

Criminal Justice System in India its Magnitude and Causes - A Translucent Probe

Tejaswini Malegaonkar*

*Assistant Professor, ILS Law College, Pune, Maharashtra, India.

Received August 30, 2023; Revised August 25, 2023; Accepted August 28, 2023

ABSTRACT

Criminal justice describes a wide array of interconnected and dependent policies and organizations utilized by local and central governments alike to maintain law and order in the society, tackle and regulate crime, and penalize the wrongdoers. Law is enforced by the likes of police, prosecutors, defense attorneys, courts, and prisons. The enforcement authorities are bestowed with the responsibility of overseeing procedures to arrest, charge, adjudicate, and punish the guilty along with the powers needed to execute their responsibilities as stated by the law. The dire need for a criminal justice system stems from the State's desire to hold the society to a high standard of human conduct needed to protect and safeguard the rights of all those residing in it. The goal of the criminal justice system in India is to safeguard its citizens and reduce crime through apprehending, prosecuting, convicting, and sentencing those violating the laws and rules promulgated by the administration to ensure a civil society. Since the criminal justice system is multifaceted, ensuring efficiency and effectiveness in all its components is needed. To do this, it's time to take a long and hard look at the prevailing system in the country along with areas where there's scope for improvement and make the needful reforms a part of its operations.

Keywords: Crime, Criminal justice, Reforms, Administration

Abbreviations: CrPC: The Criminal Procedure Code, 1973; NPC: National Police Commission

INTRODUCTION

The term "criminal justice system" refers to the network of government institutions and programs that uphold the rule of law, keep the peace, and deal with criminal behavior. Every victim of wrongdoing should be afforded the opportunity to state their case and pursue redress through the criminal justice system. The purpose of the criminal justice system is to protect the innocent from the unscrupulous. The broad strokes of the criminal justice system are not often codified, but they can be gleaned from exceptional statutes based on the Constitution and court declarations. Criminal justice in a civilized democracy should be effective, quick, and legally fair to provide the highest acceptable form of public safety.

The goal is to diminish the prevalence of crime by swiftly employing and locating the accused and then punishing them suitably to achieve the goals of justice and prevent recidivism.

OBJECTIVES OF A CRIMINAL JUSTICE SYSTEM

The numerous goals of the criminal justice system include:

- Punishment of wrongdoers
- Prevent the continuation of criminality in society

- Regulate the behavior and conduct of individuals, particularly offenders
- Offer comfort to the victim
- Criminal offender treatment and rehabilitation
- To create deterrence in the minds of the general public against engaging in nefarious activity

NEED AND EVOLUTION OF CRIMINAL JUSTICE SYSTEMS

Hobbes believed humans are greedy and will do anything for pleasure. Bentham claimed people pursue pleasure and avoid pain [1]. In the past, he followed his inclinations without

Corresponding author: Tejaswini Malegaonkar, Assistant Professor, ILS Law College, Pune, Maharashtra, India, Tel: +919423004529; E-mail: tejaswini.malegaonkar@ilslaw.in

Citation: Malegaonkar T. (2024) Criminal Justice System in India its Magnitude and Causes - A Translucent Probe. J Forensic Res Criminal Investig, 5(1): 154-159.

Copyright: ©2024 Malegaonkar T. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

restrictions. His interests clashed with others as populations and communities grew. Thus, a mechanism was created to monitor a man's behavior. Criminal justice system growth mirrors human development.

The first stage was when he did anything he wanted. He could hurt anyone to get his way. Second, the region expanded, and the concept of "state" evolved. A King and others ruled the kingdom. However, this stage could not handle the conflict of interests, so the monarch imposed rigorous eye-for-eye and body-for-body punishments. Hatred and revenge led to this stage. A proper system was needed when the king could not control human behavior, and society was in disorder. The aristocracy replaced the monarchy, which was then replaced by democracy, and the criminal justice system was created to suppress crime in each state [2].

OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM IN INDIA

To ensure peace, the criminal justice system punishes and deters criminals. The Indian Penal Code, 1860, outlines crimes and their punishments, while the Criminal Procedure Code, 1973, governs trials, and the Evidence Act, 1872, regulates evidence.

Indian criminal justice system presumes innocence until proven guilty beyond a reasonable doubt. It allows the accused to state his case to satisfy natural justice [3]. Hinduism and other Indian religions appreciate human life and give everyone a chance to speak their truth. Thus, the adversarial Indian criminal justice system follows the adage, "Let a hundred culprits be acquitted and freed, but one innocent person should never be convicted".

