

INVESTIGATION AND CRIMINAL JUSTICE ADMINISTRATION SYSTEM IN INDIA

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Abstract

Crime in India has expanded in recent times, and it is fundamental that the criminal justice system works at first-rate if it is not to be overpowered by the huge issue of crime. The essential standards of the criminal justice system have been derived from the Constitution. India's criminal justice system is broadly seen as perhaps the most disorganized justice system. From the anticipated adjournments in examinations and sales to the mechanical and obsolete tactics used by police experts while handling the case, justice must be served on adjournments and procedural genes of court in this country. The main issue for the courts is an excessive adjournment of cases, and the prison conditions are pathetic. Efforts are being made to complete the administrative changes by using a Law Commission which will help in managing the issue of crime more effectively. This frees the criminal justice system from the troubles of its operation and imprisonment in large numbers, however, many residents think of it as being very kind to criminals.

This paper examines the need for the criminal justice system and police to help people and criminals. This will help in re-establishing the certainty of the everyday person in the Indian legal system.

Keywords: Investigation, Criminal, Administration, System, Justice

Introduction

During the past few decades, the essence of crime and its recognition has changed significantly around the world. Not only has the amount of crime expanded, but records show that actual crime is currently more painstakingly coordinated than before. In a popular government, the police are accountable for demonstrating multidimensional capabilities. The investigation is a superb capability of the police which is a legal duty. The police are the instrument of the government to maintain harmony and control among

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the general public. The functioning of the police makes the government lucky or unfortunate. The functioning of the police often becomes a measure of the efficiency/failure of the administration.

Extensive powers have been given to the police to find out the real and unspoken truth, in which impediment from any side is not allowed. Anyway, the police are in no position to support the case to empower the court to register a conviction on the basis of such evidence.¹ In any case, the fact of the matter is great. The police investigation is far from satisfactory. It is very common in police investigations to control the evidence and employ observers to protect one's safety.²

To gain entry or obtain evidence, police routinely resort to third-degree techniques,³ including torture. They also adopt strategies of delayed cross-examination which create difficulty of independence and ignore to record arrests to check the illegality of their action. Defective investigation helps the guilty parties to get retribution without any problems. In such a situation the court becomes insecure.⁴ The defective investigation appears to be intentional in cases where government officials, police officers or the wealthy are involved. The Indian criminal justice system dismissed a dire situation due to poor investigation.⁵

Criminal Justice Systems

During the early period, some types of testing existed, in particular, testing by experience, testing by compression, and testing by fighting. In 1215, it happened twice that created inequality in the criminal justice system in England and Europe.⁶ One was the marking of the Magna Carta in England and the difference was that of the Fourth Lateran Council held in Rome.⁷

1. Jamuna Chaudhary v. State of Bihar, AIR 1974 SC 1822

2. E.K.Chandrasenan v. State of Kerala, AIR 1995 SC 1066

3. D.K.Basu v. State of West Bengal, (1997)6 SCC 642.

4. Karnel Singh v. State of M.P., AIR 1995 SC 2472

5. Navin Chandra N.Majithia v. State of Maharashtra, A.I.R 2000 SC 3275

6. M.Charif Bassiouni, —Survey of Major Criminal Systems in the world in Daniel Glaser (edtd.) Hand Book of Criminology, Rand McNally College Publishing Co., Chicago, 1974 at p.549

7. It was the ecumenical meeting summoned by Pope Innocent III at the Lateran Palace at Rome.

Magna Carta ensured specific procedural rights for the accused during the trial.⁸ This led to the presentation of the 'accused talks' trial. The Fourth Lateran Council prohibited the clergy from directing in trial by trial. Then at that point, it became important to select certain persons at trial on the basis of experience, which was a legal practice to decide the culpability or culpability of the accused by exposing the individual to a painful act.⁹

Every government, whatever its composition, must uphold the law and exercise control over the general public, which it administers. This is an essential capacity that every government should have. This is done through what is called the criminal justice system.¹⁰ The concept of criminal justice as a system is equally new and there is a profound difference in assessing whether it is in fact a system involved. The general meaning of the system is the recommendation that it is a setup course of action that motivates the fulfilment of a particular goal indicated by the system.¹¹

Concept of Crime

In order to have an unmistakable image of the criminal justice system, it is most catalytic that the conceptual structure of 'crime' is conceived. This can be understood from the idea of the present-day social order which relies on specific adequate group norms that all as a part of the social structure are required to adhere to. The word 'crime' is derived from the word 'aradh' which means 'accusation' or 'crime'. Crime is a social fact and has social significance. The concept of guilt includes the potential for public wrong as opposed to private wrong with subsequent arbitration between the perpetrator and the damaged party by an impartial office addressing the community as a whole.

