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CRIMINAL JUSTICE SYSTEM IN INDIA

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INTRODUCTION

The criminal justice system is comprised of all of the governmental entities in charge of upholding the law, preserving peace and harmony, and dealing with criminal activity.

The criminal justice system's motive is to protect the innocent and punish the guilty. Even though the fundamental principles of the criminal justice system are rarely codified, they can be inferred from a number of acts, including those of the Constitution and judicial decision. By dealing with crimes and criminals in an efficient, timely, and legal manner, the criminal justice system is meant to give the general public the greatest sense of security possible in a democratic, civilised society.

More specifically, the motive is to make sure that reported crimes are detected to the greatest extent possible, that those who are accused of crimes are found guilty without delay, that those who are found guilty receive just punishments, and that recidivists are deterred from committing new crimes.

AIM OF THE CRIMINAL JUSTICE SYSTEM

- To hold the guilty liable.
- Stop more crimes from happening in our society.
- Regulate people's conduct and behaviour, especially that of criminals.
- Help the victim by providing relief.
- Offender rehabilitation and treatment.
- Instilling fear of criminal conduct in the minds of the general public.

CONCEPT OF THE CRIMINAL JUSTICE SYSTEM IN INDIA

In order for people to live in peace, the criminal justice system's goals are to punish the offender and deter future offences. The Criminal Procedure Code, 1973, which specifies the trial process, and the Indian Penal Code, 1860, which outlines the numerous offences and their associated penalties. The Evidence Act, 1872 further regulates the admissibility of evidence.

The criminal justice system's adversarial approach presumes a person is innocent until proven guilty beyond a reasonable doubt. It gives the accused a reasonable opportunity to present his case in order to respect the principles of natural justice. Hinduism and other Indian religions play great value on human life and defend the notion that everyone deserves the opportunity to present their own point of view. As a result, the adversarial nature of the Indian criminal justice system is based on the maxim that "let 100 culprits be acquitted and freed, but one innocent person should never be convicted".

In India, the idea of the criminal justice system was developed to uphold law and order. Being a democratic country, India grants the accused individual an equal right to justice. In the nation, criminal justice is administered using a variety of systems.

These are listed below:

- **State Criminal Justice:** This organisation oversees crimes committed within a given state's borders.
- **Federal Criminal Justice:** This organisation oversees the affairs of one or more states as well as the federal areas of India.

TYPES OF CRIMINAL JUSTICE SYSTEM

1. Adversarial System

Countries with common law that were earlier colonies of one country use this system. In this procedure, the court hears arguments from both the prosecution and the defence, and the case is adjudicated by procedural and evidence law standards. On the basis of the arguments made by the two attorneys and the facts presented in court, the judge delivers a judgement. Until they are proven guilty beyond a reasonable doubt, the accused are presumed innocent under this system. Since India was previously a colony of the British Empire and is now referred to as a common law country, it follows this system.

Since it is assumed that a crime has been committed against the state as a whole, the prosecutor speaks for the state because it is the state's responsibility to uphold the law. Justice is delayed in this system because both parties have the right to a fair trial and hearing

2. Inquisitorial System

The civil law nations use this system. In this system, the judge has the authority to conduct his or her own investigation and deliver a decision based on the results. There are attorneys for both sides present, but unlike in an adversarial system, there is no witness cross-examination. The judge's wisdom and judgement abilities determine the outcome and the accuracy of the judgement. This approach makes the trial process considerably quicker and less expensive. The process is less formal, and the competency of each individual judge rather than the advocate determines that justice is served.

NEED OF A CRIMINAL JUSTICE SYSTEM AND IT'S EVOLUTION

Bentham claimed, a person avoids pain and demands to seek pleasure. As said by Hobbes, man is selfish by nature and can go to any extent for pleasure. He typically acts on instinct, and there weren't any rules or boundaries to restrain his behaviour in earlier times. His goals clashed with those of others as a result of the growing population and communities, creating a hostile environment. A system that could keep an eye on a man's behaviour was therefore required to control his behaviour. The criminal justice system has evolved in a similar manner to how man has.

In the initial stage, he performed without restraint and in accordance with his needs and demands. If necessary, he may harm anyone in order to fulfil his wishes. The next phase saw the expansion of the realm and the development of the concept of a "state." At this period, a ruler who was represented by other individuals was in charge of the nation. The conflict of interests was too much for this stage to handle, so the monarch enforced harsh punishments based on the eye-for-an-eye and body-for-a-body tenet. This phase was rife with retaliation and resentment. A good system was required when society was in disorder and the king was still unable to control human behaviour. The criminal justice system emerged as a result of the government's belief that it needed a system to manage the level of crime in each state as society and time progressed, replacing the monarchy with the aristocracy, which was then replaced by democracy.

