

Working Components of Criminal Justice

System in India

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ABSTRACT

The Union of India is a Federal Polity consisting of different states. The states have their own powers and functioning under the Constitution of India. The Police and Prison are the state subjects. Be that as it may, the Federal laws are trailed by the Police, Judiciary, and Correctional Institutes. The framework followed in India for regulation of criminal justice is the antagonistic arrangement of custom-based law acquired from the British Colonial Rulers. This paper clarifies the structure, powers, and working of the three indispensable systems of the Criminal Justice Administration of India, to be specific, the Police, Judiciary, and Correctional Administration. This paper likewise clarifies the group based rectifications, Juvenile Justice System, and Intervention of Apex Court for affecting the capacity in the Criminal Justice System in India.

Keywords: *criminal, justice, courts, culture, systems, prisons, punishments etc.*

I. INTRODUCTION

The Constitution of India and the criminal justice administration have a reciprocal relationship. While the Constitution sets certain beliefs of securing justice to the general population and keeping up solidarity and trustworthiness of the country, the criminal justice system assumes a urgent part in their accomplishment. The criminal justice system includes the police, bar, legal and detainment facilities. These systems always rely upon the sacred help to their standards and systems. The general population can't make the most of their sacred rights unreservedly in a climate of doubt, contempt, dread and frailty. Since it is the obligation of the criminal justice system to forestall infringement of individuals' rights and look after request, its execution directly affects the way toward accomplishing the points and targets of the Constitution. Disappointment of the criminal justice system vitiates the sacred assurances as well as imperils the entire common society driving it towards a disorganized circumstance where the Constitution will be only a joke. The Constitution was encircled by men of extraordinary learning and savviness after extreme considerations in the Constituent Assembly. The designers of the Constitution gave India not only an authoritative archive to represent the nation however an instrument of building up an equitable society. Dr. Shankar Dayal Sharma, the then President of India, while tending to Parliament on ninth December 1996 on the event of the 50th commemoration of the main sitting of the Constituent Assembly stated: "It

was our dearest pioneers who had a place with masses, people with profound information and learning and pervaded with the estimations of our human advancement, who were chosen to take an interest in the Constituent Assembly. They had wide worldwide vision which incorporated all mankind and tried to blend the considerable profound estimations of our way of life with the cutting edge dynamic approach of different customs." 'Justice' is at the best among the points and destinations to be accomplished by the Constitution as cherished in the Preamble. The goal of 'justice', social, monetary and political is straightforwardly consolidated in article 38.

Motivation behind criminal justice system

The central reason for criminal justice system is to save and ensure the govern of law, which suggests, authorization of law, support of request, simply, reasonable and rapid trial, discipline of guilty parties, restoration of wrongdoers through remedial framework and a comfort to casualties of crimes. The current criminal justice framework is influenced with different illnesses and issues viz. the lawful procedure is tedious and it is charged arranged framework i.e., framework is more worried about the rights and premiums of the blamed instead of those for the casualties, there is absence of coordination amongst Police and indictment, packing in prisons, costly legitimate process, no assurance to witnesses and fault}" examination and so forth. The present criminal justice framework has neglected to convey quick and provoke justice to individuals and guaranteeing conviction of discipline to culprits of crime. Criminal cases are pending in courts from quite a while and now and again over 15 years or progressively and number of under trial detainees mulling in prisons is expanding step by step. The distinctive sub-frameworks of criminal justice framework, viz., the police, indictment, legal and remedial systems have not possessed the capacity to meet their objectives and individuals have lost confidence in existing Criminal Justice System. The disappointment of criminal justice framework in guaranteeing crime counteractive action, assurance of discipline, value and fast justice and law requirement is probably going to undermine the very establishment of the Rule of Law and at last prompt rebellion and formative issue. Henceforth, the need to give an invigorating look to the different issues of criminal justice framework in administration of Justice to individuals and to the rising issues relating to changes in criminal justice. In this paper, in Part I the different segments of criminal justice framework ha\`e been examined. In Part II, the different ailments and flaws with which the current criminal justice framework is influenced have been analyzed lastly in Part III, different choices and proposals for enhancing the framework have been proposed.