The concept of crime has also been a dynamically developing abstraction. It varies with the financial condition of the general public. It has consistently been characterized by cultural appraisals of public virtues and wrongful and illegal conduct.

8. Holt, Magna Carta, Cambridge University Press, London, 1968, p.323, 327.

9. M.Damaska, 'Adversary system' in S.Kadish. (Edtd.), Encyclopedia of Crime and Justice, New York : The Free Press, 1983, at 29, quoted in Salvatore Zappala, Human Rights in International Criminal Proceedings, Oxford University Press, 2003 at. 14.

10. Gupta N.J., Criminil Justice in India- Whither Commitment ? CBI Bulletin, Jan. 2004, p.14.

11. S. Venugopal Rao. Perplexities in Criminal Justice, JILL, (Vol. 27-3), 1985, at 459.

Need for Criminal Justice System

Like every impartially enlightened society, our criminal justice system is relied upon to give the utmost confidence that everything is good for individuals out in the open by effectively, swiftly and legally managing crimes and criminals. The point should be to reduce the degree of criminality in the public eye by guaranteeing the most extreme detection of reported crimes, the prompt conviction of the accused, accompanied by appropriate punishment to the convicted and equitable restoration of casualties to meet the end of justice.

Following the history of justice, the concept was created in ancient Greece with the concept of majority rule government during the fifth century BC. The crude and old man had its starting point in ideas of vengeance and is also seen in the Old Testament. This resulted in the concept of protecting the weak from the solid by using off-base as a permit to counter the reaction. Justice involves a mixture of profound qualities in law. Plato legitimized with the progress of time that justice was a level-headed guideline on the foundation of moral merit that is involved in each individual to form a common society. A sensible society was one in which the power of the standard of justice was in the form of a manifest condition.¹²

Meaning of Criminal

In general, individuals will argue without a doubt that a criminal is a person who commits a crime. Most of us have trespassed on some law at some point in time with the idea that any state-of-the-art state is a criminal, indirectly. A person is certainly not a criminal in a particular legal sense unless that person has been sentenced by an official court for the crime.

Where we are unable to do Rreus work, there must be a duty of care. A duty may be purely through a contract, a willful undertaking, a blood relation through which one lives¹³, and maybe unexpected in terms of one's actual position¹⁴. Duty can also be by its own arrangement of a dangerous circumstance¹⁵.

12. Venon Fox, "Introduction to Criminology", Prentice-Hall, Inc., 1976 p.

13. Rv. Stone and Dobinson [1977] QB 354

14. R v. Dytham [1979] QB 722, where a policeman on duty stood and watched three men kick another to death.

15. R v. Miller [1983] 1 All ER 978,

Meaning of Justice

Justice is the legal or philosophical concept by which decency is regulated.¹⁶ The concept of justice is different in each culture. The concept of heavenly order has been opposed by advocates on the issue of justice from God. The hypothesis of regular law has been argued by scholar John Locke in the seventeenth century. In the general consensus practice, scholars have argued that justice is derived from the common system of all concerned. John Stuart Mill argued in the nineteenth century that justice is that which has the best results. Speculation of distributive justice concerns what is transmitted, among who is it disseminated, and what is lawful transportation. The liberal scholar has argued that justice can exist only in the direction of uniformity.

Criminal justice

Criminal justice is the system of foundations of government coordinated to maintain social control, prevent and relieve crime, or authorize people who abuse the laws. Those accused of a crime have certain assurances against abuse of investigative and prosecuting powers.

Meaning of Administration

The administration is an interaction of liquidation as well as indebtedness laws in the United States. For insolvent elements, the capacity is an independent system and continues to maintain its business. The managerial beneficiary has a supervisor for the benefit of his banks. The manager can recapitalize the business, the business may be set up available for purchase by new owners or it merges with the fundamentals that sell and close the rest.¹⁷

Administration of justice

During the legal system, the administration of justice is executed by the government. The purpose of such administration is to give justice to each and every one of those who come into the legal system. The expression is also commonly used to

¹⁷ The Bankruptcy and Insolvency Act. [WWW.Bankruptcy -canada.ca](http://WWW.Bankruptcy-canada.ca)

denote a university degree, such as a BA in Justice Administration, as required for a job in law enforcement or government.¹⁸

