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Criminal Justice System in India : An Analysis

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Received-02.07.2024

Revised-10.07.2024

Accepted-17.07.2024

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Abstract: *The criminal justice system in India is a multifaceted framework designed to uphold law and order, protect citizens' rights, and deliver justice. It comprises four key components: the police, the judiciary, correctional institutions, and the prosecution. Rooted in colonial-era laws such as the Indian Penal Code (1860) (The Bharatiya Nyaya Sanhita, 2023), Code of Criminal Procedure (1973) (The Bharatiya Nagarik Suraksha Sanhita, 2023), and the Indian Evidence Act (1872) (The Bharatiya Sakshya Adhinyam, 2023), the system aims to maintain social order while safeguarding individual freedoms as enshrined in the Constitution of India. Despite its robust legal framework, the system faces significant challenges, including procedural delays, overcrowded prisons, and limited access to legal representation for marginalized communities. Judicial backlog, underfunded police departments, and corruption further undermine its efficiency. Reforms have been suggested to address issues like transparency, accountability, and the need for a victim-centered approach to justice.*

India's criminal justice system is continuously evolving, with recent reforms emphasizing the digitization of court processes, police reforms, and alternative dispute resolution mechanisms. However, the pursuit of a more efficient and just system remains ongoing, requiring a holistic approach that balances the rights of victims, accused individuals, and society at large.

Key words : criminal justice system, deliver justice, correctional institutions, colonial-era

Introduction: A system which deals with the organs of government that are responsible for enforcement of law in the country, maintaining peace, order and harmony and treating criminals for their wrongful conduct is called criminal justice system. The main purpose of the criminal justice system is to ensure that every person whosoever suffers an injury or loss by others fault or greed is allowed to represent his case in the court and justice is made to that party. The aim of this system is to reduce the crime rate and to avoid crime in future.

According to Hobbes, "a man is selfish by nature and can go to any extent for his pleasure" and as said by Bentham, "a person avoids pain and demands to seek pleasure". The person most probably is usually moved by his instincts and follows them and, in earlier times, there were no regulations and limits which were nailed for establishment to control his conduct. With the increasing in amount of population and communities, the person's interests collided with others and this has led to a situation of conflict among people at large. So, in order to regulate the conduct of a man, a system was needed that could monitor his actions and subject to those actions gives him punishment as reaction for those unnecessary actions or conduct. The development of the criminal justice system is the result of same actions which goes along with development of man and his intellect in a wrong way.

The criminal justice system is a framework designed to enforce laws, maintain public order, and address criminal conduct. Its primary goal is to ensure that individuals who suffer harm or loss due to the wrongful actions of others can seek justice through the court system. By doing so, the criminal justice system aims to reduce crime rates and prevent future offenses.

Philosophers like Thomas Hobbes and Jeremy Bentham have provided insights into human behavior that underpin the need for such a system. Hobbes argued that humans are inherently selfish and driven by a pursuit of pleasure, which can lead to harmful actions if left unchecked. Bentham expanded on this by suggesting that individuals are motivated to avoid pain and seek pleasure. Without regulations to guide behavior, conflicts arise as people's interests clash, leading



to social disorder.

As societies grew and populations expanded, the need for a structured system to regulate behavior became evident. The criminal justice system emerged as a response to these challenges, evolving alongside human development and intellect. It provides mechanisms for monitoring actions and imposing penalties for misconduct, thus fostering social harmony and justice.

Evolution of Criminal Justice System-In India, the criminal justice system is not a modern concept. It finds its traces among roots of ancient historical backdrop where the accused was given a chance of hearing for his fair trial and to produce evidence to prove himself nonguilty and if he was not able to prove himself then he would be punished abruptly. Justice S S. Dhavan said "India has the world's oldest judiciary. No other judicial structure has a more ancient and exalted pedigree".

In Vedic literature, there was no system of judiciary but the parties used to sit in front of the accused house and for receiving the relief and did not travel until the justice was made. It was just a vedic concept. But the monarchy concept, where the king decides the fate of accused under the influence of royal powers could be easily traced the historical background which is called as root of justice. The knowledge of justice was given under dharmshastra or nitishasta including Arthaashastra. The main responsibility of king was to protect its subjects and punish the wrongdoers. The Manusmriti or "Laws of Manu," in Sanskrit Manusamriti, also known as Manava-dharmashastra, is the oldest and most significant form and is considered as earliest metrical work written by the ancient sage Manu.