Every Indian ruler had a unique method of policing crime. Manu saw theft and robbery as property crimes and assault and murder as bodily injuries, but the Mauryas believed in strict punishment to deter crime. This is where the classification of crimes began. The Gupta king's erudite counsels helped them settle disputes and punish wrongdoers. [4] This method served the judiciary's objective. Hence, the country's judiciary concept was established long ago but the punishments needed to be codified and there was an absence of trial procedure.

Time and technology codified offences and trial procedures. This simplified and ensured deliverance of justice. The British East India Company established India's pre-independence criminal justice system. After independence, it has changed significantly. Various committees were formed to recommend system modifications and crime control measures.

TRIAL PROCEDURE

The Criminal Procedure Code, 1973 (CrPC) [2] outlines the four distinct forms of trial procedure used in the Indian

criminal justice system. The following procedures are involved in the trial after a FIR is filed with the police:

- The accused is formally charged with wrongdoing
- The prosecution presents its case by calling its witnesses and presenting their evidence
- The accused is given the opportunity to explain his side of the story, and his statements are recorded
- The accused party's defense attorney presents their case
- Each side (the prosecution and the defense) makes a closing argument
- After all the evidence has been presented and the attorneys have finished their closing statements, the judge will render a verdict of either acquittal or conviction

India's criminal law comprises of certain fundamentals that serve as the foundations of contemporary criminal law. These include:

- Together, a guilty mind and guilty conduct constitutes a crime. It is founded on the adage "acta non facit reum nisi mens sit reum"
- Mistake of fact may serve as a legal defense but not a mistake of law (ignorance is an excuse, but ignorance of the law is not)
- The law prohibits ex post facto laws, which means no one can be punished for a crime no longer recognized as a crime
- A person's guilt must be established beyond a reasonable doubt before being considered guilty
- Under criminal law, an accomplice is regarded the same as the accused and receives the same punishment

The rights of the accused are protected before, during, and after the trial. In accordance with India's criminal justice system, his rights to a fair trial, parole, free legal representation, and protection against self-incrimination and double jeopardy cannot be violated in any way [5].

COMPONENTS OF CRIMINAL JUSTICE

The four cornerstones of the criminal justice system are:

1. Police
 2. Prison
 3. Prosecution
 4. Courts
- 1. Police**

The State must keep residents safe and society peaceful. The police enforce this within the borders of the State, while the

military forces defend the nation externally. The criminal justice system relies on the police to preserve and maintain law and order. It defends citizens from violence, oppression, and disorder.

The Greek term "politeia"-meaning "state" or "administration"-is where the word police stems from [6]. Ancient India had police too. Manu stressed the importance of a State's police force. Modern police do more than safeguarding their residents. They save lives, manage traffic, prevent juvenile misbehavior, defend the weak, and investigate crimes.

After the 1857 uprising, the British authorities established the Police Commission in 1860. The Indian Police Act of 1861 followed their advice. In 1902, Lord Curzon appointed another Commission to propose Act amendments. The states of the Indian Union maintain and control the police force, which is horizontally stratified into cadres and vertically divided into armed and unarmed branches.

The police have many responsibilities, including patrolling the streets, conducting surveillance, apprehending suspects, filing reports, releasing suspects on bond, conducting investigations, and questioning suspects.

NEED FOR REFORMS

There are several problems with today's police force that must be addressed if India's criminal justice system is to function effectively.

- Several custodial rapes and deaths highlight the need for police system reform. The police force must be held to a higher standard of openness and accountability
- Political parties and their leaders have begun exploiting the police for their own ends
- Due to a dearth of personnel and female police officers, they are unable to carry out their duties
- India's police force is under-equipped and understaffed. They need up-to-date equipment for efficient questioning and investigations
- Because of rampant corruption and a general lack of seriousness, the public has lost faith in the police

In light of these complaints, it is time to rethink the nation's approach to law enforcement.

REFORMS

Committees have periodically proposed police reforms. These are:

- a) National Police Commission (NPC)
 - It was founded in 1977 and has recommended:
 - A judicial inquiry in custodial death or rape situations

- Police should be more sympathetic to marginalized groups
- It advised repealing the 1861 Police Act
- b) Malimath Committee
 - It advocated a separate police unit to preserve order
 - Create central and state security commissions
 - It suggested increasing police custody for major offences from 30 to 90 days
- c) Supreme Court's Guidelines

In *Pratap Singh v. Union of India* (2006), the Supreme Court advised police reform.

