EXECUTOR'S DEFICIENCIES - A FAILURE OF PREVENTION OF CRIME IN DEMOCRATIC INDIA

Authors- Sneha Rao and Sharmin Faridani

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"Punishment is the last and the least instrument in the hands of the legislator for the prevention of crime."

- John Ruskin

Abstract

The Indian Legal System has set forth landmarks that positively reshaped the action taken when dealing with crimes but it alone cannot prevent crime. The three main elements of the justice system dealing with prevention of crime are the Legislation, the Judiciary and the Executive.

In matters of criminal nature, the accused is treated by rigid standard norms of society that do not mirror the crime committed to the criminal intent. The delicate yet daunting task of punishing is carried out by the Judiciary but it rests on the Police Personnel to pave the way by setting the wheel of criminal proceeding into motion. It can be noted that the burdensome task of balancing the reformation of the criminal as well as the well being of the society at large lies with them too; when not handled delicately, the basic intent to prevent crime fails. The same is seen often which is hereby elaborated on in the current research paper.

Justice authorities are one of the main pillars on which rest the functioning of most of the other institutions within a state. As known, the Judiciary acts only within the authority given to preserve the public peace and order along with fighting and preventing crime.

The current research paper focuses on the prevention of crime in India in its current abhorrent state while also discussing an international perspective. The paper unfolds how the functionaries have first hand in preventing the society from turning barbaric by taking measures to prevent and not only punish the wrongdoing.

It speaks in brief about the wrongful usage of powers given to the Executive which are meant for betterment of the society. All machineries play a major role in implementing Human Rights and thereby protect and safeguard the citizens after reformation but if no faith exists in the judicial functionaries due to their adverse acts which are ultra vires in nature, the system fails at its very base. The only way a society shall truly prevent heinous crimes is when the criminal justice system efficiently renders its purpose.

Introduction

In India the administration of Criminal Justice system follows the Anglo Saxon-adversarial pattern. It has four vital units, namely, the Police, the Prosecution, Judiciary and Correctional Institutions. These components are supposed to work in a harmonious and cohesive manner with close co-ordination and co-operation with one another, in order to achieve the end goal of a civilised society fairly and quickly. Moreover it is extremely clear that the failure or success or criminal justice administration solely depends on the efficacy of these united, in an allied manner.

It is a myth to think of a society which has no elements of crime in it. The entire concept of a judicial system is to administer to the transgression of one's rights or duties. When a crime is committed, it is said to hamper the peace in the society and the person rattling this peace, must pay a price for it. The obligation of maintaining normalcy in a society rests on the shoulders of the State and its functionaries. The delicate, yet arduous task of protecting the law-abiding citizens and punishing the lawbreakers, vests in the state which performs it through the instrumentality of law. It is pertinent to note that criminals, albeit, are not law-abiding citizens, still have their basic human rights which require protection and this is where they are failed towards, by the lowly set standard of care by the same functionary which is meant to protect them, the Police.

The components of current Criminal Justice Administration, although developed over a period of time still has a number of deficiencies which hamper the end result, that being,the maintenance of peace in the society and justice to all. This happens to be the delinquency not only of one of the functionaries but all of them cumulatively at one stage or the other.

Police and Prosecution

The Police forces are the front line of any Criminal Justice System which plays an essential role in providing a hand to the aggrieved. They are the ones who arrest the culprits or people who are assumed to be the culprits and assist the courts in discharging their judicial duties. With any pitfall on the end of the Police, the Prosecution eventually fails inevitably.

It has been observed that the Code of Criminal Procedure, overhauled in 1973, has widened the gap between two vital units, namely, the Police and the Prosecution at the operational as well as organisational levels which has led to a state of frustration and ambiguity. The Police have a very vital role in marshalling facts, while the Prosecution has a very crucialrole in effective presentation of the facts before the courts during trial proceedings.

The National Police Commission in its fourth report has also observed that the ultimate success of police investigation depends on the efficiency of the prosecuting agencies in presenting the evidence in courts and in convincing in an effective manner.

