

CRIMINAL JUSTICE
SYSTEM
INTERACTION BETWEEN
POLICE, PROSECUTION
AND JUDICIARY

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Criminal justice system in India

- Set of legal and social institutions for enforcing criminal law
- Federal, State and local agencies
- IPC CrPC
- Adversarial system of prosecution



Some facts.....

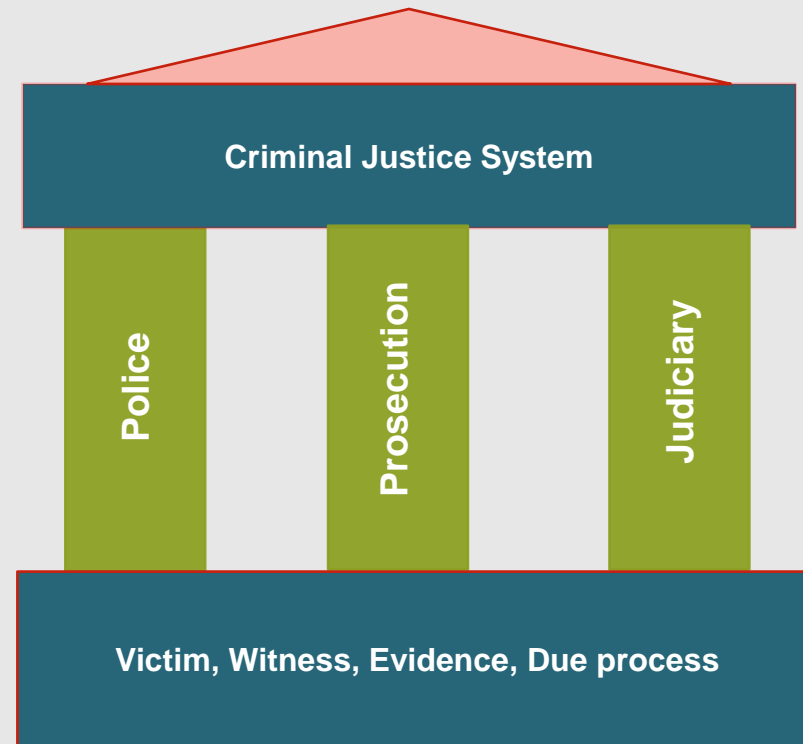
- Supreme court 59867
- High courts 44.75 lakhs
- lower court 3.14 crores

