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Critical Analysis of the Criminal Justice System in India

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ABSTRACT

The degree of success that governments may accomplish on the criminal justice front is determined by the rule of law, democracy, development, and human rights of its citizens. The goals of criminal justice are to prevent and regulate crime, to maintain public order and peace, to safeguard the rights of victims and those in dispute with the law, to punish and rehabilitate those found guilty of crimes, and to generally protect life and property from crime and criminality. It is considered the state's major responsibility under the Indian constitution. The paper highlights the various levels that are present in the Indian criminal justice system and various issues that are existing in the same. Additionally, the paper mentions about the various reasons that lead to the crime and various groups that face such crime. Further the paper highlights the recommendations and suggestions that can be incorporated in order to curb the existing lacuna in the criminal justice system.

I. INTRODUCTION

Any country's criminal justice system is the foundation for building peace and tranquilly. It encompasses not just the court system but also the investigative apparatus. "Criminal justice is one of the most important areas of human rights, where the legal system is constantly put to the test in order to maintain social peace and security on the one hand, and to protect the human dignity of both victims and perpetrators of crime on the other."²

The Criminal Justice System, which includes the police, the judiciary, and correctional institutions, plays a critical role in implementing human rights. Arrest and investigation are part of the pre-trial procedure under the Criminal Procedure Code of 1973.

A criminal justice system is a collection of legal and social organizations dedicated to implementing the law in accordance with a set of procedural rules and limits. "Criminal justice is a system of government policies and organizations aimed at maintaining social control, discouraging and reducing crime, and punishing those who break the law through criminal penalties and rehabilitative initiatives."³ Those suspected of a crime are protected against

¹ Author is a Student at Delhi Metropolitan Education, Noida, India.

² P.K. Tejani v. M.R. Dange 1974 1 SCC 167

³ Keshavan Madhava Menon v. The State of Bombay 1951 AIR 128

investigatory and prosecutorial harassment.

II. INSTITUTIONS OF CRIMINAL JUSTICE SYSTEM

A country's criminal justice system is made up of numerous legal and social entities that are responsible for enforcing criminal legislation. The basic goal of the criminal justice system is to preserve law and order in society, prevent crime, impose deterrent on offenders to reduce crime, and punish those who commit crimes.

However, the role of the criminal justice system in the contemporary sense does not end there; it must also engage in offender rehabilitation. The study of the workings of the criminal justice system indicates that the criminal justice system of every country operates through the following institutions:

1. Investigation Agency - Law Enforcement Authorities (Police and Others)
2. Prosecuting Agency: Prosecution, Prosecutor, and Defense Lawyer
3. Judiciary—Trial and Penal Authority/Adjudication Authority
4. Punishment Executing Agency: Custodial Institutions (Jails/Prisons)
5. Reforming Agency for Correctional Institutions (Parole, Probation)

In general, the State deals with crime, criminals, criminal procedural regulations, and limitations imposed by the Sovereign through these Agencies. All civilized states have long been acknowledged as having the authority to prosecute and punish criminals. The police, judicial, and prisons are the three main official criminal justice authorities.

Allegations of police abuse and violence are routinely reported from various sections of the country.⁴ It is common knowledge that a common crime victim is harshly met in police stations and handled with indifference, indignity, and indignity.

In the common law tradition, the criminal judicial system is founded on the presumption of innocence and the necessity that the criminal accusation be proven beyond a reasonable doubt. It is necessary to increase the level of forensic expertise and turn it into a true justice-promoting system.

III. SHORTCOMINGS IN THE SYSTEM

The Indian criminal justice system demonstrates that we are mindlessly following the draconian concepts devised by the British in 1833-1862, with just minor modifications. It

⁴ Shankar Sen, *Human Rights in Criminal Justice System: Perspective on Human Rights* (Vikas Publishing House Pvt. Ltd., New Delhi, 1996)

resulted in significant gaps in both substantive and procedural law. In India, the criminal justice system is primarily founded on the following laws:

1. The Indian Penal Code, enacted in 1860.
2. The 1973 Code of Criminal Procedure
3. The 1872 Indian Evidence Act, as well as other Special Local Laws

Outdated and incompetent organizations and agencies, a deficiency of skilled, trained, and policed human and practical resources, a deficiency of inquiries expertise, not having “a confession-oriented approach to interrogation and laidback abuse of human civil liberties, a lack of inclination of the State to take action against abusers of human rights, corruption embedded in the Government machinery at all levels, and a major problem are all suffering areas of the Indian criminal justice system.”⁵ There is additional work to be done in these areas.