As per Hindu Dharmashastra textual tradition, the essential rules for Dharma observance are:

- a) patience (dhriti)
- b) forgiveness (kshama)
- c) pity or self-control (dama)
- d) integrity (asteya)
- e) sanctity (asteya) (krodha)

f) "Nonviolence, truth, non-coveting, purity of body and mind, control of senses
Consequently, not only the person but all in society are regulated by dharmic rules and regulation and they are equally reimbursed on all.

Even the Epic Mahabharata states that 'punishment preserves Dharma, Artha and Kama, and are pretty well acknowledged in Sastras like Dhanda-neeti. The judgment should be delivered in such a way that it should guarantees confidence and trust among people over the judiciary. To correct and create a mindset for punishment in the wrong doer, a deterrent concept of punishment is always in need. Therefore, in order to preserve the deterrence, the punishment was inflicted as penalties and they were categorized as (1) Vagdanda means admonition; (2) Dhigdanda signify censorship; (3) Dhanadanda. means fine; (4) Angaccheda that is mutilation; and lastly (5) Vadhadanda ie. Death penalty.

The Judicial system in modern India which is responsible for legal framework comes under the headline of courts. There are three different types of courts on the basis of jurisdiction. First is District court at district level, second is High Court at State Level and third one is the Apex Court that is Supreme Court at National Level. The Supreme Court was established by introducing it in Regulating Act, 1773 at Calcutta and similarly two more supreme courts were set up by King George-III at Bombay and Madras in 1800 and 1834. The Government of India Act, 1935 established Supreme Court which had appellate, original and advisory Jurisdiction. In the year 1950 the Constitution of India was adopted on 26th January and which was presided by Justice H.J Kania. Since that time the courts are functioning and developing all over the country at each and every level.



The Three Pillars of Criminal Justice System of India-To administer justice at nation-wide level, the government has established three pillars for administering and delivering the justice to people. The three pillars of criminal justice system are police, courts and prisons. All three of them are overburdened with workload. For example, if we consider the courts, they are buried with cases at every level whether at district or state or central. At every level there is impendency of cases and delay. Whereas if we talk about prison, the condition of prison

The police force in India is overburdened with lots of responsibilities like backlogging in Courts to making the condition of Prison squalid The Police force comes under the administrative pillar of the government. The criminal justice system has legacy from British period because they codified certain laws relating to punishment to criminals. They made four subsequent subsystems like parliament, police, courts and facility centers for legislatures, enforcement, adjudication and correction centers. This system ensures law and order in the society.

The basic objectives of criminal justice system is to reform and rehabilitate the offender along with penalizing his offence. As reformation is considered to be the ultimate goal and rehabilitation is the best way rather than retribution method.

The basic objectives of criminal justice system are-

- (a) To punish the wrongdoers.
- (b) To reduce the crime rate.
- (c) Regulation of behavior of criminals in the society.
- (d) Giving relief and remuneration to the victim party or to fulfil the loss they suffered.
- (e) Rehabilitation of criminals.
- (f) To change the mind-set of people so that they do not engage in any sort of criminal activity.

There are various advantages of the criminal justice system like-

- It helps in maintaining perpetual law and order in the society at large.
- There is uniformity of laws for every single person irrespective of caste, creed, religion, sex, colour, place of birth etc. and similar procedures related to criminal matters throughout the nation.
- It also protects the accused person from torture and harassment by the common public by taking him into custody by police and various rights like the right to a fair trial, the right to free legal aid, the right against self-incrimination etc. is given to him s that he could get a fair trial to prove himself justified and not a criminal.
- The impartial judiciary is that part of justice system which helps in the impartial delivery of justice irrespective of caste, colour, sex, place of birth and are equal in the eyes of law.