Crime and Investigation

Infringement of criminal laws was viewed as an offense against the State. Any individual from people in general could convey the infringement to the notice of the King and the King was under an obligation to secure and rebuff the guilty party. It was given that the King should take comprehension all alone, with or with no dissension by a private gathering, of criminal offenses. The data or dissension about the offense conferred by any individual could

be made by any national and not really by the individual harmed or his relatives. The individual, who voluntarily identified commission of offenses and answered to the King, was known as stobhaka, i.e. source. He was qualified for compensation from the King for giving first data. A man who was delegated by the King to recognize commission of offenses was called Suchaka, i.e. Examination Officer. The extraordinary obligation of the King in the matter of controlling crimes, identification of violations and rebuffing the guilty parties was worried in the Manu Smriti that contained the accompanying rules for the King:

- I. Persons who submit offenses or who plot to confer offenses are by and large found in gathering houses, lodgings, massage parlors, betting houses, and so forth.;
- II. The King must post warriors and spies for watching such puts in and in request to keep away criminals and introverted components; and
- III. He ought to select changed hoodlums who were in the past related with such suspicious components and through them guilty parties must be identified and rebuffed.

II. COMPONENTS OF CRIMINAL JUSTICE SYSTEM

The criminal justice system is a system which comprises systemal arrangement consisting of different components working jointly or individually towards a specific goal viz., the legislature, the police, the prosecution, the Court and the correctional system. The legislative arena is of great importance in criminal justice system of any state. They create the laws that disclose to us what conduct is taboo and give punishments to participating in restricted conduct. These laws empower the courts to choose blame or blamelessness, and the remedial sub-frameworks to rebuff or endeavor to restore the convict. So the working of our criminal justice framework starts with the institutions of governing body. Notwithstanding, the lawmaking body does not constitute an operational part of the framework, but to feature that the whole framework's method of reasoning relies on the laws, which they make and whose infringement are required to be controlled or decreased. Next part of criminal justice framework is police or the law authorization sub-framework. To keep peace, lawfulness, to forestall crime, to capture the law violator these undertakings are doled out to police. Without law requirement sub-framework, whatever remains of criminal justice framework sub-frameworks can't play out their capacities. Lawmaking bodies can authorize a great many laws, however in the event that the police neglects to act, the law can be damaged with exemption. On the off chance that natives can't approach their every day work in a sheltered and unsurprising way, one would be compelled to state that the govt. has stopped to work successfully. The abrogating issue without bounds is that of the assurance of police from political assaults. As the prime law authorizing system, the exercises of the police not just base on the requirement of different laws, however their free working is likewise represented by the procedure of laws. Here of responsibility to the rule that everyone must follow, the police exercises go under investigation of the legal. As it were, the responsibility to the law is guaranteed by legal survey at a few phases.

To total up there are three crease responsibility of the police, to the general population, to the law and to the association. Another part of criminal justice framework is Prosecution. The prosecutor is the individual, who decides if a charged violator will be handled by the legal sub-framework. In the event that the indictment feels that the case is fitting, at that point formal charges are confined. In any case, he has no energy to meddle in the examination. The following most essential part of criminal justice framework is Judiciary. The part of court in criminal justice framework is more indispensable and critical than that of the police. The prime capacity of the court is to give free, reasonable, expedient and unbiased justice. The judges need to release their capacities with most extreme care and alert so the general population trust in legal process isn't broken. The directing judge must know that his decision for the situation will establish a long term connection on the charged and casualty about justice or shameful, contingent on legitimate or wrongful vindication or conviction of the denounced. A free, fair-minded and capable legal is the primary prerequisite of justice. The legal might choose the issues previously it, unbiasedly, based on realities and as per law, with no confinements, inappropriate impacts, affectations, weights, dangers, or impedances, immediate or circuitous, from any quarter or for any reason.

Lacks of Existing Criminal Justice System

The criminal justice framework in India is confronting a few difficulties, which it must overcome with a specific end goal to get by gaining the confidence of the general population for which it exists. The basic man has no clue about the inborn lacunas in it and he is astonished when he finds that he doesn't get the alleviation or cure, which he may have fairly expected and at last he loses confidence in the framework. The framework is in this way estranged from the general population for whom it was presented and fed through ages. A few actualities and conditions might be expressed as contributory elements that constitute the test to the framework.

Absence of Coordination and System approach

There is by and large an absence of comprehension and absence of coordination among different parts of criminal justice framework that is police, indictment, legal and the remedial associations. The lawmaking body makes the law, the police is to set the law in movement, to research the case and to create the consequence of the examination under the steady gaze of the court through the prosecutor, the official needs to control and regulate the activity of the police, the court is to inspect the material delivered before it in the light of the laws, to see if the denounced is liable or honest and if a blamed is discovered liable, to sentence him as indicated by law, now and again it needs to send the charged to jail where he will be held up and which is presently expected to be a remedial foundation. Crafted by these appendages of criminal justice framework shape a chain and the pretended by each of these is critical in its own particular circle and furthermore so far as the general impact is concerned. In any case, one thing must be borne at the top of the priority list that the legal segment has a difficult duty to avert manhandle of state control through

police. It requests the most astounding level of autonomy and respectability which ought to not the slightest bit be weakened for the sake of coordination.