- Each state must have a security commission to monitor the police and ensure no influence
- Merit-based DGP appointments must be transparent
- Police officials must serve two years
- Law enforcement and investigation should be separate
- Establish a Police Establishment Board for promotions, transfers, etc.
- Districts need police complaints authorities
- The National Security Commission will choose a panel for police candidates and personnel

PRISON

Offenders who are given a sentence of imprisonment for a set number of years or life are typically housed in prison. Inmates are confined to a small area and are not allowed much freedom. India's prisons are modelled after the British system. India's prison system dates to ancient times. The objective was to discourage the recurrence of the crime by the perpetrators. The prison's condition, however, has worsened [7]. Inmates suffer from poor living conditions and brutal treatment. Thus, in 1836, the Prison Enquiry Committee was established, and its report suggested ending the practice of putting inmates to work building roads.

Several convicts had died from illness and poor living circumstances in the prisons, as was highlighted by the second Jail Enquiry Committee in 1862. Providing inmates with adequate nutrition, clothing, and healthcare was emphasized. The Third Committee also made specific recommendations, and the Prison Act 1894 was passed in response to those suggestions.

NEED FOR REFORM

The purpose of the Prisons Act of 1894 was to standardize the administration of prisons across the United States. It mandated that individual jurisdictions establish their laws to govern jail operations. Prisoners were separated into distinct

categories under the Act, and their treatment varied accordingly. The practice of whipping criminals was also outlawed. The state of prisons did not improve despite these reforms. 1919-20, the Indian Jail Reforms Committee recommended improving the country's penal system. It recommended capping the number of inmates at each facility. Following India's independence, the word "jail" joined "police and law and order" in the Seventh Schedule of the country's Constitution. Unfortunately, jail management was not a top focus.

In the case of Rama Murthy V. State of Karnataka (1997), [8] the Supreme Court of India recognized the difficulties that Indian jails and inmates face. Because of these problems, the government overhauled the country's penal system. Here are the issues:

Prison overcrowding, trial delays, inhumane treatment of inmates, poor health and hygiene, poor communication, streamlined visitation, and the need to manage outdoor jails are all issues that must be addressed.

Reforms

The government periodically establishes several committees to report on the State of the country's prisons and recommend how to remedy the failing conditions.

- a) All India Jail Reforms Committee (1980)
 - Headed by Justice A.N. Mulla, it is also known as the "Mulla Committee" [9].
 - It recommended that jails provide sufficient provisions for food, clothing, sanitation, etc.
 - It stressed the importance of establishing a correctional service and hiring qualified individuals to manage prisons
 - The laws governing probation and rehabilitation require further attention
 - It suggested allowing journalists inside prisons
 - According to the report, the government was obligated to give funding and resources for jail reform
- b) Krishnan Iyer's (1988) committee [10]
 - It suggested adding female officers to the force to better deal with juvenile and female offenders
 - Non-combatant jobs requiring patience and endurance are seen as a potential fit for women

c) Prison rules

The guidelines and prison rules that govern correctional facilities in each State are the product of legislative action. That would include:

- All inmates must be recorded in a central database with identifying information
 - Inmates will be separated into facilities depending on age, gender, prior convictions, etc.; only those with legal commitment orders will be incarcerated. Juveniles, for instance, will not be incarcerated but instead sent to juvenile homes; convicts awaiting trial will be kept apart, etc.
 - Each detainee has the right to necessities such as food, water, clothing, and medical care
 - Prenatal and postnatal care are required for all incarcerated females
 - Inmates should have frequent visits from loved ones, and prisons should be inspected regularly
- d) Judicial pronouncements
- Although inmates' freedom of movement and access to legal representation is limited, the court ruled in *S.P. Anand v. State of Madhya Pradesh* (2007) [11] that they have the right to a safe and healthy environment
 - In *R.D. Upadhyay V. State of Andhra Pradesh* (2006), [12] the Hon'ble Supreme Court noted that the death of women or their suicide during their prison term is a serious concern and that jail authorities must prevent such instances by improving the conditions and healthcare facilities
 - In *Hussainara Khatoon V. Home Secretary, State of Bihar* (1979), [13] the court ruled that it is a breach of the undertrials' Article 21 rights to be put in jail for more time than their penalty. According to popular belief, the State must provide a "speedy trial" to all defendants. An accused individual should never be handcuffed since doing so is cruel, unjust, and inhumane. According to the case of *Prem Shankar Shukla v. Delhi Administration* (1980), [14] a judge's permission is required before police can place a suspect in handcuffs.