67% of jail inmates :
undertrials

Rs 1039/day
6.5 years



Elements of Criminal Justice system



Roles

Police

- Investigation
- Filing of chargesheet
- Co ordination

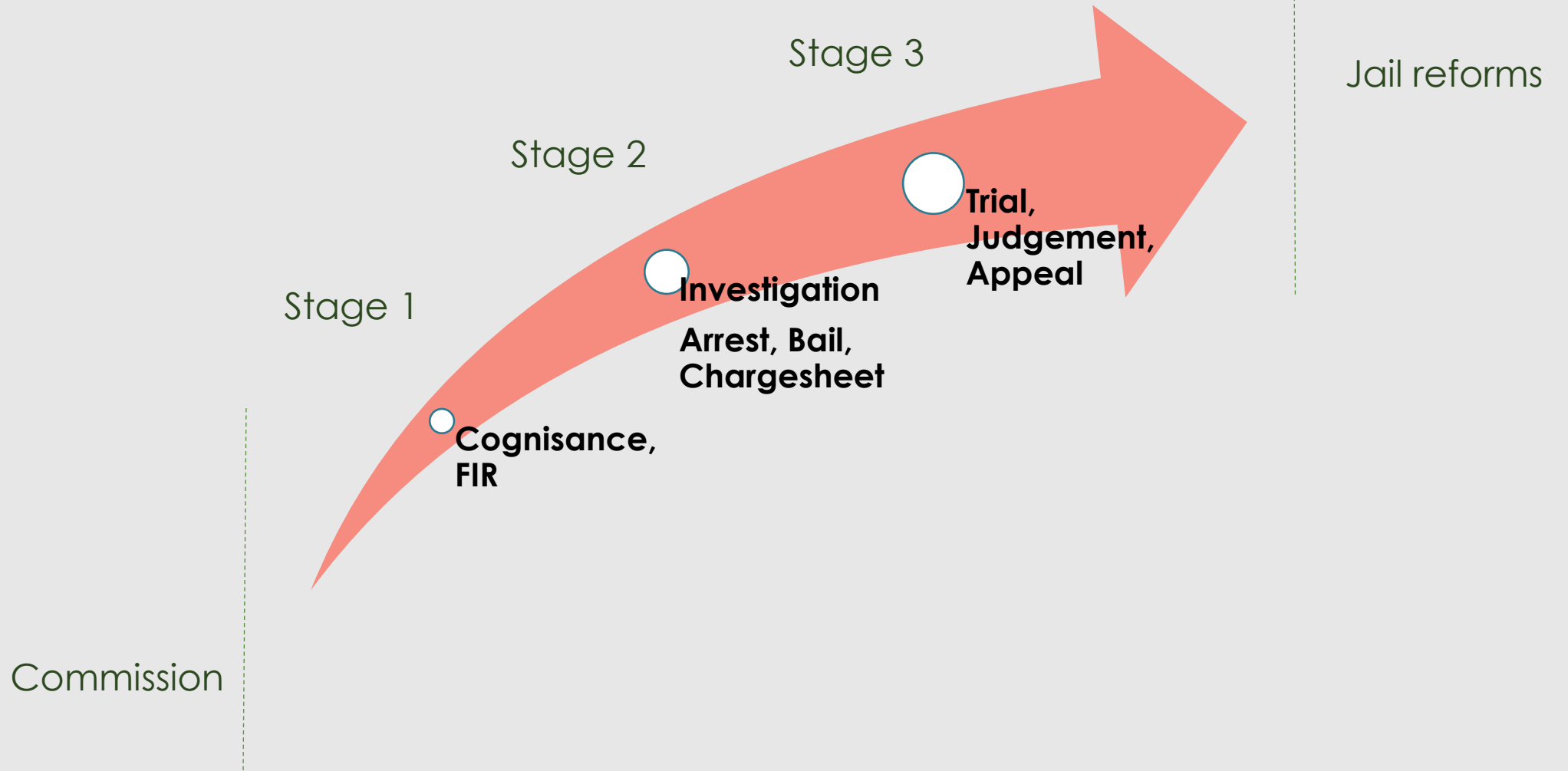
Prosecution

- Represents the case
- Begins when police files chargesheet
- Present full material facts, evidences etc