IV Reasons for its Failure-Even after so much amendment and well to do law and system, the flaws in the system could be observed which leads to failure of justice delivering body of the government and easy exploitation of law by the accused. The system fails on following grounds-

1. The ground realities make it more punitive than the amount intended.
2. Concept on reformation is absent from policymaking as it is not possible to implement the rules which are not conceptualised.
3. The lack in the vision of system of justice and proper infrastructure for rehabilitation.
4. The trial procedure is time consuming and costly which sometimes even leads to death of the party.
5. Judges are relied on the evidence given by police and the statement given by prosecution which are quite influenced and can be sometimes tampered.
6. The concept of presumption of a person being innocent unless and until proven guilty puts an unnecessary pressure on the prosecution party



7. Some offenders do take advantages of various rights provided to them which ends up in delay of justice.

Due to such ineffectiveness of criminal justice system the corrupt and political influence on judiciary sometimes lead to the accused being escaped from punishment and the innocent people has to suffer and spend his life in jail premises.

Legal provisions for providing justice to the people - Justice is important to restore the equal citizenship, humanity and prevent reoccurrence. First and foremost is the Constitution of India, 1950. The framers of the Constitution kept in mind the experience of past. So they made such provisions to achieve social, economic and political justice. The preamble in the constitution aims to all citizens "Justice: social, economic and political". it can be analysed that the idea of justice is deliberately equated to equity and fairness. Further it has provided fundamental rights and duties in chapter three which prescribes basic rights of individual as a part of free nation. Then it also has directive Principle of State Policy etc.

There are various reforms which are introduced by government to make the system more effective like video conferencing for trial system through jails, set up of Lok adalat and fast track courts for speedy justice and fair trial, enactment of legal service authority act by NALSA for free and fair trial to aggrieved section of society like women, illiterate, poor people, children who are minor etc

There are other legal provisions relating to legal aid like under section- 304 which provides for a fair trial before the Court of Session, if the accused cannot be represented by a pleader and when it appears to the court that the accused has no sufficient means to engage a pleader, the Court will assign a pleader for his defence on the name of the State. This section further empowers the State Government for extension the application of the above stated provisions in furtherance to relation to any class or trials before other courts of the State.

In the Civil Procedure Code, 1908 it is stated under order-33 for filing of suits by indigent persons which is beneficial for poor persons to pay the court fees and institute suits without paying the requisite amount admissible in the court. At international level the United Nations Organisation has made significant charter called as Universal Declaration of Human Rights under which the article- 8 states that:"Everyone has the right or an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the Constitution or by law".

Justice P.N Bhagwati rightly described legal aid as "a means for providing an arrangement in the society which enables the poor and illiterate to access justice without their ignorance and poverty becoming a hindrance".

The practice of Legal aid in India is a constitutional mandate and it also provide for procedural statutory codes which are in written format. The importance of legal aid has been prioritize and also recognized by the Indian Judiciary in various cases but still it remains to be an unfulfilled promise to the weak and poor section of society. Even the State too fails to provide competent and quality lawyers with good advocacy skills and whose priority is the freedom to access justice. Due to the insufficient amount of resources and compensation amount which are allotted to the various legal aid clinic and to improvise the active participation and usage of schemes and authorities could be one of the reasons that legal practitioners lack incentive to work with the legal aid authorities. However, in the recent years of development, a new form of pro-bono work of lawyers has been recognized and observed. Therefore, it is providing numerous encouragements to private practitioners. In order to ensure and assure that quality legal aid should be provided to all the needy people properly, pro-bono work should be made mandatory for lawyers and should be skill which should be made mandatory in clinical legal education in all Law Universities too. The proper and appropriate functioning of legal aid clinics in all law schools will



help usher the concept and improve the practice of legal aid in future lawyers at an early stage and help India to reach its goal of equal and fair access to justice for all.

Criminal law in India consists of the Indian Penal Code, 1860 (The Bharatiya Nyaya Sanhita, 2023) which defines the various offences along with their punishment and the Criminal Procedure Code, 1973 (The Bharatiya Nagarik Suraksha Sanhita ,2023) which gives the procedure of the trial.The evidence is further governed by the Evidence Act, 1872(The Bharatiya Sakshya Adhinyam,2023).

