Polity & Governance · GS - II

Examine the constitutional and legal principles governing the retrospective application of procedural amendments in criminal justice.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 24/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 20(1), procedural law, substantive criminal law, retrospective operation, fair trial, judicial jurisdiction

Model Answer

Introduction

Retrospective application of laws in criminal justice requires balancing legislative intent, procedural fairness and constitutional safeguards. The distinction between substantive and procedural law is central to this issue.

Key Legal Principles

1. **Substantive criminal law:** Article 20(1) prohibits retrospective criminalisation and the imposition of a greater penalty than that applicable when the offence was committed.
2. **Procedural amendments:** Changes relating to investigation, trial procedures or court jurisdiction generally apply to pending proceedings unless a contrary legislative intention or saving provision exists.
3. **Change of forum:** Transferring cases to a designated court does not necessarily alter the nature of the offence or the punishment prescribed by law.
4. **Fair trial:** Any procedural change must remain consistent with Article 21, which guarantees a fair and just procedure.

Significance for Juvenile Justice

The 2021 amendment to the Juvenile Justice Act, 2015, and its interpretation by the Delhi High Court highlight the importance of determining the appropriate forum for offences under the Act. Transfer to Children's Courts can promote specialised adjudication and consistency in handling child-related matters.

Conclusion

Retrospective procedural changes can improve the administration of justice, but they cannot override constitutional protections against retrospective penal liability. Legislative clarity and judicial oversight are essential to ensure fairness.