In the current idea of state, the administration of criminal justice remains in the hands of the government. It is the state's responsibility to make laws and have them enforced by various government entities. The primary aspects and agencies for the proper administration of justice are the police, prisons, executive, and judiciary. However, there have been little changes in the police force.

The criminal law described the crimes or omissions that the state forbade and for which the state sanctioned those who committed them. The criminal procedural law specifies how a crime should be investigated, how the accused should be treated, and how punishment should be administered.

Various adjustments to the criminal procedure legislation have been made to promote a more compassionate approach to the criminal justice system. However, major provisions for crime victims must be incorporated into the judicial system. On the basis of the Law Commission and Mali math Committee recommendations, a new and streamlined Code of Criminal Procedure is required to enable the prompt administration of justice.

The prosecution is another flaw. The Prosecutor should be chosen on merit, which is not always the case. Appoint competent prosecutors who are politically unbiased once again. The prosecution has a responsibility of fair disclosure, which implies that it must provide to the court all relevant facts, even those that are favorable to the accused.

"If they (the common citizens) have respect for the work of the courts, their respect for the law will survive the shortcomings of every other branch of Government; but if they lose respect for

⁵ Sudesh Kumar v. State of Uttarakhand 2008 3 SCC 111

the work of the courts, their respect for law and order will vanish with it to the great detriment of society," Justice *Arthus v. Erbilt* would say.

Prisons, like police, are equally culpable of violating human rights. Only by visiting prisons can one get a sense of reality. There are many examples of jail injustice, and despite two dozen recommendations on prison reform, such as the Mulla Committee report, the criminal system has not altered much.

Despite several socio-economic, political, and other events in the post-Independence period that changed the function of the police, particularly in terms of crime prevention, there have been no substantial changes in the organization of the Police Administration. In India, police and prison law have seen significant changes as a result of judicial activism.

Almost every country's criminal justice system has one or more faults that require modification from time to time. The law is primarily concerned with human behavior, which is a relative one. Bias, self-interest, and prejudice are always present. The performance of these organs, whether it is the police, prosecution, defense counsel, judge (and jury), or jail and penal officials, might be prejudiced and discriminatory. It is necessary to address the issues and determine what is causing them. This chance is necessitated by the research in this sector.

Currently, the criminal justice system is a maze of disparate entities operating in tandem. Justice is delayed, and sometimes the judicial process is mishandled. The current state of the criminal justice system presents the administration with several issues. However, the Indian criminal justice system is severely underfunded and understaffed, and it continues to move at a glacial pace. As in every democratic civilized society, this system is meant to give the greatest sense of security to the general public by efficiently, promptly, and lawfully dealing with crimes and offenders.

The goal is to *“lower the amount of criminality in society by guaranteeing maximum detection of reported crimes, prompt conviction of the accused, imposition of adequate sanctions on the convicted to satisfy the goals of justice, and preventing recidivism. Some of the recent changes in the judicial delivery system to seek restitution and provide justice to the poor that have occurred in the last few years are worth highlighting. The significance of these advancements for the justice delivery system cannot be overstated. They have transformed our legal system and will go a long way toward providing relief to the masses and the ordinary man. Efforts of the superior courts of the country to provide new contents to criminal justice have also resulted*

in paradigm shifts in prison reforms, treatment of under-trials, and rehabilitation of victims."⁶

IV. ISSUES IN THE INDIAN POLICE SYSTEM

Violence in jail and inappropriate political influence in police administration are two important concerns in the Indian police system that are regularly mentioned. It has been spelled out clearly in a number of high court and Supreme Court judgements that every police officer must understand that it is not permitted for police officers to inflict even the slightest physical damage to anybody unless in self-defense as held in the case of *Sunil Batra v. Delhi Administration, 1980*

In that sense, the law places him on an equal footing with other citizens, and he is only allowed to use as much physical force as is reasonably required to repel any assault on him in the exercise of his right to self-defense. The National Human Rights Commission has also intervened on several occasions to stop this incarceration brutality. Despite all of these efforts, there are still allegations of police custody abuse and fatalities.

