

STUDY ON THE ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM

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ABSTRACT

"Law should not sit idly by while those who break it get away with it and those who seek its protection lose hope in the meantime." The underlying basis of criminal justice in Ancient times was "a tooth for a tooth and a life for a life." However, a sliding scale was created afterwards to deal with minor infractions. The old criminal law arose from such a framework. In India, there are two types of criminal justice: substantive criminal law, which defines the crime and prescribes the punishment, and procedural criminal law, which executes the substantive law.

The purpose of criminal law is to safeguard society and its citizens from criminals while also punishing offenders. However, history indicates a gradual increase in concern for criminal treatment and a total blackout for attention to crime victims. Searching for the system's true victim, as well as the trends in compensatory jurisprudence and the necessity for judicial sensitization. So how could the system's most powerful players, the ones who set the criminal law in motion, fade into obscurity? They have no legal standing, and the state assumes responsibility for prosecuting the perpetrators by considering the victims as passive witnesses. This research is based purely on secondary data, thus it will be doctrinal in nature, taking into account all precedents, journals, papers, and our basic grasp of the topic.

KEYWORDS: *Criminal law, Justice, Punishment, Framework.*

1. INTRODUCTION

Because man is a social animal, no one can survive in a world without civilization. He is unable to live alone in the absence of a group or family; at long last, he has begun to integrate into society. However, such a community should be free of criminal activity. Any criminal conduct against public policy or any act prohibited by law is defined as a crime.

Crime is a social phenomenon that shifts through time and from generation to generation as well as from community to community. What is considered a criminal in one location may not be considered a crime in another location. Adultery, for example, is a criminal offence in India under Section 497 of the Indian Penal Code.

According to ancient Roman law, there is no crime if there is no law. Various aspects are taken into consideration by the legislature when defining crime, including social and sociological factors, economic factors, political situations, and other variables as deemed appropriate by the legislature.

As a victim of the judicial system, a man seeks justice, but instead becomes the true victim and faces the hardship of our Indian criminal justice system. This study focuses on the victim's primary right to justice, which has deteriorated and is frequently misunderstood to halt at the signature on the judgment, when the true destination is in the victim's hands. Meanwhile, the courts uphold the fundamental meaning of justice, and it is the state's responsibility to support the pillars of justice.

1.1 HISTORY AND EVOLUTION OF CRIMINAL LAW

In this chapter, I will look at the origins of the adversarial system and how it has evolved through time. In the ancient world, criminal law was based on victim familiarization and concentrating, and victims held a dominant position in the criminal system. Even tied trees and animals were considered sacred and cutting and killing them was considered a grave offence, for which the culprit had to pay a large sum of money and face severe punishment. This is why author Schafer refers to it as the "Golden Age of Victims."

According to the Golden Age, the victims were given first priority at the time, and their numbers were reducing century by century. With the onset of the economic revolution, renaissance, and French Revolution in the 16 and seventeenth centuries, a metamorphosis was noticed in all walks of life. The 'Adversarial System' was born as a result of this. This was the period of deterioration in the victim's function in the 'criminal justice system,' according to author Schafer.

Currently, criminal law has become more focused on the offender, and the suffering of victims, which is often enormous, has gone completely unnoticed due to misdirected sympathy for the criminal. Our criminal justice system's forgotten males are today the victims. After the golden age, the deterioration began gradually and steadily, eventually leading to the emergence of the adversarial model.

When the Second World War ended in the twentieth century, several criminologists took on the work of determining the necessity of determining the criminal-victim relationship in order to gain a better understanding of crime, its origins, and connotations. As a result of their efforts, the United Nations enacted a charter for victims' rights, as well as an EU convention on the compensation of victims of violent crime based on the same idea. As a result, many European and American countries have passed legislation providing for victim compensation in the criminal court system. As a result, the victim's movement has gained traction around the world, though in many varied forms and forms. This is how the United Nations assisted in the discovery of the criminal-victim relationship and its growing significance.

1.2 The Man as Victim of the Criminal Justice System

Students and professionals who have worked in the criminal justice system have become more aware that when a victim of a criminal offence reports his victimization to the police—the first step into the criminal justice system—he is frequently subjected to postponements, delays, rescheduling, and other frustrations. All of this entails a loss of profits, a waste of time, the payment of transportation and other expenditures, discouragement, and, ultimately, the painful conclusion that the system does not live up to its principles and serves only itself.