The Malimath Committee

This Committee was constituted by the Home Ministry and was headed by Justice V.S Malimath former Chief Justice of Kerala and Karnataka High Courts. The committee recommended admissibility of confessions made before a Police officer as evidence in the court of law. The Committee also suggested constituting a National Judicial Commission and amending Article 124 to make impeachment of Judges less difficult. The Malimath panel made 158 recommendations which were never adequately implemented, including the controversial recommendations such as making confessions to a senior police officer admissible as evidence and diluting the standard of proof required for conviction of a criminal, it also contains valuable suggestions to revamp the Administration of Criminal Law,

covering the entire gamut of the justice system from investigation to sentencing, from maters of policy to the nuances of criminal procedure and the law of evidence.

Non-registration of cases

It comes to light that if the Police Personnel do not gain trust of the public, in turn the public would not approach them for seeking any kind of relief. Police surpassing their allotted amount of rights or being deceitful and corrupt in many cases causes the victims to not approach them. In a country like India which is still facing a huge amount of prejudice towards the lower or backward classes, the police also tend to showcase prejudice towards such people which in turn, leads to cases not being registered. It is also observed that cases which may be sensitive towards a community or a political allegiance may be suppressed due to higher powers influencing and controlling the police force.

It is also noticed that subordinate officers avoid registration of cases on the plea that the offence in question occurred in the jurisdiction of another police station. As a result the complainant is made to run from one police station to another simply due to uncertainty regarding the cognizance. Under Section 154 of the Crpc,the officer-in-charge of a police station has to register a case and draw up a First Information Report (FIR) as soon as a complaint of a cognizable offence is laid at the police station. There is no scope for non-registration of cases under the pretext of judicial controversy.

Arbitrary Arrests

The power of the Police to arrest is often widely and grossly misused. The National Police Commission, in its report, has adversely commented upon the abuse of this power by the police calling it one of the main reasons for corruption.

The Supreme Court in *Joginder Kumar v. State of U.P*[1] has put clear restrictions on the powers of Police to make arbitrary arrests. The Court laid down that the police need to contact one of the relatives or friends of an arrestee or one likely to take an interest in his welfare and to inform the arrested person of his right.

[1] (1994) 4 SCC 260: 1994 SCC (Cri) 1172

The court also streamlined the process relating to arrests in the case of *D.K Basu v. State of W.B*[2],

> *"Custodial violence" and abuse of police power is not only peculiar to this country, but it is widespread. It has been the concern of international community because the problem is universal and the challenge is almost global. The Universal Declaration of Human Rights in 1984, which market the emergency of worldwide trend of protection and guarantee of certain basic human rights, stipulates in Article 5 that "No one shallbe subjected to torture or to cruel, inhuman or degrading treatment or punishment" Despite the pious declaration, the crime continues unabated, though every civilised nation shows its concern and takes steps for its eradication.*
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> *The following requirements to be followed in all cases of arrest or detention till legal provisions are made in that behalf as preventive measures:*
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> *(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name togs with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.*
>
> *(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest such memo shall be attested by at least one witness. who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.*
>
> *(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at theparticular place, unless the*

[2](1998) 6 SCC 380

attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee, through the legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informedof his arrest or detention as soon he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The Inspection Memo must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned Stare or Union Territory. Director, Health Services should prepare such a penal for all Tehsils and Districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqua Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

The court had a similar stance in the case of *Ashok K. Johari v. State of U.P*[3] upholding the case of D.K Basu v. State of W.B.

Custodial death

It is noticed that people belonging to the backward classes and disadvantaged groups being that of lower income, are the principal victims of torture and violence. The National Police Commission in 1977, made judicial inquiries in case of custodial death, mandatory, the pragmatic recommendation set forth by this commission, although extremely advantageous has not been implemented expeditiously to give positive outcomes.

The Supreme Court in June 1985 in its judgement while dealing with the custodial death of one Brij Lal in U.P observed-

"We would like to impress upon the Government the need to amend the law appropriately so that policemen who commit atrocities on persons in their custody are not allowed to escape due to paucity or absence of evidence. The police officers alone and none others can give evidence as regards the circumstances in which a person in their custody comes to receive injuries. Bound by their ties of brotherhood, they often prefer to remain silent, and when they choose to speak they put their own gloss upon facts and upon the truth. The law on the burden of proof is such that it should be pre-examined."