V. POLICE ABUSE OF POWER AND CORRUPTION

The police's lower echelons are notorious for extorting money at every turn, which is a widespread occurrence in India, with only a few notable exceptions. Simultaneously, the police's responsibilities are frequently ignored openly, and performance comes only at a cost to the organization's public image; the end effect is widespread corruption and human rights violations. They are completely reliant on the federal government, and they have carved out bright form with a plethora of sinecures that allows them to rise in rapid stages due to politicians.

In its 2011 corruption perception index, the Berlin-based NGO Transparency International ranked India as the 95th most corrupt country out of 183 countries. Misuse of power and personal gain are the two most prominent aspects of police corruption. One of the key reasons for this is that the police force has lost its professionalism and has become heavily politicized. They are influenced by political leaders who use personal gain at the expense of the public good. Appointments, transfers, prizes, and punishments are the key areas where they meddle.

Bribery or the "exchange of money or something of value between the police and the offender"⁷ is considered general police corruption. Other police offences include violence, phoney encounters, sexual harassment, and custody crimes, as well as the illegal use of

⁶ Kartick Biswas v. State of West Bengal 2005 7 SCC 417

⁷ K.N. Chandrasekharan Pillai, *General Principles on Criminal Law* (Eastern Book Company, 2nd Edn.)

weapons. Open acts of corruption by police officers in lower levels who have far-reaching consequences for the police's image and police–public relations. Many times, a day, police officers. The "Mamool sum" (bribe) to be given to the police is usually agreed upon between the street sellers and the police in most localities.

According to police gossip, money extorted from these individuals reaches higher ranks. Another concerning tendency in major cities, including as Mumbai, Delhi, Kolkata, Lucknow, Ghaziabad, and Hyderabad, is the growing link between police officials at all levels and operators. The police are bribed by these mafia syndicates, and go unreported. One of the most common sources of corruption is delays. Administrative delays are one of the principal sources of corruption, according to the Santhanam Committee report (1964), and delays are frequently manufactured to get unlawful gratification. "Speed money" is said to have become a frequent form of corruption, particularly in cases involving the granting of licenses and permits.

VI. CONSTITUTIONAL PERSPECTIVE

When our pen begins to run, we must write with great pleasure that every Constitution contains such concepts that make up the "Spirit of the Constitution," and the Indian Constitution is no exception. Every syllable of our Constitution's Preamble, which is regarded a part of the constitution itself as established in the Kesavananda Bharti case, is sacred. The constitution is the ultimate law, binding all state organs, including the legislature, judiciary, and executive. The judiciary has also played a significant role in not only preventing and abusing power, but also in delivering justice and redressing injustices.

Some fundamentals elements of constitution rule consist of: -

- (1) It is the rule in general interest.
- (2) It is lawful rule, and the government can't make rules in an arbitrary manner.
- (3) It will consider as a Violation of Constitutional principles.
- (4) It means the government of citizens. Law is defined as "The law means to balance the competing interests of an individual along with the social interests of the society⁸."

The link between constitutional notions and criminal jurisprudential viewpoints will be discussed in the next two chapters. Some are tied to Fundamental Rights, some to State Policy Directive Principles, and yet others to Fundamental Duties. There is also a connection with

⁸ www.manupatra.com (Las visited on 22.02.2022)

acceptable constitutional standards and principles as defined by the Supreme Court. Fundamental rights are inextricably linked to the existence of humans on Mother Earth.

The right to a speedy trial is guaranteed by Article 21 of the Constitution. "Protection of life and personal liberty," according to Article 21, No one's life or personal liberty may be taken away unless in accordance with legal procedures."

In *Mohd. Hussain*⁹, a three-judge panel Article 21 guarantees speedy justice and a fair trial to an accused individual, according to the court. Furthermore, the court stated that the method outlined in the code must be followed in every criminal prosecution. The rules of evidence must be followed, and the accused must be given a fair chance to defend himself. The idea of a quick trial is likewise entangled with the concept of liberty. Liberty is the soul of every human being, and personal liberty has its own grandeur.