Some argue that the victim is the most underappreciated participant in the criminal justice system. In practice, once the victim has reported his victimization and provided all relevant information to the police, he will not hear from them for a long time, if at all. Cases are disposed of without any consultation with the victim, and if and when the victim is called for the trial, he is treated merely as a state witness and is subjected to lengthy delays, postponements, and a variety of other frustrating experiences.

This primarily focuses on the victim's thankfulness for the suffering that he is experiencing and that goes undetected, who himself pleads for assistance and receives nothing but a biased style of functioning in which a presumption is raised to save the accused rather than the victim. This is a heinous blasphemy of our system, which assigns blame to those who are to blame and casts doubt on those who are suffering.

2. Meaning of Administration

Administration refers to the procedure of enforcing insolvency rules and bankruptcy in the United States. Functions are a free method for insolvent organizations to continue operating their businesses. On behalf of its creditors, the administrative receiver acts as administrator. The

administrator can recapitalize the company, sell it to new owners, or demerge the company into its fundamental components and sell the rest. The administration of justice is the legal system's process that is carried out by the government.

It is assumed that the purpose of such administration is to offer justice to all individuals who seek justice through the legal system. The term is also commonly used to refer to a university degree, such as a BA in Administration of Justice, which is required for employment in law enforcement or government.

With regard to the criminal law in particular, "Administration of justice is a broad word that encompasses all of the activities that work to bring the substantive law of crime to bear, or to come to bear, on suspects who have committed crimes. It refers to the norms of law that govern the detection, investigation, apprehension, interrogation, and trial of criminal suspects, as well as those who are accountable for enforcing these regulations.

The administration of justice cannot be limited to the courts; it must include officers of the law and those whose functions are necessary to ensure that the courts work efficiently. The administration of justice should be concerned with the fair, just, and unbiased protection of rights and the punishment of wrongdoings in accordance with the rule of law."

3. RESEARCH METHODOLOGY

The method of this research is descriptive and elusive with the fact of covering all the essential and vital things related to the procurement of the study and the method of the study is covering the scenario in India which covers the overview and all the essential things related to the study and viewpoint of the topic.

4. DISCUSSIONS

4.1 COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM

i. Police

The police are placed in the front line of the Indian criminal justice system under Article 246 of the Indian constitution. They are extremely important in the administration of justice. Despite the importance of their function, they are not held accountable by the police. The Indian police force is woefully understaffed when it comes to maintaining law and order.

The word inadequately encompasses a great deal of corruption, job delays, and so on. D.K. The case of Basu vs. State of West Bengal demonstrates the legal perspective on arbitrary arrest and detention. The arrest procedure had been simplified in this case by the court. The case was primarily concerned with the police's infliction of injustice on the inmates in the jail.

ii. Prisoners

In India, prisoners' rights are treated with disdain. People in India believe that once a person is sentenced to prison, they lose their right to live as a regular human being. Even during their incarceration, they are treated inhumanely by the jailers, which is a violation of their constitutional rights. However, Article 21 protects their fundamental rights.

Manna v. People of Illinois, a case decided by the United States Supreme Court, said that life is more than just animal existence. The same cannot be said for the souls behind the bar. Art. 21 guarantees rights to everyone, and no one, not even the state, can refuse them. Prisoners enjoy all of the rights that a free man does, with some exceptions. They do not lose their fundamental rights simply because they are in prison.

iii. Money and Criminal Justice System in India

Corrupt justice sector institutions are a major roadblock to any anti-corruption campaign's success. The legislative and institutional tools designed to combat corruption, no matter how well-targeted, efficient, or honest, are weakened by ethically corrupted justice sector institutions. Furthermore, the larger impacts of corruption on the rule of law and sustainable development are not just harmful, but even destructive, especially when the justice sector, which is supposed to reflect the principles of independence, impartiality, integrity, and equality, is harmed. Here are a few examples:

- Challenges in claiming rights and enforcing contracts in court proceedings can create an atmosphere of legal uncertainty, which can deter business, entrepreneurial spirit, and investment;
- Disregard for the equal application of the law undermines the legitimacy of public institutions and contributes to the erosion of public trust in law and order;

Because no sector is immune to corruption, States Parties must recognize the unique role and susceptibility of justice sector institutions in terms of corruption and continue to work to develop independent, ethical, and accountable justice sector institutions. The UN is taking a range of initiatives to assist States Parties in dealing with the situation.

It is looking at corruption in the judiciary and other justice sector institutions at both the organizational and individual levels, including separation of powers, mandates, and processes, as well as professional ethics, interference protection, and training. The UN hopes to identify excellent practices and methods for addressing and mitigating the risk of corruption and promoting integrity throughout all justice sector organizations based on the analysis.

