship with the same case²⁰³.
- The process of Jury selection called Voir Dire, this process can remove the biased jurors and it ensure the fairness.
- Both parties will appear in court and show their facts and evidence, the questioning of witnesses will start, now the cross-examination takes place then the argument will close.
- The judge will explain the Jury briefly about the rule and regulations which they must follow
- After hearing everything the juries will enter in a private room and then they start the deliberation process. All trials should be fair verdict whether the accused is guilty or not guilty.

²⁰¹K. M. Nanavati v. State of Maharashtra, Wikipedia, https://en.wikipedia.org/wiki/K._M._Nanavati_v._State_of_Maharashtra.

²⁰² Overview of Right to Trial by Jury, Congressional Research Service, [Congress.gov \(Constitution Annotated\)](https://www.congress.gov/constitution-annotated/).

²⁰³Sixth Amendment to the United States Constitution, Wikipedia, https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution.

C. Role of the Jurors – The jurors play an important role while ensuring the fairness of and transparency of the trials.

- To identify the facts while examining the evidence and determine the truth.
- Out of the external influence the jurors should give fair and unbiased verdicts.
- After giving legal instruction by judge, which jurors need to follow to analyse the facts.
- Jury have a different kind of power called jury nullification; it means that they find the defendant not guilty even if defendant is guilty. This power is still in debate because of their personal beliefs about justice.

IX. Jury system of United Kingdom (UK)

In United Kingdom, jury system is well maintained and one of the oldest and very crucial elements which defines the common law system²⁰⁴. In this, the system allows the regular people to join the court proceedings, and they will examine the facts and evidence and then deliver the verdict.

A. Historical development in UK

- The Jury system established during the medieval period English history. This system evolved through time which involves the society members in the process of decision making and the organisation reached to vital point in development when Magna Carta (1215) received the official signature²⁰⁵. This introduced the concept of having the peers decide on individual judgement. The jury system became very fair and well-maintained system in United Kingdom. It is well established framework in UK which ensuring the fairness of the criminal trials and limiting the arbitrary power of the crown.

B. Jury trials in Crown’s Court

- For the best functioning of jury trial is Crown’s Court in United Kingdom (UK). Jury trials handle major criminal cases from the Crown court which include cases of murder, rape and robbery offences.

- The jury trials are used for indictable offences which serves as the basis of their application.
- The magistrate’s court also helps jury to take their burden of less serious cases.
- The judge maintains the legality of the system and give direction about the laws and acts.
- The crown court allows the citizen to involve in such serious offence cases to gain public trust between the citizen and the Justice system.

C. The structure and procedure of the Jury system in UK

- This jury system is consists of 12 Juries in the criminal cases, these 12 juries got selected randomly.
- In selection of Jurors, the system only allows a few questions during the selection process, it makes this system different from other.
- Both parties will appear in court and show their facts and evidence, the questioning of witnesses will start, now the cross-examination takes place then the argument will close.
- The judge will explain the Jury briefly about the rule and regulations which they must follow
- After hearing everything the juries will enter in a private room and then they start the deliberation process. All trials should be fair verdict whether the accused is guilty or not guilty.

X. Analysis of the Jury system in India, US and UK

Now the research shows the comparative study of Jury system in these three countries.

A. Constitutional status

- In India, this system was abolished after the landmark case of K.M. NANAVATI v/s STATE OF MAHARAHSTRA. Supreme court decided to stop the jury trials in judicial proceedings.

²⁰⁴ *Sixth Amendment to the United States Constitution*, Wikipedia, https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution.

²⁰⁵ *History of Trial by Jury*, W. Va. Ass’n for Just., [West Virginia Association for Justice](https://www.wvjustice.org/history-of-trial-by-jury).

- In United States, right to have a Jury trial or right to have a jury decide their criminal case is defined under the constitution of United States (US). This system serves as a fundamental element for criminal cases.

- In United Kingdom, with the help of common law principles they operate the jury system very well and this system applies in major criminal cases.

B. Structure of the jury system

- In India, this system is eliminated, now only judges can examine the facts and the deliver the final judgement and verdicts of the cases.

- In United States, the selection process called Voir Dire. In this process they only select 12 members to be juror.

- In United Kingdom, they select the member randomly and they also select 12 members for the Jury

C. Functioning of the Jury system

- In India, judges work with two separate thing which is legal principles and facts of the cases, there is no public involvement in this only judge will deliver the final verdict.