Judiciary

- Cognisance/suo moto
- Conduction of trial
- Sentence/judgement

Process



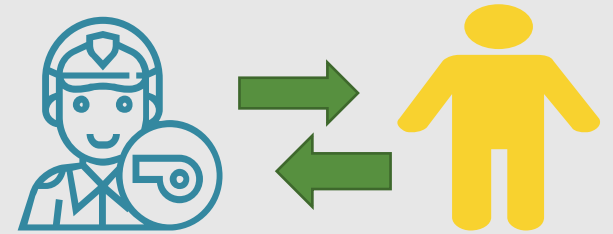
Stage 1



Stakeholders involved in the interaction

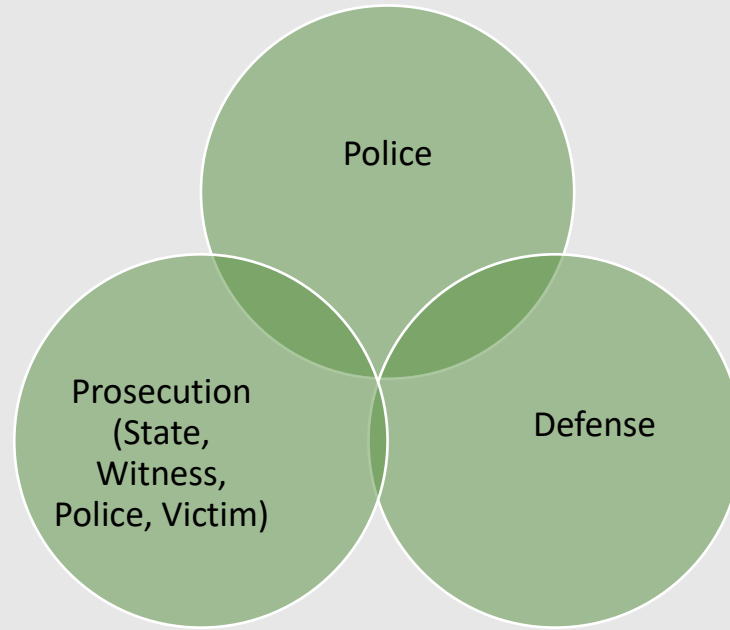
Interaction and issues faced

- Circumspect citizens/victims
- Insensitivity at PS (especially for children and women)
- Judgmental error; wrong choice of section
- Lack of clarity regarding jurisdiction of PS
- Non registration of FIR
- Custodial violence



Suggested improvements

Stage 2



Stakeholders involved in the interaction

Investigation

- Procedural demand and resource gap
- Manpower management - Law and order and investigation
- Delay in Prosecution sanction and warrant
- Sub optimum forensic capabilities
- Electronic, forensic and scientific evidence
- Delayed legal opinion



Arrest

- SC guidelines (DK Basu vs State of West Bengal)
- Rights of accused
- Inconsistency between actual arrest and on paper arrest



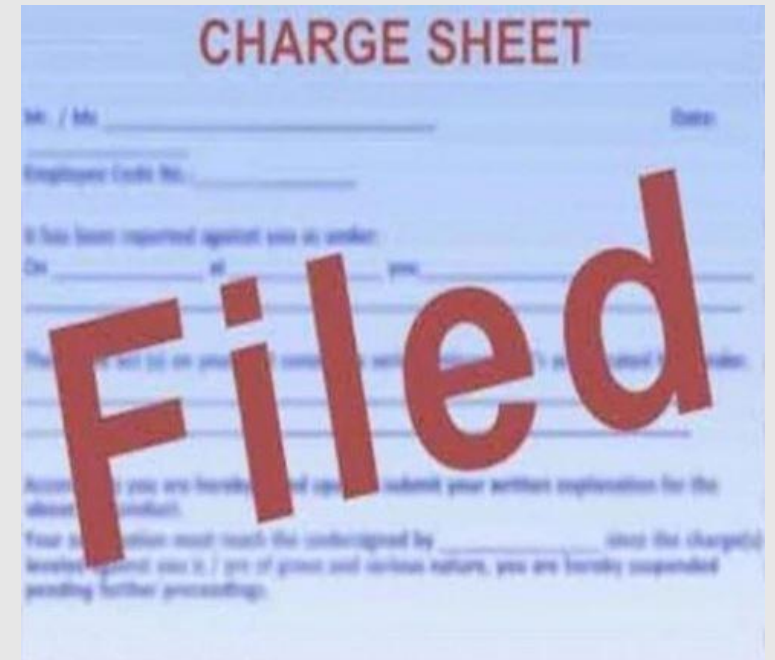
Bail

- Sub optimal prosecution competency
- Police report on bail application
- No accused statement during bail hearing
- Large numbers of under trials - legal aid and rich-poor divide
- Surety issues - one person giving multiple sureties
- Tremendous judicial discretion



Chargesheet

- Delay in filing charge sheet
- Issues with lower levels and supervision
- Closure report - 498A and SC/ST Act pressure to file CS
- Crime meetings - ineffective and poor coordination between investigators and prosecutors



The image shows a document titled "CHARGE SHEET" in red capital letters at the top. Below the title, there are several lines of text and fields, some of which are partially obscured by a large, bold, red "Filed" stamp. The visible text includes "Mr. / Ms.", "Employee Code No.", "It has been reported against you in under:", "On _____ at _____ you:", "Your explanation must reach the undersigned by _____ (insert the charge(s) level against you is / are of grave and serious nature, you are hereby suspended pending further proceedings)."