FIVE PILLARS OF CRIMINAL JUSTICE SYSTEM

1. Investigating Agency

When the term "investigating agency" is mentioned, the first thing that comes to mind is the role of the police in the criminal justice system. The police are undoubtedly the key player in the inquiry, but there are other participants as well. When a crime occurs, individuals immediately begin looking for information on how to report it to the police and what other pertinent details are available. Police then gather evidence and, in cases of major offences, make the aforementioned arrests. Most of the time, forensic validation is necessary for the evidence gathered in criminal offences. It might be clothing, weapons, blood stains, etc. Therefore, the forensic division holds a privileged position inside the Indian criminal justice system. Since it pertains to an investigation in criminal matters, a complaint to special investigating agencies like the CBI, CID, and NIA cannot be disregarded. Prosecution used to be a component of the police system, but today it is one of the five unique pillars of India's criminal justice system.

2. Prosecution

Due to the fact that maintaining law and order is the government's responsibility in the criminal justice system, criminal cases are typically prosecuted by the state. Crime inevitably

agitates the tranquil waters of societal tranquilly. As a result, a crime is frequently committed against the state rather than a private individual. Even yet, there are some exceptions to the rule, such as when a married lady is the victim of a violation of Section 489A IPC or when a lender or creditor is the victim of a check bounce. The government's attorneys- the Public Prosecutor in lower courts, the Advocate General and other counsel in high courts, and the Attorney/Solicitor General and counsel in the Supreme Court plays the prosecution role. Based on the facts, questioning, and cross-examination, the prosecution attorney establishes before the court the offence committed by the accused. The prosecution may ask for the accusations to be dropped or ask for the inclusion of additional witnesses in cases where there is insufficient evidence to convict the defendant. Whether it is a trial court or an appellate court, the prosecution attorney's duties terminate after the court hearing is over.

3. Defence

The natural justice principle in India permits decisions to be taken after hearing from both parties (*Audi Alteram Partem*). Since the state's legal system under criminal processes is in charge of gathering evidence, questioning suspects, etc. that are all documented in the chargesheet. Therefore, a defence attorney is the person who stands in for the accused in court when he or she enters a not guilty plea, an admission to the authorities that the accused did not commit the crime and that the accused wants to fight for his or her innocence. In criminal cases in India, the defence attorney plays a key role. While it is the prosecution's responsibility to establish the accused's guilt beyond a reasonable doubt, a defence attorney's duty is to point out any flaws in the investigation, the evidence, etc. The duty is to establish to the court that the accused was not involved in the crime. The defence attorney establishes lack of intention or knowledge when there is sufficient evidence that the accused did the crime in question. The goal is to have the accused's name dropped from the case or at the very least give the accused the benefit of the doubt.

4. Courts

Judges play a significant part in the entire criminal case process since their judgement and comprehension of the facts determine the outcome. To provide justice to the victims and punish the offenders is the goal of strengthening the criminal justice system. In criminal cases, the function of the evidence is crucial. A criminal may be let go if there isn't enough crucial evidence. The worst scenario is if a person who is in fact innocent has evidence against them because then they fall into the hands of an unjust criminal justice system. Judges hear cases based on their jurisdiction (decided on the basis of territory, extent of punishment in the offence reported, etc.). For instance, lesser courts have original jurisdiction over minor offences like cheque bounces, while the sessions court considers appeals. While the sessions court has original jurisdiction over crimes like murder, rape, etc. The Supreme Court and the Honorable High Courts have appellate jurisdiction unless a legal issue is filed before the higher courts directly.

Judges are assisted to come to a decision by the prosecution's and defense's legal counsel based on materials, documents, or witnesses that have been admitted to the record, if appropriate. Judges must balance dealing with the facts with ensuring that the procedural law is respected and that no one's rights, including those of the victim and the accused who has not yet been found guilty, are violated throughout the trial.

5. Prison

Depending on the nature of the offence, the circumstances, and the available evidence, a person may be detained immediately following the filing of a FIR or after the conclusion of the trial. Prison is where such people who have been arrested are ultimately sent. The administration of the jail is in charge of looking after the inmates' security, health, daily requirements, criminal histories, etc. The goal of human rights attorneys is to protect inmates. As one of the five foundational elements of India's criminal justice system, jail administration is crucial.

CONCLUSION

The criminal justice system is a framework that regulates the functioning of the courts, prisons, police, and other organisations that function to provide victims with justice. It is the responsibility of the state to uphold peace and harmony in society, and this can only be done by effectively enforcing laws and having an organised criminal justice system. The British East India Company played a significant role in the development of India's criminal laws, but later many amendments were made to it.

The government recognises the need to overhaul the justice system to deal with new crimes like organised crime, white collar crime, cyber crime, etc. that are emerging as a result of time and technological advancement. As a result, the government established numerous committees that provided various advice and recommendations. But the situation hasn't changed at all. Due to the backlog of cases that come from the lack of judges, courts are still under strain. The general public thinks that politicians control the police and that corruption has actually made them unable to do their duties. Custodial rapes and murders are happening more frequently every day. This instils chaos in the public's minds. Prisons are overcrowded, and inmates are subjected to cruel and inhumane treatment. While the recommendations of numerous committees are documented, they are not fully carried out. In order to deliver fair justice, it is necessary to address all the problems and fill all the voids in the Indian criminal justice system.

REFERENCE

- *Indian Penal Code, 1860*
- *Constitution of India, 1950*