The National Police Commission also strongly recommended that there be a new replacement for the Police Act of 1861 and they prepared a draft for the same with the intention of making the police 'service oriented, free from extraneous influences and yet accountable to the law and the people of India'

[3](1997) 6 SCC 642

In *SAHELI v. Commissioner of Police*[4], a writ petition was filed by the Women Civil Rights Organisation, called SAHELI under Article 32 of the Indian Constitution on behalf of the deceased's mother for recover of compensation consequent to the death of her nine years old child caused in custody of Anand Prabhat Police Station in Delhi.

One another case of custodial death which shows the serious view that the Supreme Court took is *Dalip Singh v State of Haryana*[5]. In this case two constables long with a sub-inspector of Kururkshetra district were found guilty of causing death of the accused by beating and convicted them under Section 304(2) IPC i.e. for causing death by negligence.

In *State (Govt. Of Nct Of Delhi) vs Smt. Iqbal Begum*, the Supreme Court held,

"Custodial violence, including torture and death in the lockup, strikes a blow at the rule of law, which demands that the powers of the executive should not only be derived from law but also that the same should be limited by law. Custodial violence is a matter of concern. It is aggravated by the fact that it is committed by persons who are supposed to be the protectors of the citizens. It is committed under the shield of uniform and authority in the four wall of a police station or lock-up, the victim being totally helpless. The protection of an individual from torture and abuse by the police and other law enforcing officers is a matter of deep concern in a free society. These petitions raise important issues concerning police powers, including whether monetary compensation should be awarded for established infringement of the fundamental right guaranteed by Articles 21 and 22 of the Constitution of India. The issues are fundamental.

It cannot be said that a citizen 'sheds off his fundamental right to life the moment a policeman arrests him. Nor can it be said that the right to life of a citizen can be put in 'abeyance' on his arrest. Any form of torture or cruel, inhuman or degrading treatment would fall within the inhibition of Article 21, whether it occurs during investigation, interrogation or otherwise. If the functionaries of the Government become lawbreakers, it is bound to breed contempt for law and

[4]1 422 SCC 1990
[5]2302 SC AIR 1993

would encourage lawlessness and every man would have the tendency to become law unto himself thereby leading to anarchy. No civilised nation can permit that to happen."

Prisons

The Executors seem to have forgotten that a prison happens to be a place where culprits are sent as a part of their punishment by extinguishing their Fundament Rights for that period, it seems to be the case that culprits in India are sent to prison in order to go through a punishment which is not the goal set. The Human Rights of culprits are endangered in prisons not only due to the horrible treatment they go through but due to the inactiveness on the part of the Police Personnel in ensuring that prisoners are safe.

It is seen often that it is in fact the police which abuses their power, it has in turn made Indian prisons a target full of manifold problems in the changing scenarios and has been considered as one of the most neglected and disgruntled lot on part of the Indian Government.

Prison Personnel, being the basic functional unit of the prison administration, are made directly responsible for any sort of deteriorating state of affairsin prison management at any point of time. Our Prison Administration System, out of all other functionaries needs advancement the most since if prisons are unable to reform the culprits then the society would never be one with a low rate of crime, if not that with no crime.

According to the National Crime Records Bureau of the Government of India, eight persons died in custody and 42 civilians died in Police firing in 2005. Besides, at least 87 persons were killed in alleged encounters between January and March 2005 alone, while the figure stood at 238 in 2004 and 214 in 2003[6]

Nahar Singh Yadav and another v. Union of India and others.[7] In the instant case, Court held that *"a true and fair trial is sine qua non of Article 21 of the constitution. Therefore, it can be clearly documented from this case, that court should take care and caution at every step of the administration of the justice. This showcases that even the police at the*

[6]Id. at 184
[7]1 307 SCC Para 21. 2011

first initial step is expected to adhere to the same level of caution and rules that the Court is expected to so as to have a smooth running of criminal trials."

Delay in disposal of cases

Article 21 of Constitution of India, as interpreted by the higher Judiciary, incorporates in its ambit the right to speedy trial, even though it is not expressly indicated as a Fundamental Right in the Constitution, is implicit in the spectrum of Article 21.