- In United States, the criminal courts needed the jurors to examine the facts, and judge must understand the courtroom regulation and follow them. And US have Jury Nullification system.

- In United Kingdom, also same as US jury system but they don't have the jury nullification. UK doesn't give opportunity to any official authority for the practice.

D. Decision making process

- In India, only judge will decide whether someone is guilty or not guilty which means they must explain their reasons for the decision.

- In United State, all cases need a complete agreement among all jurors and then they will tell the final verdict.

- In United Kingdom, the jury will vote for their verdicts if their decision is unanimous.

XI. Jury trials and right to fair trials in Indian Constitution

Article 21 of the Indian constitution talks about the right to life and personal liberty. Right to Fair trial exists in the constitution of India in the Article 21. The system guarantees fairness in the justice which means the expectations of right judgements.

- In United States and United Kingdom, use of jury trial is to motivate people and promote them to involve in the court proceedings. It will made transparency in the courts and increase the public trust in the legal system.²⁰⁶The Indian legal system eliminates the after the landmark case K.M. NANAVATI v/s STATE OF MAHARSHATRA, this case teaches us how the media and outside influence will affect the jury's final verdicts.

The judge-based system works as a preferred method because highly trained judges give their decision on evidence and legal facts, the judicial system upholds democratic values through jury trials, yet article 21 does not make these trials mandatory for constitutional compliance.

The India needs to re-verify the jury system, because it could endanger people's right to obtain justice through fair trials.

XII. Advantages of Jury system

In country like United States and United Kingdom continuous to use the jury system because it provides essential benefits, the criminal justice system operates through the jury system in that country.

This is the one and only system which enabling the participations of the regular citizen of the country in the court proceedings. This establishes a system that includes all members of the society through democratic principles. Jurors are less bias than individual judge and they also correct the judge if they are giving biased judgement, their teamwork stop them

²⁰⁶ Right to Fair Trial under the Constitution of India (Part 2), e-PG Pathshala, INFLIBNET, <https://ebooks.inflibnet.ac.in/hrdp03/chapter/right-to-fair-trial-under-the-constitution-of-india-part-2/>.

from affecting the verdict by personal beliefs and ideology.

Jury trials is an open proceeding which allows public to participate in the proceedings. It creates a transparency between the court and the community and build a trust.²⁰⁷The jurors are the protective barrier in jury system, they prevent the judge's bias decision, and they also maintain the responsibilities of the fair trial.

Jury system protects the individual rights from state authorities because, it lets ordinary citizen decide guilt instead of depending on the government entities. The jury trials made the judicial system fairer, because group of people deliver the verdicts or final judgment based on real facts and after the examination of every evidence which they asses together.

XIII. Limitation of the Jury system

The Jury system is very good system because it supports the democratic values and judicial transparency, still it shows some major problems which affect the effectiveness of the system. In Unites States and United Kingdom, the issue has been observed that the highest point of visibility in India when jury trials eliminate from India after the landmark case K.M. NANAVATI v/s STATE OF MAHARASHTRA. The main practical challenge arise from jury system implementation is to critical study about these limitations.

A. Lack of legal education

People who become newbie in the jury system, the complexity of law is very difficult for their understanding, they find it very difficult specially in technical evidence, forensics and procedural regulation. Some time this become more critical because of cases of financial fraud and in some complex legal arguments, in this type of case they need very accurate comprehension for just the verdicts.

B. Public opinion and media influence

In the case of K.M. NANAVATI v/s STATE OF MAHARASHTRA a perception was created by the media which influenced or affected the Jurors. Public opinion and perception play a crucial role in influencing the Jury and media coverage also affect the jurors. Media coverage shows the preexisting figures or perception for someone which can be wrong, but this media and public perceptions affected the jurors very much.

C. Risk of Bias

The absence of training among the jurors is the main problem of jurors being biased in the cases, which leads to biased decision and unjust verdicts.²⁰⁸Jurors influenced by the personal beliefs and their emotional capacity. Jurors also socially biased because of their caste, religion and gender discriminations etc.

D. Time consumption

The jury trials needed more time than the normal trials because, they go through with the selection process (voir dire) and they present all evidence and facts of the case. This time consumption creates delays in the verdicts, and they also create additional workload in the courts.