PROSECUTION

When someone commits a crime, they target not only a specific person but also the entire community. A victim suffers at the hands of a criminal, but the state intervenes because of the widespread anxiety it causes. Furthermore, anytime a crime disrupts law and order, the state becomes a party and is represented by a public prosecutor because it is the state's responsibility to do so.

According to Section 2(u) of the Criminal Procedure Code of 1973, a public prosecutor is a governmental agent who advocates for the interests of the general public in the criminal justice system. According to Section 24 of the Criminal Procedure Code, state governments appoint public

prosecutors in district courts, while the central government appoints public prosecutors in high courts. A public prosecutor is responsible for the following:

- They are responsible for keeping the case file in order, representing the state on behalf of the victim in court, and advocating for the harshest possible sentence for the offender
- They must not unfairly defend the accused
- They must take notes and conduct cross-examinations of the witnesses

COURTS

Indian criminal justice has a rich history. Laws and fair judicial trials helped it provide justice to the victim. Courts have strengthened the justice system through their rulings and administration of criminal justice. The criminal justice system above shows the importance of the Court as its pillar.

Criminal trials ensure victims receive fair and unbiased justice. Criminal courts are ranked to attain this goal. It includes the Supreme Court, High Courts in each state, Sessions courts in each district, and Judicial Magistrate Courts. The courts have made significant decisions to improve the criminal justice system and fill any gaps left by the legislature. In *Lalita Kumari v. State of Uttar Pradesh* (2014), [15] the Court ordered police personnel to file FIRs, and in *Shyara Bano v. Union of India* (2017) [16] it deemed triple talaq unconstitutional and punishable. In *Vishaka and others v. State of Rajasthan* (1997), [17] the Court provided workplace sexual harassment guidelines, leading to a 2013 criminal statute modification. Thus, courts are adapting the criminal justice system to society.

NEED FOR REFORMS IN THE CRIMINAL JUSTICE SYSTEM IN INDIA

Status of Pending Cases

The court's backlog of cases slows down the judicial process. Justice postponed is justice denied, as the adage goes. According to reports, nearly 4.7 crore cases are expected to be outstanding in the courts in 2022. Therefore, the rules must be changed so that the criminal justice system prioritizes fair trials and sentencing.

Prisoners Awaiting Trial

Overcrowding in prisons is a significant issue in this country because of the many inmates still awaiting trial. According to data from 2020, most of those incarcerated are awaiting trial. Their right to life, guaranteed by Article 21 of the Constitution, is likewise being violated.

Judge Shortage

As the backlog of cases in India's courts continues to grow, the country's judicial system is feeling the strain. There is a

severe scarcity of judges in the country, as evidenced by the fact that there are only 19 for every 10 lakh inhabitants [18].

The Justice System's Inefficiency

The criminal justice system is broken because of corruption and political interference in the courts. A result is that an innocent person may spend their entire life behind bars while a guilty one walks free.

Tensions in the Police Department

The police are responsible for looking into the situation and gathering evidence so that the truth can be uncovered. The police have the power to protect the public, but sometimes they abuse it by harassing and torturing citizens. Therefore, the country's criminal justice system requires improvement.

Reforms

Reforming India's criminal justice system is urgently required considering the aforementioned problems and shortcomings. This led to 2004's recommendations from the Malimath Committee.

Malimath Committee Recommendations [19]

The group provided numerous suggestions about the criminal justice system and criminal law. Here are a few of the recommendations it makes:

- It proposed switching from an adversarial to an inquisitorial criminal justice system to facilitate faster trials and address the problem of backlogged cases
- Under Article 20(3) of the Constitution, [20] it was suggested that the accused be given the right to remain silent if they made utterances that could be self-incriminating
- It is believed that the presumption of innocence places an unreasonable and extraordinary burden on the prosecution to prove the charges, thus delaying the administration of justice
- The committee suggested compensation for the victim
- It offered recommendations to improve the country's policing system and make it more transparent and responsible
- The importance of competitive examinations for the employment of public prosecutors was emphasized
- It recommended that criminal law experts be included on the bench in all superior courts
- The crimes should be recategorized as correctional code violations, socioeconomic crimes, etc.

