



Criminal Justice System

For Prelims: Draft Rules of Criminal Practice, 2020, Supreme Court, Indian Penal Code

For Mains: Criminal Justice System, Under trial prisoners, All-India Judicial Service

Why in News?

Recently, the [Supreme Court](#) gave two months to **high courts and states** to implement a set of guidelines meant to **streamline inadequacies and deficiencies in criminal trials**.

- These guidelines are referred to as **Draft Rules of Criminal Practice, 2020**.
- The Draft Rules **recommends reforms in investigation and trial, including proposals to employ separate teams of lawyers** to help the police during the probe and for the trial; details to be covered while drafting **spot panchamas** and even **corrections in body sketches**.

What is Criminal Justice System in India?

- **Criminal Justice System** refers to the **agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct**.
- **Objective:**
 - To prevent the occurrence of crime.
 - To punish the transgressors and the criminals.
 - To rehabilitate the transgressors and the criminals.
 - To compensate the victims as far as possible.
 - To maintain law and order in society.
 - To deter offenders from committing any criminal act in the future

Why There is a Need for Reforms?

- **Colonial Legacy:** The criminal justice system- **both substantive and procedural-** are replica of the **British colonial jurisprudence**, which were designed with the purpose of ruling the nation.
 - Therefore, the relevance of these 19th century laws is debatable in the 21st century.
- **Ineffective Justice Delivery:** The purpose of the criminal justice system was to protect the rights of the innocents and punish the guilty, but **nowadays the system has become a tool of harassment of common people**.
- **Pendency of Cases:** According to [Economic Survey 2018-19](#), there are about 3.5 crore cases pending in the judicial system, especially in district and subordinate courts, which leads to actualization of the maxim **Justice delayed is justice denied."**
- **Huge Undertrials:** India has one of the world's largest numbers of undertrial prisoners.
 - According to [National Crime Records Bureau \(NCRB\)](#)-Prison Statistics India, **67.2% of our total prison population** comprises of **under trial prisoners**.
- **Police Issue:** Police are being a front line of the criminal **judiciary system**, which played a vital role in the administration of justice. Corruption, huge workload and accountability of police is a

major hurdle in speedy and transparent delivery of justice.

What are Related initiatives Taken by Government?

- [National Mission for Justice Delivery and Legal Reforms](#)
- [AI Portal SUPACE](#)
- [Modernisation of Police Scheme](#)

Way Forward

- **Victim And Witness Protection:** There is a **need to launch victim and witness protection schemes**, use of victim impact statements, increased victim participation in criminal trials, enhanced access of victims to compensation and restitution.
- **Revision of Criminal Codes:** Criminal liability could be graded better to assign the degree of punishments.
 - **New types of punishments** like community service orders, restitution orders, and other aspects of restorative and reformatory justice could also be brought in its fold.
 - Also, many chapters of the [Indian Penal Code](#) are overloaded at several places.
 - For instance, the chapters on offences against public servants, contempt of authority, public tranquility, and trespass can be redefined and narrowed.
- **Increasing Strength of Judicial Service:** One of the solutions is to substantially increase the strength of the judicial services by **appointing more judges at the subordinate level** — improvements must start from the bottom of the pyramid.
 - Strengthening the subordinate judiciary also means providing it with **administrative and technical support and prospects for promotion, development and training.**
 - Institutionalizing [All-India Judicial Service](#) can be a step in the right direction.
- **Promoting Alternative Dispute Resolution:** It should be mandated that all commercial litigation will be entertained only if there is an affidavit from the petitioner that mediation and conciliation have been attempted and have failed.
 - Mechanisms such as [ADR \(Alternate Dispute Resolution\)](#), [Lok Adalats](#), [Gram Nyayalayas](#) should be effectively utilized.

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