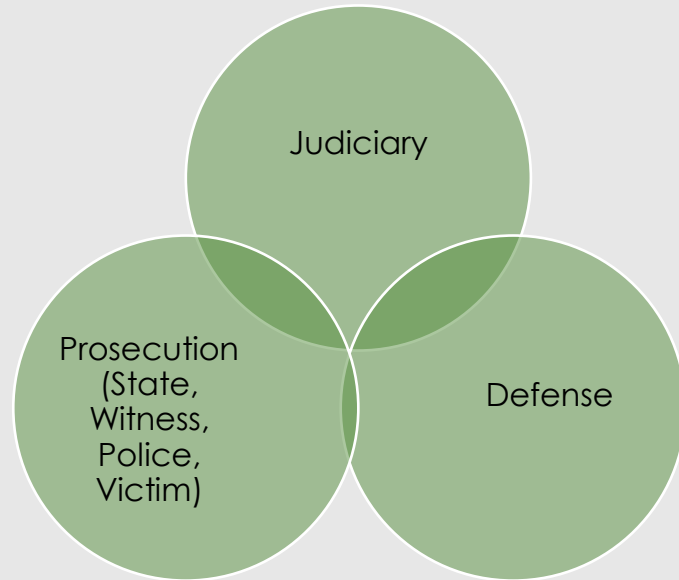
Suggested improvements

- Separation of law and order
- Strengthening forensic infrastructure
- Simplifying major criminal acts
- Independent prosecution wing

1. Judicial discretion be made limited. Bail process must be streamlined.
2. Prosecution must be invested in the process of bail so that no collusion happens.
3. Victim's statement during hearing for bail.
4. Issue of undertrials be resolved by strict implementation of various SC judgements and commission reports.
5. Biometric registration of sureties.

1. Automatic and online filing of chargesheets in court.
2. No adversarial law. Law must be neutral.
3. Institution of crime meetings be standardised and streamlined.

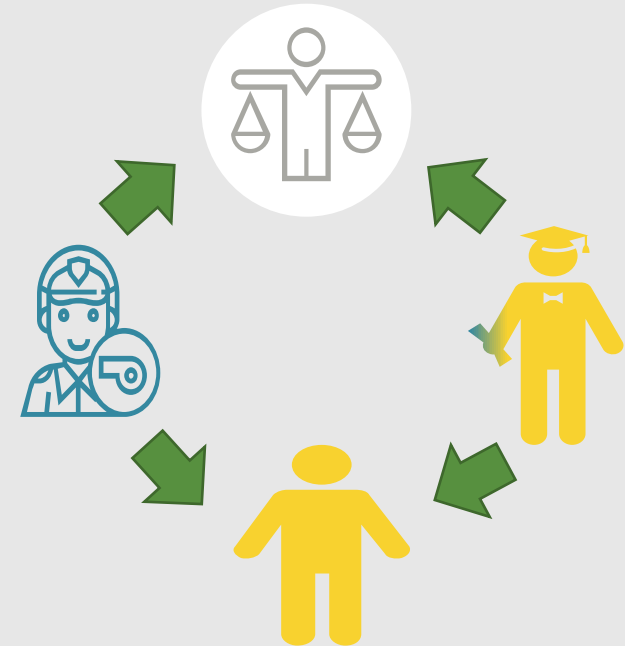
Stage 3 – Trial



Stakeholders involved in the interaction

Interaction and issues faced

- Long Drawn Process – Case Load, Procedure, Appeal
- Public Prosecutor – Status, Appointment, Competency, Conditions of Service, Concurrent List
- Frequent change of officers – IO, PP, Judges
- Procedural Inadequacies – Manpower and Resources, Quality of Witnesses, Collection and Preservation of Evidence, Reliance on Experts
- Unethical practices in certain areas– Collusion, Delay, Incompetence
- Court Environment – Physical, Psychological dimensions
- Position and condition of the victim (Especially children and women)