Criminal Administration of Justice System at a glance

Criminal law is protecting society from criminals and law-breakers with the horror of punishment for impending law-breakers, as it seeks to eliminate sanctioned punishments to actual wrong-doers on their crimes. Along these lines, criminal law includes both fairly broad criminal law and procedural criminal law. Delineates meaningful criminal law offences and suggests punishment for the equivalent; At the same time, procedural law substantially governs the law.¹⁹

Today's world requires a responsive, comprehensive and receptive approach to deal with various issues by our justice system. Considering the fact that there is clearly a paradigm shift in our criminal justice system and there is a need to pursue alternative techniques to the question target even in criminal cases rather than introducing a significant reform, we first need to look at the overall nature of a trial and the method or system followed by our courts for criminal administration of justice.

Society and the Police

Holistic life makes a person more grounded by conquering his real obstacles. Social life is indispensable for his self-defence and stamina. Broadly speaking he understands things, which otherwise he proved to be incapable. The public activity requires an order of personal conduct standards. The directed conduct of the members reinforces the general public. Standards were set to make social interaction smooth and powerful. Society devises systems to ensure the submission of rules and regulations. If the violators are not booked, it will lead to further violations promoting the general public's breakdown. Most likely, in earlier times, social control may have been accomplished through moral lessons and the self-regulation of the masses, which created an environment that notices the rules and with no coercive contraption. completes his work. A change in our criminal justice system is fundamental and instead of making a significant improvement there is a need to pursue alternative techniques to the question

18 "Archived copy". Archived from the original on 2016-08-07.

19 <https://www.lawteacher.net/free-law-essays/administrative-law/administration-of-criminal-justice-law-essays.php>

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Term Policing

The term policing refers to a social interaction through which social control is achieved and police are only a part of it. The term police are increasingly used in place of the expression "policing".²⁰ It is accepted that advanced police forces are accountable for the police procedures found in various social systems. However, it should be noted that the police is different from the police. The police are doing only part of the policing elements of the general public. Police suggest a group of bicycles with specific social abilities, although police refer to a particular type of friendly establishment. Policing is carried out by various offices and the police are one such establishment through which the state exercises authority over the general public.²¹ Policing is accomplished by specific people, coordinated to meet capabilities. The police point to broad powers to ensure the safety of individuals from external and internal threats and ensure harmony, security and order in the community. This is accomplished through a mixed repertoire of individuals and statutes, involving state police forces, experts from state bodies, whose primary responsibilities may extend beyond the police, contract security organizations, and general policing drives and residents with mechanical equipment such as cameras and bugs.²² It has been abolished to advance peace and security in the eyes of the people.²³ Police are the component through which the force of the state is used to support law and order, maintain harmony and investigate crime.²⁴

Need of Police

Advanced countries are worrying about the security of the two establishments. Army and Police. Military systems with hostility from external sources and police are internal threats. Although in the past the cohesion was done by limited associations, its

frustration in fighting crime led to the establishment of an office constrained by the state. Industrialization gave impetus to this contact. In India, the coordinated police force was introduced by the colonial regime, organized according to their need. The police firmly perform the functions connected with the sovereign capacity of the state. Along with reforming the community, elements of the police are also being expanded.

Special Acts

After independence, India has seen the execution of some extraordinary laws to prevent wildness and psychologically oppressive activities. Maintenance of Internal Security Act (MISA), Terrorist and Disruptive Activities Prevention Act (TADA), and Prevention of Terrorism Act (POTA) are some of them. A large number of acts were removed because of the police's misuse of these act systems, including focusing on minorities and political rivals. Such acts were given wide powers to the police and were for the most part remembered for the arrangement of its scope as opposed to accepting the required standards of criminal law. For example, POTA allowed the detention of a suspect for up to 180 days without documenting the final report in court. An admission made for a police officer is acceptable.²⁵

Conclusion

Survivors of crime are ignored and waited to be properly considered in our country's criminal justice system. Although there are provisions in the Constitution on the basis of which the judiciary has taken steps in the last few decades, but these steps may not be sufficient unless appropriate statutory provisions are drafted. The need of the hour is to radically change the perspective of our criminal justice scheme. The success or failure of the administration of criminal justice depends on the efficacy of these allied units. For the law to be governed, the system by which it is administered must be adequately measured when mapped against three dimensions of justice - genuine justice based on merit, timeliness in the disposal of cases, and utilization of resources. Access to justice, therefore, assesses the fulfillment of these criteria of an individual's eligibility for justice, to ensure that legal redress does not become the protection of the few.

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