There is an immediate need to devise an effective mechanism to accelerate the disposal of cases in courts as one of the Constitutional obligations in the spirit of Article 21 of the Constitution. It is pertinent to note that the role of the Court in developing the current system plays a crucial part. The Judiciary need not go out of its way and mend any laws because if the laws already laid down are expeditiously followed through, it would bring about an inordinate amount of change. Some of the aspects of the legislation are-

i. Limiting power of arrest-

The Criminal Procedure Code, 1908 details fairly extensive powers of the arrest mainly to the police in certain Sections i.e. Sec. 41, 42, and 151 of the Code but considering the misuse of power done so ardently, the arrest must be done in coherence with Art.21 and 22 of the Constitution of India. Hence, it is the duty of the magistrate to satisfy himself and all the requisite requirements of the arrest have been fulfilled. A new Sec 436-A of the Cr.P.C. which deals with the "Maximum period for which an under trial prisoner can be detained". The purpose of this Section is to ensure the human rights of the arrested person. The duty of imposing the same falls on the shoulders of the judiciary.

ii. Judge's Sensibility and Sensitivity-

The Criminal Justice Administration faces ever changing aspects when it comes to the type of crimes that are committed. Thus when a judgement is being passed, the Judge

must ensure that the current social circumstances are taken in consideration as well along with the law. It does no good to have a Judge with a conservative mind, give a judgement which willhamper the society and the matters to be decided in the future. *Justice does not reside in the judge's intellect only, it also resides in his heart. It is the blending of the heart and the intellect that result in justice.* [8]

iii. Prudence in granting bail and remand-

While there is no ardent law relating to granting of bail, a Judge is supposed to take each into consideration on basis of is merit while granting bail and must in all their morality aim for justice for everyone. In Cr.P.C Sec 436 provides the law relating to bailable offences. Similarly, Sec. 437 dealing with non-bailable offences. Now it is the duty of the courts to take due caution and care when granting and denying the bail. Under Sec 167 of the Cr.P.C. Magistrate is empowered to grant the remand either in Police or Judicial Custody, for a period not exceeding fifteen days at a time (in case of Police Custody, only for initial fifteen days). Judicial authorization of detention amounts to curtailment of personal liberty and, therefore, due caution should be exercised while authorizing detention of an accused in Police or judicial custody.

iv. Adjournment of cases-

In the Judicial system, the biggest hurdle is the humongous number of cases pending for decision. Judges have a made an unofficial rule of granting adjournments instead of hearing matters if it is asked for. The Civil Procedure Code, (CrPc) 1908, contains a rule of not crossing the limit of granting adjournment more than three times under Order XVII, Rule 1. The implementation of the same happens to be lax; strictness in the same would bring about a required amount of change.

Deficiencies in the Police Force-

Understaffed and Overburdened Police Force:

[8]Hon'ble Justice Enoch dumbutshena (Zimbabwe), Role of the Judge in advancing Human rights, 1300, Heinonline, common wealth law bulletin.

The Police-population ratio, currently 192 policemen per lakh population, is less than what is recommended by UN i.e. 222 policemen per lakh population.There are only 144 police officers for every 100,000 citizens (the commonly used measure of police strength), making India's police force one of the weakest in the world. Policing in India is a state subject which means there is significant variation across states.Uttar Pradesh, Bihar, Andhra Pradesh and West Bengal's police forces are all extremely understaffed with less than 100 police staff for 100,000 population.The only states with police forces that meet the global standard are the insurgency-affected states in the North-East and Punjab.Even as states have increased the sanctioned strength of their police forces, their populations have increased by even more - especially in states such as Uttar Pradesh and Bihar.Understaffing in turn results into overburdening of work that not only reduces the effectiveness and efficiency of the Police Personnel (leading to poor quality of investigation) but also leads to psychological distress (which has been held responsible for various crimes committed by the policemen) and contributes to Pendency of cases.As a result of the overburdening of work, Police personnel discharges a range of functions related to:

- Crime prevention and response (e.g., intelligence collection, patrolling, investigation, production of witnesses in courts)
- Maintenance of internal security and law and order (e.g., crowd control, riot control, anti-terrorist or anti-extremist operations)
- Various miscellaneous duties (e.g., traffic management, disaster rescue and removal of encroachments).