In *Dharmendran Kirthal*¹⁰, "There can never be any question that without liberty, human dignity is likely to be comatose," the Court stated. An individual's liberty cannot be compromised by the use of a ventilator." Under comparison to other nations, the accused in Indian criminal law is in a better position. Human rights and dignity for human life are given a far higher priority in the Indian criminal justice system.

An accused person in Indian law is deemed innocent until proven guilty, which is a great strength of our legal system. The accused is also entitled to a fair trial, in addition to fairness and thorough inquiry. Furthermore, the prosecution expects to play a fair and impartial role in the trial. The probe must be not only judicious, fair, and transparent, but also quick. It must be protected by the rule of law. These are the foundations of our criminal law, which are in complete accordance with the constitutional mandate stated in Articles 20 and 21 of the Indian Constitution.

In this context, section 309 of the Code of Criminal Procedure may also be considered. A three judge- Bench in *Haji Hussain*¹¹ opined that a fair trial must be fair to both the accused and the prosecution, according to case.

Moreover, the judges stated in the same instance that the criteria of fairness in a criminal trial must be considered from this dual perspective. Witnesses must be in a position to provide evidence without being induced or threatened by either the prosecution or the defense in a criminal trial.

⁹ *Mohd. Hussain V. State*, (2012) 9 SCC 408

¹⁰ *Dharmendra Kirthal v. State of Uttar Pradesh* (2013) 8 SCC 368

¹¹ *Halab Haji Hussain v. Madhukar Purshottam Mondkar*, AIR 1958 SC 376

A criminal trial must not be handled in such a way that the prosecution leads to the conviction of an innocent person; similarly, it must not be done in such a way that the accused who is the true culprit is acquitted. "The objective of a criminal trial is to provide justice, and not only to punish the criminal but also to see that the trial is concluded expeditiously before the memory of the witness fades out," the Hon'ble Supreme Court stated in *Krishnan and Others*.

"However, the recent trend is to delay the trial and threaten the witness or to win over the witness by promise or inducement." Furthermore, the court stated in the same verdict that these malpractices must be curtailed and that public justice can only be maintained if the trial is handled quickly.

In *Swaran Singh*¹² in a stern statement, the court stated that it has become more or less a vogue in criminal cases to adjourn repeatedly until the witness tired and quits up. Furthermore, the judges stated that the trial is a game played by unjust attorneys to get adjournments for various reasons until a witness is persuaded or becomes exhausted.

The courts went so far as to say that a witness is not just intimidated, but also abducted, wounded, killed, or bribed. In this ruling, it was also stated that adjournment without a good basis result in a miscarriage of justice.

In *Ambika Prasad*¹³ while commenting on the threat made to the case's informant, the defense attorney pleaded for an adjournment to cross-examine the witness. "At this stage, we would observe that the Sessions Judge ought to have followed the mandate of Section 309 CrPC of completing the trial by examining the witness's day by day and not giving the accused a chance to threaten or win over the witnesses so that they do not support the prosecution," the court stated.

In the judgment of *P. Ramachandra Rao*¹⁴ The bigger bench stated that it is the state's constitutional responsibility to give prompt justice, particularly in criminal cases. Furthermore, the court stated that it is past time for the United Governments of America and other states to recognize their constitutional obligations and take actual steps to strengthen the justice delivery system.

When Section 309 of the law is broken, it jeopardizes two concepts: speedy trial and fair trial. As a result, it is not just a law infraction but also a constitutional value violation. On the one hand, there is the fate of the accused, and on the other, there is the hope of the victim or his

¹² Swaran Singh v. State of Punjab, (2000) 5 SCC 668

¹³ Ambika Prasad v. State, (2000) 2 SCC 646

¹⁴ P. Ramachandra Rao v. State of Karnataka, (2012) 4 SCC 578

family members, as well as the communal call for justice.

VII. WHAT LEADS TO CRIMES?

It's worth noting that crime rates have risen during the last four decades. On the one hand, there is a rise in crime against the human body, while there is a drop in crime against property. In the last four decades, India's society has undergone tremendous structural changes, resulting in profound changes in every societal institution.

There has also been an increase in migration from rural to urban areas, which has had a significant impact on people's perceptions of one another. This might be considered the underlying cause of modern-day crime.