Delayed Disposal of Cases

It is in light of a legitimate concern for the natives and also the express that the question which go to the law courts for settling ought to be chosen inside a sensible time, in order to give conviction and definiteness to rights and "commitments. On the off chance that the course of a trial is unnecessarily long, the odds of unsuccessful labor of justice are increasingly and costs of prosecution increments alike. Postponement in transfer of cases prompts unsettling of the detainee as additionally influencing his conduct in prison and his definitive re-socialization in the group and shaken the confidence of casualty. Deferral in transfer of cases helps a specific class of respondents who have cash energy to get the justice postponed to support them to develop as extreme recipients, while the casualties and poor people and oblivious litigants turn into the most noticeably bad sufferers.

Legal and Extra-legal Factors Affecting Delay

The services of summons, notices and other documents issued by the courts, pre-supposes the promptness and efficiency of the serving establishment. . Deferral in these, causes delay in transfer of cases. It is unnecessary to call attention to that excessive postponement in various stages makes the justice dearer to average folks. We can order them as, at phase of enrollment, amid examination, and at the phase of trial and other associated tailings. The nonappearance of insight, pointless deferments, nonattendance of witnesses, the nonappearance of prosecutor, inability to look at witnesses however introduce in the court, nonattendance of everyday hearing and postponement in conveyance of judgments are largely causes which prompt deferral in criminal cases.

III. RECOMMENDATIONS FOR IMPROVEMENT

- a) Delay in courts resembles a Cancer, which slaughters the whole legal framework. Cases are pending in courts for more than 15 years! Who is in charge of it, the police, the prosecutor, or the judges? The duty ought to be settled on the blundering system or officer and deferral in transfer of cases and back payments in criminal courts be killed to the best conceivable degree. Giving rapid justice ought to be the objective of our criminal justice framework. Article 21 of Constitution of India additionally contains the inalienable privileges of fast and reasonable trial. The Law Commission of India in its 154thReport, 1996, prescribed for rapid justice.
- b) Client-arranged Courts — Courts are not implied for legal counselors or judges. The courts ought not be legal counselor arranged or judge-situated court. The courts ought to be customer situated.
- c) Adjournments on false grounds must be halted and attorneys' strikes be checked.

- d) Justice ought to be made more affordable. Individuals abstain from taking their cases to courts because of high rates of expenses of legal advisors. Justice V.R. Krishna Iyer stated, the methodology must be "economical, casual, adaptable, empathetic, sensible and without legitimate complexities."
- e) Witnesses ought to be paid satisfactorily at whatever point they come to remove under the steady gaze of courts or police. Measures ought to be embraced for witness assurance.
- f) The quality of legal officers and judges in subordinate courts and High Courts be enough expanded. The opening in courts ought not stay unfilled. The youthful and skilled people of trustworthiness be pulled in to legal.
- g) Keeping in see the deficiency of legal officers to discard the unfulfilled obligations of cases in criminal courts the administrations of resigned legal officers or judges can be used by making extraordinary courts to be going by them.
- h) The legal officers must be given broad preparing. They ought to likewise be given preparing in scientific sciences. Refresher programs be composed for them. Their underlying preparing period be improved.
- i) The whole scope of offenses under cognizable and non-cognizable offenses be reconsidered with regards to fast social change. A portion of the non-cognizable offenses can be made cognizable.
- j) Victims of violations be paid remuneration by state, which ought to be acknowledged from wrongdoers. By and by pay is at risk to be paid in specific situations to the casualty under Section 357 of Cr.P.C, 1973. 11. The Acts that have turned out to be out of date and irregular ought to be revoked. The council ought to be cautious in duplicating the quantity of criminal laws.

IV. CONCLUSION

The criminal justice framework in India has developed over a time of three thousand years. At first, the Law or Dharma, as propounded in the Vedas was viewed as preeminent in antiquated India for the King had no authoritative power. In any case, progressively, this circumstance changed and the King began making laws and controls keeping in see the traditions and nearby uses. The disciplines amid old India were brutal, uncouth and barbaric. As respects the system and quantum of the disciplines there were inconsistencies between different Smritis and in specific cases even among the arrangements found in one Smriti itself. The arrangement of granting disciplines based on varna negated the idea of correspondence of every single individual as propounded by the Vedas. The unfair arrangement of causing disciplines and opposing arrangements in various lawful writing made the criminal justice framework blemished and confounding.

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