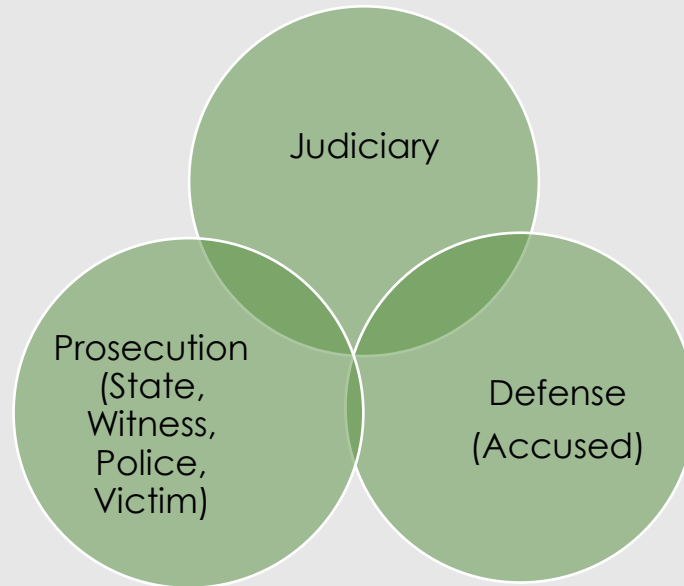


Suggested improvements

- SC appointed Amici Curiae :“ Draft Rules of Criminal Practice 2020” (under SC Consideration)
- Independent Directorate of Prosecution, Appointment based on merit through exams, good pay and service conditions.
 - Malimath Committee Report: 50/50 Cadre and Bar appointments
 - 197th Report of the Law Commission of India
 - eProsecution system in MP
- Video conferencing and use of other artificial intelligence and technological tools (2009 Amendment to CrPC section 275(1))
- Developing a robust witnesses protection
- Involvement of the Accused in court proceedings – Language, Proximity, Procedure.
- Sensitive and victim centric procedures



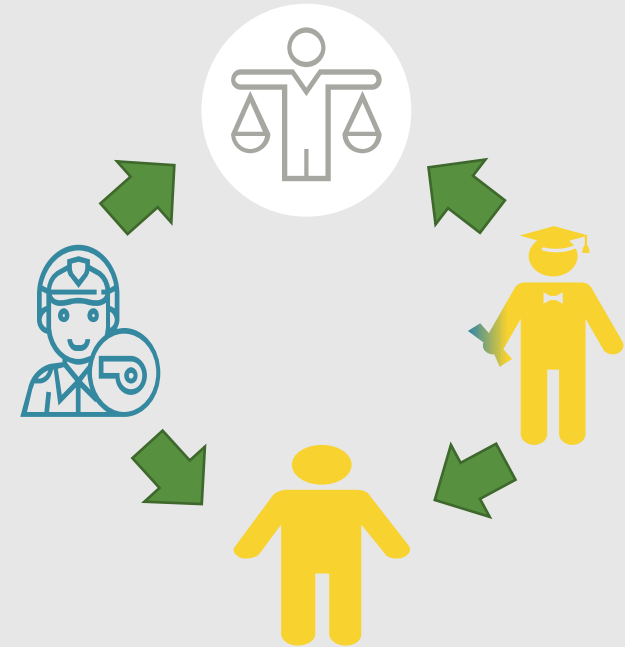
Stage 3 – Judgement and Appeal



Stakeholders involved in the interaction

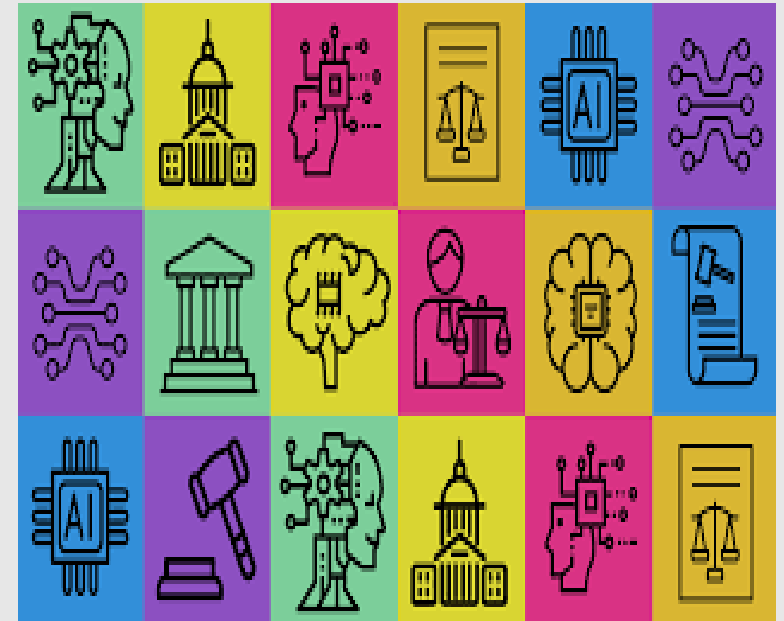
Interaction and issues faced

- Redressal of victim's grievances
- Language and communication gap– Police, Accused etc.
- Unnecessary Appeals
- Lapses and Delays due to interaction gaps
- High cost of litigation