Rapid changes in the social structure have resulted in the formation of contradictory ideologies, which has resulted in differences that extend beyond the individual to the societal level, finally leading to criminal activity. Despite its many benefits to society, modernity has also resulted in societal disorder, which has contributed to a rise in crime rates. Rapid urbanization, as well as changes in current value systems and political institutions, are some of the key causes leading to the rise in crime rates in India.

While violent crimes such as murder and rape have grown in the modern age, occurrences of robbery, burglary, and riots have significantly decreased. The number of cases for property crimes has increased as India's economy has grown dramatically. All of this brings us to the safe conclusion that, despite their separate existence, all of these have a reciprocal existence, and therefore it may be argued that crimes are the opposite of a nation's development and advancement.

The growth in the number of violations of legislation dealing with criminal affairs is one of the key causes for the rise in cases of severe criminal offences. Even now, there are important incidents like the Nirbhaya Rape Case, where therapists have continued to avoid punishment by using loopholes in our criminal justice delivery system in the name of their rights. As a result, our current laws require considerable adjustments and improvements in order to prevent such mockery of the Indian justice system.

VIII. CRIME AGAINST VULNERABLE PERSONS

Victims can be used to characterize crimes. Authorities can perform tailored drills to prevent particular crimes against each demographic group. This is already evident in legislation aimed at safeguarding certain groups of people.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for example,

tries to protect scheduled castes and tribes' members from caste-based violence, while measures like the Dowry Prohibition Act, 1961, try to protect women from gender violence etc.

Throughout addition, crimes against older adults and children are on the rise in the country. To address such looming difficulties, the Prevention of Children from Sexual Offenses Act of 2012 and the Maintenance and Welfare of Parents and Senior Citizens Act of 2007 were recently enacted. These are the four sectors in which targeted crimes harm the most vulnerable populations.

Hate crimes against this group are common, and the majority of its members are ostracized by their birth families, as well as the court system, which fails to protect their basic rights, freedoms, and justice.

IX. REDUCING CRIME

Society is characterized by crime. Studies in criminology and penology link crime to the human psyche's basic character. In modern society, however, it is critical to punish individuals who commit horrific crimes because they infringe on the rights of others and, as a result, neglect their own responsibilities. The prevention of crimes is critical to the preservation of each individual's rights, which is the foundation of contemporary democracy.

It is critical to investigate the origin and consequences of the force being avoided. While the consequences of crime might range from minor injury to the violation of a legal right to death, the reasons can be complex and multi-layered. Here, a multi-faceted perspective to crime is examined, first in general and then in relation to domestic abuse as a crime.

Crime Prevention - Crime prevention refers "to any effort undertaken by an individual or organization, whether public or private, in order to prevent crime from occurring or leading to more activity. Some theorists have distinguished between primary crime prevention (universal), secondary crime prevention (at-risk), and tertiary crime prevention using the public health paradigm (known offenders)."¹⁴³

Crime Reduction - "The goal of crime reduction is to reduce the number of criminal incidents and their effects. Crime reduction must be seen as an action that offers net benefits, fear of crime, and the influence of other programmed that may have contributed to any given crime reduction activity within the bandwidth of an available resource input (e.g., financial input). Crime reduction fosters the belief that taking action to address a problem would reduce crime or the severity of criminal occurrences... it tries to intervene directly in the events and causes

of crime.”

Crime Control - "Crime control assumes that criminal activity has already occurred and that some management of these illegal activities is necessary to prevent them from spiraling out of control." It emphasizes the need of maintaining a problem, one in which crime is maintained to a bearable level, rather than a condition in which crime can be prevented.¹⁵

"The first necessity of justice is prevention"

“Crime prevention refers to tactics and policies aimed at reducing the likelihood of crimes happening, as well as their potentially damaging repercussions on individuals and society, such as fear of crime, by acting to address their many causes.”

Prevention of crime is a multi-sectoral, multi-disciplinary, and coordinated effort.

There is clear evidence “that well-planned crime prevention measures not only reduce crime and victimization, but also improve community safety and contribute to countries' sustainable development, says the introduction to the Guidelines for the Prevention of Crime. Effective and prudent crime prevention improves everyone's quality of life. It will save money in the long run by lowering the costs of the formal criminal justice system as well as other societal costs linked with crime.

The fundamental concepts for crime prevention underpin such strategies and action plans. To build and sustain an institutional framework for successful crime prevention, government leadership at all levels is essential.”

