

Gys II # Governance

The problems in India's criminal justice system must be addressed comprehensively to help the people repose faith in governance.

Analyse

Criminal justice system refers to the agencies of government charged with enforcing law (police), adjudicating crime (court) and correcting criminal conduct (Jails).

Indian criminal justice system is replica of British colonial jurisprudence, therefore relevance of the 19th century laws debatable in 21st century.

Problems

- * Huge pendency of case, about 3.5 crore cases pending in judicial system, Justice delayed is justice denied
- * India has one of the world's largest number of undertrial prisoners, as according to Prison statistics India 67% of total prison population are Under trial
- * Huge work load in police system, which affects followup of cases, murder & speedy & transparent delivery of justice

* Existing system is in favour of accused & did not adequately focus on justice to the victims of crime

* Lack of accountability of police, human rights violations increasing
Ex: 2020-Tamil Nadu Lockup death incident

Malimath committee on reform in Criminal Justice System (2003) suggest following recommendations

- * Separate investigation in police who are not deployed to maintain law & order
- * Increase in judge-population ratio from current 10.5 / million people world average of 50 / million
- * Ensure safety & security of witness through witness protection law
- * Reduce the vacation of court and use of technologies to speed up clearing case
Ex: e-court or online courts in pandemic
- * Awareness of victims about their rights & revamp justice system which focus on victims

India needs to draft a clear policy that should inform changes to be envisaged in IPC or CrPc.