Pendency:

30% of all cases filed in 2016 were pending for investigation by the end of the year (this combined with the pendency in the judiciary means securing justice in India can take a very long time). Pendency in the police is driven by lack of resources.

Police accountability:

As per the Police laws, both the Central and State Police forces come under the superintendence and control of Political Executives. Police priorities are frequently altered based on the will of Political Executives.In this context, the Second Administrative Reforms

Commission in 2007 had noted that politicians were unduly influencing police personnel to serve personal or political interests.

Police-Public Relations

This is an important concern in the effective policing is suffering from the great trust deficit.2018 survey across 22 states on perceptions about policing, found that less than 25% of Indians trust the Police highly (as compared to 54% for the army) and the reason for the distrust is that interactions with the police can be frustrating, time-consuming and costly.The Second Administrative Reforms Commission has noted that police-public relations is in an unsatisfactory state because people view the police as corrupt, inefficient, politically partisan and unresponsive.Community Policing Model can help in reducing the trust deficit between police and public as it requires the police to work with the community for prevention and detection of crime, maintenance of public order, and resolving local conflicts, with the objective of providing a better quality of life and sense of security.

International Court of Justice (ICJ) & International Criminal Court (ICC)

The idea of creating the ICC emerged from the ashes of World War II and the NaziHolocaust. The Rome Statute established four core International crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Under the Rome Statute, the International Criminal Court (ICC) may only investigate and prosecute the four core International crimes in situations where states are “unable” or “unwilling” to do so themselves; the jurisdiction of the court is complementary to jurisdictions of domestic courts.

India also has had a very brief participation in the International Court of Justice as well as the International Criminal Court. In the case of Aerial Incident of 1999(Pakistan Vs India, 1999). The court rejected Pakistan’s contention that the Simla Accord provides for disputes between the two countries to be submitted to the ICJ. ICJ concluded that it had no jurisdiction to entertain the application filed by Pakistan. At the same time, the court requested both the countries to settle their disputes by peaceful means.In the case about the obligation of negotiations about cessation of Nuclear Arms Race (Marshall Islands Vs India, 2014) The

court ruled that it does not have any jurisdiction on the issue in the absence of a dispute between the two countries. The court further ruled that it cannot proceed to the merits of the case because of the lack of jurisdiction.

Thus it becomes pertinent to note that although India is a party to these International Conventions that aim mainly at restoring and holding peace intact in the world, there is a lacking in the aspect of upholding what has been decided due to other factors such as mutual treaties signed amongst nations or jurisdiction limitations.

The reason behind what we may consider inefficiencies is that the ICC is a relatively new institution; it has investigated numerous allegations and prosecuted several cases, leading to a handful of convictions thus far in cases ranging from the use of child soldiers to the war crime of murder. Even so, under the principle of complementarity, the court will not prosecute cases where the relevant country has taken necessary steps to investigate and punish war crimes.

This all in all, brings India back to the deficiency of being unable to simply upholdlegislations which have been provided for the same.

Critical analysis

i. **Ineffective System**- Over time, along with circumstances the crimescommitted have gradually become severe but the laws administering thesame have not been brought up to date, this when coupled with the new tricks of time like corruption or higher powers influencing the system, the system subsequently hasbecome ineffective in rendering justice in a speedy manner and whenjustice is not administered speedily it loses its effectiveness and one of themain aims of halting similar crimes that may be committed.

ii. **Incapable Investigation Agencies**- Components of the judicial system arethe Police, Judges, Prison and other agencies, when these agencies are notwell equipped with knowledge as well as power to do right by the culprit’s rights and the victim’s rights, it defies the purpose of the entirejudicial system. When it fails at it's base, it loses the faith of the public and then the inability to handle these situations with precession iswhat leads to the end result of all adversaries that the criminal justicesystem faces thereby failing to prevent crimes.

iii. **Trust of Public**- A judicial system is set up in order to provide for thepublic. Common man's faith only stays afloat when right judgments aredelivered by the Courts. Inability to do so or prolongation of cases foryears and years sets back public trust by large steps which are not easilyregained. It must also be noted that not only Courts but also when the police cannot be trusted by the public to approached for remedies, it fails the entire system.