X. CRIME PREVENTION- LAWS IN INDIA

The purpose of criminology research is to figure out why individuals commit crimes. It is assumed that as humans and civilization advance, so will crime. Punishment is possibly the earliest kind of a judicial system, as crime is as ancient as man.

Such punishment may have begun with an eye for an eye and a life for a life—oldest man's ways of punishing a criminal—but civilization has developed much since then, and a system has been built to bring offenders to justice in civilized society. In reality, attempts to restrict so-called "bad behavior" may be traced back to the 3700-year-old Babylonian Code of Hammurabi.

The main guidelines that lead the executive and judiciary in India to catch, detain, try, and punish criminals are the Indian Penal Code, 1860, the Criminal Procedure Code, 1974, and the

¹⁵ Sarkar Sen, “*Crime, Society and Police*” Indian Journal of Criminology and Criminalistics 14 (1993)

Indian Evidence Act, 1872. These statutes are complemented by others such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redress) Act of 2013, the Protection of Women from Domestic Violence Act of 2005, the Juvenile Justice (Care and Protection of Children) Act of 2015 and so on.

These legislations were created to target each unique criminal conduct and to reinforce the actions taken against it in order to reduce the incidence of these crimes after it was established that a physical act, or *actus reus*, was performed with a guilty thought, or *mens rea*.

A cursory examination of this setup invites the observer to consider the fact that India has enacted a staggering number of such legislation. India clearly does not have a problem with a lack of legislation and statutes.

However, the quality of these laws, their restricted reach, ambiguity within them, and inconsistency with the habits and mindsets of all social strata are serious flaws in this regard. For example, minority women are misusing the domestic violence legislation to harass their in-laws, while actual victims are unable to access the law and its applications owing to economic and social restraints.

The rule against sexual harassment at work only applies to males harassing women, and it ignores the idea that a woman would harass a man, or a man might harass another man, or a woman might harass another woman, or a transgender person might be harassed at work.

More significantly, the inefficient and frequently corrupt workings of a severely underpaid and mistreated executive branch, as well as bureaucratic indifference, function as a barrier rather than a link between these laws and the courts. Returning to criminology and examining the causes of crime in order to determine the best technique of prevention is critical.

Poverty is the father of revolt and crime, noted famous thinker Aristotle in his books. The similarities drawn between the 2012 Delhi Gang-Rape Case and the 2019 Hyderabad Vet Rape Case demonstrate the same: the perpetrators of both ostensibly identical crimes came from low-income families and had struggled with poverty their whole lives.

The perpetrators of such horrible atrocities appear unconcerned about legal repercussions. This is evidence of our judicial system's inability to bring offenders to justice, which is another source of crime. Increased rates of crime and alcohol and drug misuse are mostly due to a lack of education. These factors exist outside the area of whether or not legislation is present, and they necessitate a full examination of the legislative, executive, and judicial activities as the first step toward crime prevention.

XI. STEPS THE GOVERNMENT CAN TAKE

The government has long sought to minimize crime and is taking steps to address issues ranging from petty theft to massive frauds, kidnappings, and killings. Our government is doing everything it can to safeguard the safety of the Indian social structure as a whole, and it is putting in place different tools and laws to combat crime and its consequences. The following are some strategies that the government can use to minimize crime:

1. We now have means to acquire empirical information to focus on hotspots or habitual offenders in order to prevent or minimize violence, thanks to advances in criminology.
2. The executives' primary attention should be on preventing the conditions that lead to criminality and, eventually, the conduct of crimes. This may be accomplished by a methodical, integrated, and coordinated strategy, with punitive measures being used only as a last option.
3. In today's world, cyberspace has become a hotbed of violence. On the internet, crimes vary from assassination videos to recruiting for extremist groups, coercion, and fraud. It is critical to recognize that criminality has spread to the internet, and it is past time to take firm action against it.
4. Governments should aim to develop a system based on a state of balance between repression and prevention, as well as rehabilitation measures that would have a significant impact on people's attitude and therefore dilute criminality.
5. Most significantly, laws should be written in such a way that crimes may be stopped at an early stage, therefore eradicating the criminality that leads to crime.

Crime trends and rates in India have fluctuated dramatically during the last four decades. While crime against the human body has always been on the rise, small crimes such as burglary have decreased.