Suggested improvements

- Compensation/ Welfare of the victim.
- CrPC Section 357
- Central Victim Compensation Scheme 2015
- The Chairman, Railway Board & Ors vs. Mrs. Chandrima Das & Ors
- Copies of judgment to the police, victim in native language free of cost
- Streamlining process of appeal. Not allowing public sentiment to rule decisions
- Use of technology to keep track of cases/ appeals and prosecutors
- Adapting the Singaporean model regarding rationalization of litigation costs



Jail reforms

- Overcrowding
- Under trials and convicts together
- Lack of access to quality legal aid
- Reformatory or retributive ?

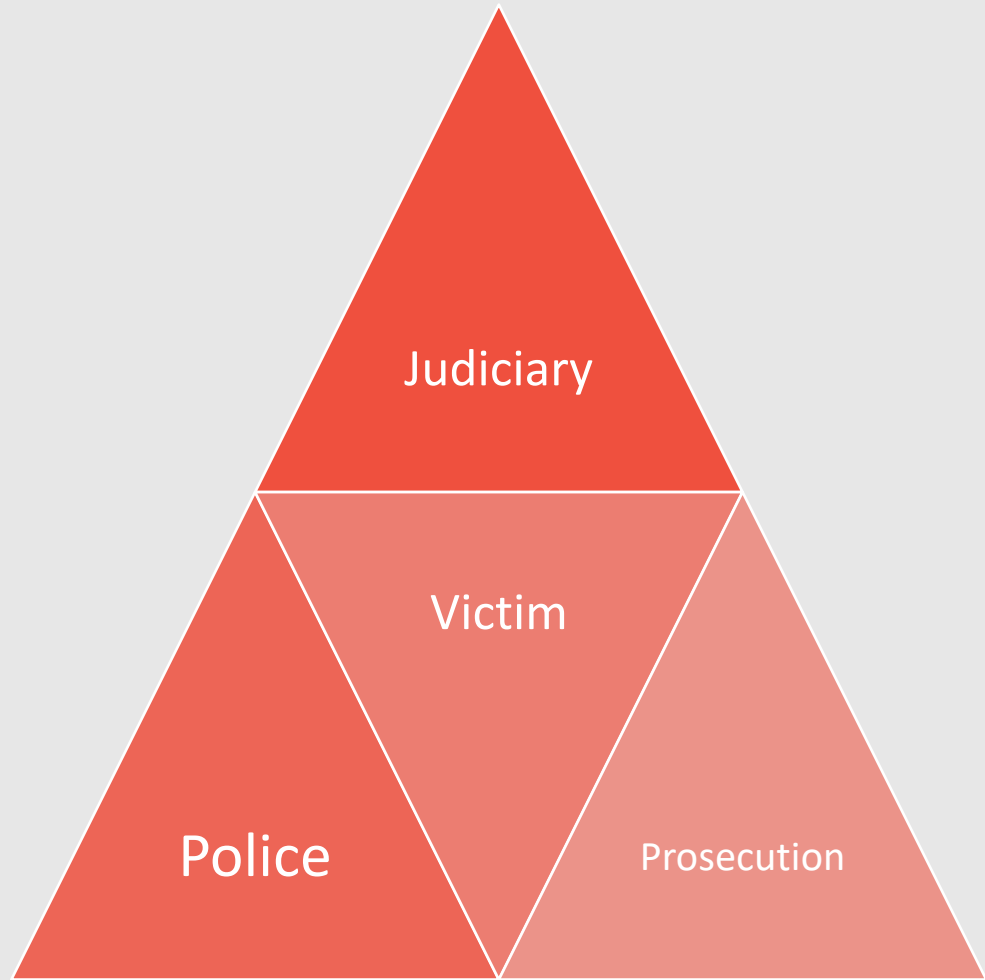
- Open prisons
- Separation of undertrials and their release where necessary
- Availability of legal aid
- Colleges and prison connect
- Reformatory practices



Case Study

- Nirbhaya case







THANK YOU