



CRIMINAL JUSTICE SYSTEM IN INDIA

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ABSTRACT

The criminal justice system of India is a crucial mechanism for preserving law and order, ensuring justice, and protecting the fundamental rights of its populace. The present article offers a comprehensive analysis of the fundamental components and obstacles inherent in the criminal justice system of India. The system is composed of three primary constituents, namely law enforcement agencies, the judiciary, and correctional institutions. The detection, investigation, and prevention of crime fall under the purview of law enforcement agencies, such as the police. The judiciary, comprising a range of courts, is responsible for guaranteeing equitable and unbiased trials by construing and implementing the law. The primary objective of correctional institutions is to facilitate the rehabilitation of offenders and their successful reintegration into the community.

Notwithstanding, the Indian criminal justice system encounters various obstacles. The presence of a high volume of cases in the judicial system can result in a protracted delivery of justice, thereby exacerbating the accumulation of pending cases. The system is further strained by factors such as corruption, insufficient resources, and a dearth of trained personnel. Moreover, the issue of attaining justice persists among disadvantaged communities and those with limited resources. Measures are being taken to tackle these obstacles, such as the utilisation of technology to enhance efficacy and mitigate latencies. Efforts are being made to improve the efficiency of the system through legal reforms and initiatives aimed at building capacity. The criminal justice system in India endeavours to establish a fair and impartial society by consistently adapting and remedying its deficiencies.

Keywords: Criminal Law, Justice, System, IPC, CrPC etc.

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INTRODUCTION

The Indian Penal Code (IPC), which was established in 1860, serves as the foundation for India's system of criminal justice. This code outlines the rules and procedures that regulate criminal actions in the nation. It is referred to as the Criminal Code. It is the responsibility of the criminal justice system to see to it that perpetrators are brought to justice and that victims get justice for their suffering. In addition to this, the system guarantees that those accused of engaging in criminal behaviour are afforded fair treatment and are provided with all of their legal rights.

The Indian police force, the judicial system, and the penal system are the three branches that make up the country's complex criminal justice system. Those who have been victimised by crime should talk to the police as soon as possible. The police are also the ones who are responsible for conducting investigations and apprehending perpetrators. The administration of justice, including trials and sentences, is within the purview of the judicial branch, while the penitentiary system is accountable for rehabilitating criminals and ensuring that they do not commit more crimes in the future.

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The Indian criminal justice system may be broken down into its three primary subsystems: the judicial system, the police force, and the penitentiary system. The duties of conducting investigations, locating and arresting offenders, and upholding legal mandates are delegated to the police force. The responsibility of ensuring that trials are carried out in an impartial manner and that justice is carried out lies with the judicial system. The purpose of the correctional system is to provide criminals with the opportunity for rehabilitation and to dissuade them from committing crimes in the future.

People who have been victimised by crime should talk to the police as their initial point of contact. The police are also the ones responsible for gathering evidence and apprehending perpetrators. The investigation of crime sites, the gathering of evidence, and the questioning of suspects are all tasks performed by the police. They are also accountable for the upkeep of legal and political order across the nation.¹ The responsibility of ensuring that trials are carried out in an impartial manner and that justice is carried out lies with the judicial system. Criminal cases are presided over by judges, who also oversee that the accused are provided with all of their legal protections. The

¹ Mark H. Moore, Robert C. Trojanowicz, and George L. Kellin, 'Crime and Policing' [1988] NIJ 4.

responsibility for rehabilitating criminals and ensuring that they do not commit other crimes falls on the shoulders of the judicial and penal system.

The administration of justice is the overarching goal of the legal system, which exists to fulfil its mandate. Additionally, it is accountable for defending the rights of those who have been accused and ensuring that victims get justice. Because criminals are made to answer for their conduct, which serves as another function of the criminal justice system: to act as a deterrence to criminal activity. In addition, the criminal justice system offers the general public a feeling of comfort and safety by bringing those responsible for wrongdoing to account.

The criminal justice system serves a number of purposes, one of which is to guarantee that those who are guilty are punished and that those who have been mistreated are paid for their losses. It is also the responsibility of the criminal justice system to ensure that persons who are accused of illegal activity are handled fairly and that they are granted all of the rights that are legally due to them. Last but not least, the goal of the criminal justice system is to protect the general public from the harmful effects of illegal behaviour and to preserve the interests of society as a whole.

TYPES OF PUNISHMENTS IN INDIA'S CRIMINAL JUSTICE SYSTEM

The Indian Penal Code (IPC)² is the primary legal framework upon which India's criminal justice system bases its sentencing decisions. The seriousness of the offence is taken into consideration while determining the appropriate level of punishment to impose by the legal system. In general, there are three primary types of penalties that may be distinguished from one another: incarceration, monetary fines, and the death penalty.

In the American legal system, incarceration is the kind of punishment that is used the most often. Those who have committed crimes may be reformed and rehabilitated via the application of this method. It is possible for criminals to get a jail term that varies in length according to the gravity of the offence they committed. In addition to this kind of punishment, the legal system also has the ability to impose monetary fines. The purpose of issuing fines to criminals is to discourage them from committing other crimes in the future.

The criminal justice system also makes use of the alternative type of punishment known as the death penalty. Only the most heinous of offences, such as rape and murder, are subject to this

² The Indian Penal Code 1860.

particular sort of retribution. The use of the death penalty is a contentious method of retribution, and some people consider it to be an especially harsh and uncommon kind of punishment.