Need for Reformation- With advancing time and development in technology, more new crimes like organized crimes, white collar crimes, cyber-crimes, etc. are increasing rapidly day by day and there seems no end to the level of criminal instinct in the mind-set of people and the level of hatred towards law and order in the society is concerned, and the government is working on amendment of laws but the reform is relatively very slow. There is an urgent need to reform the justice system to deal with such major and developing high tech offences. To resolve this emerging issue and to give satisfactory result of, various committees were set up by the government which gives various suggestions and recommendations for improvement of law and statutes time to time by passing those bills in parliament and at time of emergent condition a joint session is held to pass those legislations but still, the condition has not improved to reduce the level of crime rate.

All the Courts at every stage are still suffering from pressure and burden of heavy and year-old impending cases and due to the pendency of cases the new registered cases do not solve in reasonable time period and still more registration of cases in the department which directly affect the judicial system of the country by overburden of cases. Another reason which is sought is seemed to be shortage of judges could which could also be a result of pendency in cases. Because of the workload is increasing but the required number of judges are not present and the already appointed judges seems to be over filled with cases. Later on, the whole pressure builds up on police force that they do not perform their duty so there is delay in judgement or that the police force is under the influence of politicians so they do not perform their duty or they are corrupted and corruption has made them ineffective in fulfilling their duties and obligations. There are various incidents of custodial rapes and deaths which are increasing day by day. This has created fear among publics thought and due to some corrupt officers, the name, image and reputation of whole Police department is degrading in the minds of the public. There is an absolute feeling of fear and exploitation by the system in police station and even by advocates. Even the Prisons are too witnessing a situation of over crowdedness in prison and those prisoners suffer from inhuman and degraded treatment in jails like bad staying condition, no adequate quality of food, no proper and hygienic place to rest etc totally amounts to exploitation of prisoners in jails and the conditions are getting worse day by day. The recommendations for improvement of conditions for prisoners sought by various committees are still on paper and are not implemented. The living conditions are not seeming to be stable and proper for a human being who lives a normal life then how can it be thought for a prisoner who is a convict and is completing his punishment tenure?

At last, it could be observed that there is an urgent need to solve all these issues and fill the gaps in the criminal justice system in India so that they are in condition to provide fair and equitable justice to the citizens as well as non-citizens in the country and a relationship of trust and just could be build.

1. Reforms for Effective Justice Delivery:

- Video Conferencing: To expedite trials and facilitate hearings from jails or remote locations, video conferencing has been implemented.
- Lok Adalats: These are alternative dispute resolution mechanisms aimed at providing speedy and amicable settlement of disputes.



- **Fast Track Courts:** Established to handle cases swiftly, particularly those involving serious crimes or large volumes of cases.

2. Legal Aid Provisions:

- **Legal Services Authorities Act:** Enacted by NALSA (National Legal Services Authority), this act aims to provide free legal aid to marginalized sections of society, including women, children, and the economically disadvantaged.
- **Section 304 of the Criminal Procedure Code (CrPC):** Provides for free legal aid to accused individuals who cannot afford a lawyer, ensuring their right to a fair trial.
- **Order 33 of the Civil Procedure Code (CPC), 1908:** Allows indigent persons to file suits without paying court fees, facilitating access to justice for the poor.

3. International Standards:

- **Universal Declaration of Human Rights (Article 8):** Stipulates that everyone has the right to an effective remedy by competent national tribunals for acts violating their fundamental rights.

Conclusion-This criminal justice system controls the functioning of various institutions like the police, prisons, courts, prosecution etc., which progressively work towards giving justice to the victim and establishing a system of law and order in the society. It is the duty of the state to maintain internal peace and harmony in the society, and this milestone can only be achieved if the laws are implemented properly and an effective criminal justice system is made in the country. The various criminal laws in India were mostly enacted by the British East India Company, but later on with progress in time and development of society and technology, lots of amendments were made to previously established laws of the society.

The criminal justice system is the backbone of any society that seeks to maintain law and order. While India has a robust framework of laws, the effectiveness of the system depends heavily on proper implementation and ongoing reforms. By ensuring that these institutions function smoothly and in harmony with one another, the state can fulfill its duty to maintain peace and deliver justice to all citizens

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