E. The financial burden

The court need to pay the jurors and courts also spend their money on logistics and every cost related to jury management, to conduct a successful jury trail easily the court needs to spend more money, and they need a financial support from the country. This system becomes less effective because the country needs to face this difficult.

F. Irrational decision making

²⁰⁹Most of the time the jury come to a final decision or deliver their final verdicts through their personal beliefs and ideology and personal feelings. Juror is human being they can influence by their feelings, emotions, and sympathy. This

²⁰⁷ Jane E. Dudzinski, *Justification for Juries: A Comparative Perspective on Models of Jury Composition*, 2013 U. Ill. L. Rev. 1615 (2013), <https://illinoislawreview.org/wp-content/iledu-content/articles/2013/4/Dudzinski.pdf>.

²⁰⁸ Manzoor Laskar, *Summary of Social Contract Theory by Hobbes, Locke and Rousseau*, SSRN (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2410525.

²⁰⁹ *Nanavati Case & Jury Trial*, Finology Legal (last visited Apr. 13, 2026), <https://blog.finology.in/Legal-news/nanavati-case-jury-trial>.

leads to biased decision and violation of Justice legal system.

G. Jury tempering and organisational pressure

In some cases the juror faced threats and people offer them bribe to conflict the decision and make the decision in favour of them. Jury tempering which can occur by external factors, court put the jurors in pressure. The powerful people and some organised groups affect jury very much, so the judicial system should protect them from these people.

H. No reasoned judgements

juries did not give the justification or the reason behind their decision this has only existed for the judges. Because of this it is very difficult to trace the decision-making process through the review process and the procedures.

I. Inconsistent verdicts

- Because of the individual perception and beliefs the decision of juries sometime become unpredictable. Legal system affected by the different outcomes in same cases, it is very hard to maintain the consistency of the fair results.

XIV. Reintroducing of the Jury System in India

Now the main question arising from past few years that will India bring back or reintroduce the Jury System, because are now moved towards the transparency of cases and now public wants to talks about how the criminal justice system gain the public trust and the accountability. In democratic society, the concept of participation of public has remained very important after the abolition of the jury system in the landmark case named K.M. NANAVATI v/s STATE OF MAHARASHTRA.

The United States and United Kingdom enable the regular public to take part in the court proceedings to create the transparency in the legal system thereby it will increase the public trust in the legal process²¹⁰. The reintroduction of

this system would enhance the judicial fairness and decrease the perception of the people and media. Before the reintroduction of this system in India, it needs to undergo thorough assessment which present a solution practically.

Jurors face the difficulties, they influenced through caste, religion ties and emotional aspects which shows partiality in the verdict. India currently faces a big workload of pending cases in the courts, if India bring back the whole system it will not affect the judicial system that much because there are delays in the jury system itself. The jury system should have the best administrative system to support them in resolving the issue of selecting the jurors, provide them essential training and take care of the juror's payments.

The jury system will improve and enhance the democratic values and bring transparency in the Indian legal system. The system will face multiple challenges. The Indian Socio-legal environment should protect with carefully and functioning with proper methods. With the help of establishing the institutional safeguards through the balanced solution will complete lead to full restoration of the jury system.

XV. Suggestion / Reform for the Jury System

²¹¹The Jury system of India needs very strong and effective institutional safeguards and with practical reforms to support the bringing back process. The insights of the landmark case K.M. NANAVATI v/s STATE OF MAHARASHTRA elaborate that the judicial process needs a calculated systematic approach.

Instead of full restoration of the system, it needs to run some tests which should only run or specific cases. The process should evaluate first before the implementation in the whole country. They should start basic orientation programs and legal training programs for the basic understanding of the court etiquettes and the procedure of courts to prevent the making decision from insufficient legal knowledge.

²¹⁰ Author Name, *Title of the Article*, 90 *Chi-Kent L. Rev.* 1615 (2015), <https://scholarship.kentlaw.iit.edu/cklawreview/vol90/iss3/7/>.