SALIENT FEATURES

- **“Role of the Prosecution in India’s Criminal Justice System”**

The Indian system of criminal justice places a significant emphasis on the role of the prosecution. The responsibility of presenting the case against the accused and ensuring that justice is carried out falls on the shoulders of the prosecution.³ The gathering of evidence, the questioning of witnesses, and the preparation of the case for trial are all the responsibilities of the prosecution. The obligation of ensuring that the accused is handled properly and that their rights are safeguarded falls furthermore on the shoulders of the prosecution.

Because they are entrusted with the obligation of achieving a conviction, the prosecution plays a vital role in the system of criminal justice. They are required to make a compelling case against the accused and demonstrate beyond a shadow of a doubt that the accused person is guilty of the crime. The burden of seeing that the victims of the crime are given justice falls furthermore on the shoulders of the prosecuting attorney.

- **“Role of the Defense in India’s Criminal Justice System”**

In India's system of criminal justice, the role of the defence attorney is another crucial component. The defence is in charge of defending the accused in court and seeing to it that their legal rights are preserved throughout the process. It is the responsibility of the defence to see to it that the accused person is treated fairly and that their interests are protected at all times. In addition to appealing for a less sentence and providing evidence in the accused person's defence, the responsibility for doing so lies with the defence team.⁴

The defence is entrusted with the job of ensuring that the accused is treated fairly and that their rights are safeguarded, therefore they play a significant part in the system of criminal justice. This obligation ensures that the defence plays a vital role. In order to safeguard the legal rights of the

³ Dr. Mudasir Bhat And Dr. Mehraj Ud Din Mir, ‘The Role of Prosecution in the Criminal Justice System in India: An Analytical Audit’ [2020] Indra. LawRev. 8.

⁴ Law Pedia, ‘Exploring the Components of India’s Criminal Justice System: A Comprehensive Look at the Punishment System’ (India Times, 4 January 2023) <<https://timesofindia.indiatimes.com/readersblog/lawpedia/exploring-the-components-of-indias-criminal-justice-system-a-comprehensive-look-at-the-punishment-system-48833/>> accessed 22 May 2023.

accused and make certain that justice is carried out, the defence must also make a compelling case on their behalf.

- **“Role of the Judge in India’s Criminal Justice System”**

In India's system of criminal justice, the role of the judge is one of the most significant components. It is the duty of the judge to preside over criminal proceedings and to ensure that justice is carried out. The judge is accountable for ensuring that the proceedings of the trial are carried out in an impartial manner and that the accused are provided with their legal entitlements. It is also up to the court to decide what kind of punishment will be handed down to the person who is being charged.

Because they are the ones responsible for ensuring that justice is carried out, judges play an essential part in the administration of the criminal justice system. The judge is responsible for ensuring that the accused are afforded their legal rights and that the trial is carried out in an impartial manner. The judge is obligated to take into consideration the evidence that was provided to them and ensure that the punishment that was handed down was fair and reasonable.

- **“Role of the Victim in India’s Criminal Justice System”**

In India's system of criminal justice, the perspective of the victim is an essential component. The burden of supplying evidence in the accused person's trial as well as ensuring that justice is carried out rests squarely on the shoulders of the victim. The victim is also accountable for taking precautions to prevent additional injury to themselves and ensuring that their legal rights are upheld at all times. In addition to this, the victim has the legal right to demand compensation from the person who is being accused for any injury that was done to them.

Because they are the ones who must provide evidence during the trial of the accused, victims are afforded a significant amount of agency within the framework of the legal system. The victim is responsible for seeing to it that their legal rights are upheld and that they are treated fairly.⁵ In addition to this, the victim has the legal right to demand compensation from the person who is being accused for any injury that was done to them.

- **“Role of the Jury in India’s Criminal Justice System”**

⁵ OHCHR, ‘Basic Principles on the Role of Lawyers’ (United Nations, 07 September 1990) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>> accessed 22 May 2023.

In India's system of criminal justice, the jury is an essential component of the system. The decision as to whether or not the accused is guilty rests squarely in the hands of the jury. The inhabitants of the community make up the jury, and they are the ones who are entrusted with the duty of deciding whether or not the accused is guilty based on the information that has been given throughout the trial. In addition to this responsibility, the jury must also decide the amount of time that the defendant will be sentenced to serve.

Since it is up to them to decide whether or not the accused person is guilty, the jury is an essential component of the legal system that administers criminal punishment. The responsibility of ensuring that justice is carried out and that the accused is handled fairly falls on the jury. The evidence that was offered to the jury must also be taken into consideration, and they must ensure that the punishment that was handed down was fair and suitable.

CONCLUSION

It is the responsibility of India's criminal justice system to ensure that justice is carried out and that those who break the law are brought to account. The three main components that make up the criminal justice system are the judicial system, the penitentiary system, and the police. The administration of justice and the safeguarding of the rights of people who stand accused of wrongdoing are the twin pillars upon which the foundation of our nation's criminal justice system is built.⁶ The seriousness of the offence is taken into consideration while determining the appropriate level of punishment to impose by the legal system. When it comes to ensuring that justice is done, each of the following responsibilities—the prosecutor, the defence attorney, the judge, and the members of the jury—play crucial roles.

It is necessary for us to have an understanding of the functioning of India's criminal justice system since it is such an integral component of our society. It is possible for us to guarantee that justice is done and that criminals are brought to justice if we have a thorough awareness of the components of the criminal justice system as well as the many sorts of penalties that are handed out by it.

⁶ *Ibid.*