4.2 LAWS TO CARE FOR AND PROTECT SPECIAL CATEGORIES OF VICTIMS

As a result, this section concentrates on safeguarding distinct categories of victims by providing them with various remedies through various sections and providing them with much-needed special attention through new protection legislation. There have also been significant advancements in the form of new laws to push the cause of victims and to mitigate the sufferings of potential victims of vulnerable populations such as women, children, and the elderly, who are to be primarily targeted.

Consider the following scenario:

The Protection of Women from Domestic Violence Act of 2005 was enacted to protect women from domestic violence. In this act, it is clearly stated that if the user's protection refuses to do his duties, he would be sentenced to one year in prison or a fine of 20,000 rupees, or both.

The 2007 Act on the Maintenance and Welfare of Parents and Senior Citizens

If children or legal heirs fail or refuse to care for the adult they are obligated to assist, the court will issue an order requiring the children or legal heirs to set up a monthly allowance for his or her upkeep with due diligence.

Child Abuse Prevention and Victim Assistance

"The State shall provide free and compulsory education to all children aged 6 to 14 years in the manner determined by law." Aanganwadi is available for children aged 0 to 6.

As part of its commitment to safeguarding children's rights, the National Commission for Protection of Child Rights (NCPCR) of India signed and ratified this treaty in 1992, one year before the United Nations Convention on the Rights of the Child was signed and ratified, and that Act was passed as one of the most important or significant steps to safeguard children's rights in that particular country or nation. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, provides for the prevention of caste-based victimization as well as the protection of victims.

4.3 CRIMINAL JUSTICE SYSTEM TYPES

Traditionally, criminal justice has been divided into two broad categories: adversarial systems and inquisitorial systems. An adversary system is a court system where a judge decides on a case presented by an advocate, who is the plaintiff and thus the defense council who defends their complainant."

"Proof taking employed in civil law, whereby the judge runs the trial and selects what inquiries to undertake and specifies the breadth and extent of the inquiry," is defined as the inquisitorial system in Black's Law Dictionary. In inquisitorial proceedings, judges take an active role; in adversarial proceedings, on the other hand, the emphasis is on the judges' decision-making on the basis of the arguments presented by the advocates handling the cases.

4.4 CONTRAST AMONG ADVERSARIAL AND INQUISITORIAL SYSTEM

An adversarial system is one in which the court acts as a referee between the parties involved in the process. The court takes on a nonpartisan and unbiased position, and it follows the arguments of the advocates. An inquisitorial system could be defined as a system in which the court is actively involved in the evidence of facts by conducting an investigation into the situation. The adversarial system seeks to force reality through open competition between the parties in the form of a fight between the parties. The precedent rule is applied in adversarial systems, which means that past decisions by higher courts are binding on subordinate courts and are substantially followed.

In contrast, in this case Inquisitorial systems are characterized by a limited application of judicial precedent. This shows that judges are capable of making decisions in each case on their own, regardless of the circumstances surrounding it. In an adversarial system, the hearing, evidence or examination, and cross-examination conducted by the lawyer take precedence, and the verdict is rendered purely on the basis of the arguments decided by the attorneys. In an inquisitorial system, the legal papers and knowledge surrounding the question of facts take precedence over the examination of the witnesses.

Repeated time petitions (common practice) are granted at the time of continuance of the case, and lawyers take use of the chance to file time petitions on multiple occasions. So there is a delay in the disposition of any cases. And this is a significant setback for the rule as a whole. The primary goal of this system, on the other hand, is to reduce the amount of time it takes to resolve a case and to ensure that justice is delivered as quickly as possible. When it comes to reaching a decision on

whether a time petition should be recognized or rejected, the judge takes an active part, which results in cases being resolved quickly.

5. CONCLUSION

Reforms that can be implemented in order to deal with the consequences of the adversarial system's shortcomings. There is no great ideal to inspire the adversarial system, which results in a lack of vitality in the system. When it comes to the inquisitorial system, it has not been entrusted with a positive responsibility to seek out the truth. Once the investigation has been completed, it has been found to be ineffective. Judges are rarely the ones who take the initiative to resolve a dispute. Throughout the trial, the judges are unconcerned if significant evidence is not presented, and they play a passive role because they are under no obligation to seek out the truth. Because the prosecution is required to prove its case beyond a reasonable doubt, the system appears to be skewed in favor of the defendant, according to some observers. The adversarial system must be strengthened as a result, and a number of outstanding and valuable choices from the inquisitorial system must be adopted with appropriate adjustments in order to do this.

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