It's also worth noting that the crime rate has been on the rise during the 1990s, indicating some form of depravity. Based on a worldwide assessment, the general crime problem in India is not as significant as that in the United States or Latin American countries, but the crime rate is nevertheless on the rise. Economic, political, and societal issues all play a part in crime committed in India. We should expect an improvement in the crime situation if these elements can be managed and stable, which will lower the total crime rate.

XII. JUDICIAL REFORMS

A “review of the evidence on judicial reform across countries shows that those seeking to

improve economic performance should not focus on judicial efficiency alone but on independence as well. It also shows that the level of resources poured into the judicial system and the accessibility of the system have little impact on judicial performance. Most of the problem of judicial stagnation stems from inadequate incentives and overly complicated procedures. Incentive-oriented reforms that seek to increase accountability, competition, and choice seem to be the most effective in tackling the problem. But incentives alone do not correct systematic judicial failure. Chronic judicial stagnation calls for simplifying procedures and increasing their flexibility.”¹⁶

Judicial system in India can be seen to be in crisis. Civil and criminal cases are lining up in heaps and take way longer than they actually should. Upon that is the pendency of millions of cases and top of the cherry is the low proportion of judges to the population. These grave problems pose a major risk to our criminal justice providing system and therefore the need of the hour are certain reforms which can bring about a little change. Each step, no matter how small, becomes a big one if one is only consistent enough.

1. “Measures should be introduced to promote transparency in proceedings to avoid bias.
2. More judges must be appointed in courts. If the shortage of judges and courtroom facilities were suitably addressed, the logjam of cases could be cut down with the increase in efficiency.
3. There should be an established mandatory pre-litigation process in place to discourage frivolous litigation to conserve the court’s time.
4. An independent executive body could be set up solely to ensure the enforcement of judgements issued by the court, to improve faith in its effectiveness.”¹⁷

XIII. CONCLUSION

A social defense “planning strategy in India has resulted in a lack of integration of crime prevention planning with broader national and state plans. This restriction has compartmentalized crime inside the bounds of social issues and is based on unproven beliefs about crime causation.

Similarly, putting too much faith in law enforcement and surveillance ignores the impact of other factors on crime rates and the potential that police action only has a little impact on both

¹⁶ <https://www.jstor.org/stable/3986424> (Last visited on 12.05.22)

¹⁷ <https://www.civilserviceindia.com/> (Last visited on 10.05.22)

crime and the likelihood of imprisonment. Planning is further complicated by a lack of integration of criminology and policy,” as well as a lack of coordination of national and state policy.

Finally, bureaucratization and politicization inhibit good planning. As a result, the criminal justice system requires more change and flexibility, better coordination and integration in planning and policy, and a shift from a limited law enforcement focus to one that addresses larger crime prevention concerns.

The “dissertation begins with a discussion of the difficulty of defining crime prevention and distinguishes between numerous terminologies used in crime prevention (crime control, crime reduction, and community safety).

After establishing that crime prevention has both theoretical and practical components, the Module goes on to explain the fundamental principles of various crime prevention typologies using examples from throughout the world.”

Developmental crime prevention, which is exemplified by the positive effects associated with providing high-quality early childhood education, and situational crime prevention, which covers classic criminological theories such as the rational actor and routine activities theory, are two of the typologies examined in depth.

It also looks at the role of police and the criminal justice system in crime prevention, including creative examples of crime problem-solving initiatives from across the world, including problem-oriented policing.

While we recognized that crime prevention offers a number of benefits, including the protection of human life, better well-being over time, greater social cohesion, and the preservation of property and resources, it is necessary to acknowledge that crime prevention is not without flaws.

Finally, the wide range of typologies and instances offered in this chapter show that crime prevention is neither universal nor singular. Significant legal, cultural, and political distinctions exist across regional and local contexts, influencing how crime prevention is thought about and implemented.

The most successful crime prevention practices are those that are attentive to the needs and rights of individuals in specific circumstances, as well as those that acknowledge the needs and rights of the most vulnerable members of communities.

Lastly, I would like to conclude by saying that my hypothesis was proved to be correct. I was

correct in assuming that there are indeed gross human right violations taking place in the human right system but we have provided solutions for the same and hopefully they will be incorporated in our country soon.