The criminal justice system must be inspected regularly; hence a Presidential Commission must be constituted for this purpose.

CONCLUSION

The criminal justice system oversees police, prisons, courts, and other agencies that seek victim justice. The state must enforce laws and have a robust criminal justice system to keep society peaceful. After many modifications, the British East India Company enacted most Indian criminal laws.

As time and technology advance, the government needs to modify the justice system to deal with emerging crimes, including organized crime, white-collar crime, cybercrime, and others. Thus, government committees made numerous proposals. It hasn't improved. Due to the judge scarcity, courts are under strain from case pendency. The public believes politicians have corrupted the police, making them ineffectual. Custodial rapes and deaths are rising daily. Public fear results. Overcrowded prisons treat prisoners inhumanely. Committee recommendations are written but not followed. India's criminal justice system must address all concerns and inadequacies to provide equitable justice.

REFERENCES

- Ethical Theory Philosophy 32 Spring 2019. Available online at: <http://carneades.pomona.edu/2019-Ethics/04.Bentham.html>
- Utilitarianism Philosophy. Available online at: <https://www.britannica.com/topic/utilitarianism-philosophy>
- Adversarial System of Justice. Available online at: <https://www.oxfordbibliographies.com/display/document/obo-9780195396607/obo-9780195396607-0320.xml>
- Kautilya: The Arthashastra. Available online at: <https://ncjindalps.com/pdf/HUMANITIES/The%20Kautilya%20Arthashastra%20-%20Chanakya.pdf>
- The Code of Criminal Procedure, 1973. Available online at: https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure%2C_1973.pdf
- What is double jeopardy? Available online at: <https://fija.org/library-and-resources/library/jury-nullification-faq/what-is-double-jeopardy.html>
- Assets Press. Available online at: http://assets.press.princeton.edu/chapters/s4_10097.pdf
- History. Available online at: <https://centerforprisonreform.org/history/>
- Shri Rama Murthy vs State of Karnataka on 23 December, 1996. Available online at: <https://indiankanoon.org/doc/748775/>
- All India Committee on Jail Reform. Available online at: <https://www.mha.gov.in/sites/default/files/Mulla%20Committee%20-implementation%20of%20recommendations%20-Vol%20I.pdf>
- Report of the Expert Committee appointed by the Ministry of Home Affairs, Union of India to Study the Alternatives for a New Capital for the State of Andhra Pradesh. Available online at: https://www.mha.gov.in/sites/default/files/ExpertCommittee_CapitalAP_Final.pdf
- State of Madhya Pradesh vs Narayan Singh & Ors on 25 July, 1989. Available online at: <https://indiankanoon.org/doc/1410744/>
- R.D. Upadhyay vs State of A.P. & Ors on 13 April, 2006. Available online at: <https://indiankanoon.org/doc/1258611/>
- Hussainara Khatoun & Ors vs Home Secretary, State of Bihar, on 9 March, 1979. Available online at: <https://indiankanoon.org/doc/1373215/>
- Prem Shankar Shukla vs Delhi Administration on 29 April, 1980. Available online at: <https://indiankanoon.org/doc/853252/>
- Lalita Kumari vs Govt. of U.P. & Ors on 12 November, 2013. Available online at: <https://indiankanoon.org/doc/10239019/>
- Shayara Bano vs Union of India and Ors. Ministry of on 22 August, 2017. Available online at: <https://indiankanoon.org/doc/115701246/>
- Vishaka & Ors vs State of Rajasthan & Ors on 13 August, 1997. Available online at: <https://indiankanoon.org/doc/1031794/>
- Concerns as India gov't seeks bigger role in judicial appointment. Available online at: <https://www.aljazeera.com/news/2023/1/19/concerns-as-india-govt-seeks-bigger-role-in-judicial-appointment>
- India's top editors' body slams proposed 'fake news' rules. Available online at: <https://www.aljazeera.com/news/2023/1/19/concerns-as-india-govt-seeks-bigger-role-in-judicial-appointment>
- Protection in respect of conviction for offences. Available online at: <https://www.constitutionofindia.net/articles/article-20-protection-in-respect-of-conviction-for-offences/>