iv. **Well Educated Commissaries**- One of the main reasons for lack of publictrust in the judicial system is the treatment of prisoners by the Police.Custodial death and harassment in prisons as well as being beaten up bypolice in jail cells by officials is not uncommon knowledge in India, if onlythe regulations which have been provided are adhered to and PolicePersonnel is well educated to not harass and beat up prisoners in lock upsand instead present them immediately as per law in front of magistratesthe system would buck up in no time.

v.**Gruesome condition of Prisons**-It was clearly observed in one such casethat the conditions of prisons in India by far at best befitting a descriptionof ghastly and if the same is not rectified; it only infringes the basic humanrights which even the Constitution of India protects.

Suggestions

i. India being a country that was once ruled as colonial state has adopted most of its laws in consonance with the laws of the United States, hence here it is pertinent tonote that the UK Criminal Justice Administration System has the concept of an Independent Police Complaints Commission (IPCC) to investigate complaintsagainst policemen and to take over the supervision of such a case, it is believedthat a policeman who commits a crime should be punished in a stricter mannerthan a criminal since police is nothing more than one of the commissaries of law. The same was also suggested by the Second Administrative Reforms Commission and the Supreme Court.

ii. Community Policing Model can help in reducing the trust deficit between Police and Public as it requires the police to work with the community for prevention and detection of crime, maintenance of public order, and resolving local conflicts, with the objective of providing a better quality of life and sense of security.

iii. The Jail Manual which was introduced has neverbeen strictly imposed and the imposition of the same is bound to bring aboutrequired changes.

iv. An officer of the law holds utmost respect in the society, it only does well forthese officers of law to be well educated in the field of law and must be judges andofficers who not only are hones but also are sensitive enough to not let anyinnocence be punished.

v. The suggestions made by the MalimathCommittee which highlights issues ofimportance like appointment of more Judges in courts, an inquisitorial system ofinvestigation, forth modification of Article 20 (3) of the Indian Constitution whichspeaks of right to silence as well as presumption of innocence.

vi. The laws upholding the pillars of our community need to be rebuilt every now andthen so that they withstand the pressure of the modern times. Regular amendments in laws must be accepted.

vii. Proper utilization of centre and states funds allocated for modernisation of state police forces as these funds are typically used for strengthening police infrastructure, by way of construction of police stations, purchase of weaponry, communication equipment and vehicles.

Conclusion

"*Criminal justice" is what happens after a complicated series of events has gone bad. It is the end result of failure--the failure of a group of people that sometimes includes, but is never limited to, the accused person.*"[9]

Our current Criminal Justice System lacks not the machineries to provide justice speedily; it lacks the basics of initiative and effectiveness of adequate implementation. The 239th Report of the Law Commission of India noted, delay in the investigation and prosecution of criminal cases erodes faith in the rule of law and the Criminal Justice System, which has serious implications for the legitimacy of the Judiciary. Justice delayed, is thus justice denied.The perception that there is corruption on the one hand and a deep nexus between

[9]Paul Delano Butler, Let's Get Free: A Hip-Hop Theory of Justice

crime syndicates and politicians on the other, has added to the erosion of public confidence in the justice delivery system.

Despite all these considerations, any move to make substantive changes in the way Criminal Justice is administered will have to be done with great circumspection, lest vital constitutional safeguards against abuse of police and judicial powers are violated in the process.

The components of the criminal justice administrative system i.e the Police, Judiciary, Investigating Authorities and the Prisons all have their delinquencies and thus, no matter how many suggestions are put forth by legal minds, it does no good if changes are not brought forth for the same. International Conventions that India is a party to also have limited jurisdiction when it comes to hearing cases due other additional factors which have already been discussed. Thus it can be concluded that only strict adherence to existing provisions can bring about a positive outcome in the criminal justice administration of India and that remains to be the beacon of hope.

"Justice doesn't mean absence of injustice, it means the presence of human will to stand up to injustice"[10]

This paper was written by Sneha Rao and Sharmin Faridani, students of DES Shri Navalmal Firodia Law College, Pune and interns at Bansal Chorbele Law Chambers from 20th August, 2019 to 28th February, 2020.

[10] Abhijit Naskar, Operation Justice; To Make a Society that Needs no Law