²¹¹ S. Sri Ganesh Prasad, *Revisiting the Jury System in India*, Jus Corpus (Mar. 26, 2023), <https://www.juscorpus.com/revisiting-the-jury-system-in-india/>

There should be some restricted guidelines for media during ongoing trials which prohibits the unnecessary publications. This will help jurors to remain unbiased and help in not getting influence by the media's opinion.²¹² There must be best selection process in which background of the jurors should be checked and one screening procedures to remove the potential bias of the caste, religion, personal beliefs. There must be best protection measures which safeguards the jurors from all type of threats

The judges should help the juror to understand the legal concept and the complexity of the serious cases. In India, there should be a hybrid model (judge + jury) where the decision is made by both jury and judge, it will help them together to understand the legal complexity as a legal expert. The jury system should only operate the of serious criminal case not all type of cases to focus on right thing.

To achieve the efficiency in the court proceeding, they should implement the fixed time schedule for the Jury trials, it will also help in time consumptions. For the best solution to tackle every problem it requires continues monitoring of the Jury system.

XVI. Conclusion

The Jury system is a participatory function which allows regular or ordinary people to be a part of the judicial system which help in maintain the fairness, transparency and the democratic values of criminal case trials. In United States and United Kingdom, the jury system works properly but in India the system in eliminated just after the landmark case K.M. NANAVALI v/s STATE OF MAHARASHTRA because of the significant issues, where the Juror influenced by the public opinion and media's perception, and deliver the biased verdict. It shows the inability to understand the legal matters.

This research paper gives a detailed and comparative analysis of the jury system in United

States (US), United Kingdom (UK) and India. The study examines the historical developments and structural/procedural system. The research demonstrates that jury system give chance to regular public to join the Judicial process for the transparency and public trust. The system will provide legal knowledge to the jurors for the better understanding of complexity of law.

The Indian judicial system is Judge-based system, and it provide better consistency in the legal system, it shows the legal reasoning and better efficiency. This system prevents the public to intervene in the court proceedings or trials.²¹³ To reintroduce the Jury system, it needs very high examination and the full restoration of this system in judicial system of India is very difficult it will face major problems because of socio-legal condition of India. The core principle of the jury system are fairness and transparency. The people who work in the Jury system, need to maintain the accountability and the basic principles of the court trials. India should investigate the different system through its examination of hybrid system and limited jury trials which operate only in some specific areas.

The balanced approach will help in the reintroduction of jury system in India. To bring back this system there are three major steps which are, slow and steady implementation of the Jury system, there should be better monitoring and assessment of this system and development of functional framework. The balanced approach will help in India to maintain the Jury system with the help of these three major steps which includes fair trial, public trust and accountability.

XVII. Bibliography

1. <https://ijrl.com/wp-content/uploads/2022/07/THE-END-OF-JURY-TRIAL-K.-M.-NANAVALI-VS-STATE-OF-MAHARASHTRA.pdf>.

²¹² Abraham Thomas, *SC Issues Rules for Day-to-Day Criminal Trials*, [Hindustan Times](https://www.hindustantimes.com)

²¹³ Krishnardhula Saruyu, *The End of Jury Trial: K. M. Nanavati v. State of Maharashtra*, 2 *Indian J. Integrated Res. L.* no. 4 (2022), <https://ijrl.com/wp-content/uploads/2022/07/THE-END-OF-JURY-TRIAL-K.-M.-NANAVALI-VS-STATE-OF-MAHARASHTRA.pdf>.

2. <https://www.hindustantimes.com/india-news/scissues-rules-for-day-to-day-criminal-trials-101758826975968.html>.
3. <https://www.juscorpus.com/revisiting-the-jury-system-in-india/>
4. <https://scholarship.kentlaw.iit.edu/cklawreview/vol90/iss3/7/>
5. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2637539
6. <https://blog.finology.in/Legal-news/nanavati-case-jury-trial>.
7. <https://www.illinoislawreview.org/wp-content/ilr-content/articles/2013/4/Dudzinski.pdf>
8. <https://ebooks.inflibnet.ac.in/hrdp03/chapter/right-to-fair-trial-under-the-constitution-of-india-part-2/>
9. https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution
10. https://constitution.congress.gov/browse/essay/amdt6-4-1/ALDE_00013124/
11. https://www.droit.ens.fr/IMG/pdf/Lay_Justice_in_India_1.pdf.
12. https://en.wikipedia.org/wiki/K._M._Nanavati_v._State_of_Maharashtra
13. <https://ebooks.inflibnet.ac.in/lawp03/chapter/protection-of-life-and-personal-liberty-article-21/>
14. https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution
15. <https://blog.iplayers.in/life-liberty-privacy-article-21-constitution-india-1949/>.

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