
Justice Reform In India: Requirement Of The Hour

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ABSTRACT

Formal procedures are a way of fighting crime crime. The criminal justice system is to provide social justice, criminal penalties and to see that this study expires soon before the witness's memory comes out 1. However, it is important to be concerned that the management of the criminal justice system in India decreases on a daily basis. Therefore, there is an urgent need for a new look to review the entire criminal justice system. In particular, in the case of criminal investigations by the police and the court.

Therefore, the courts should always try to keep the public faith in the people in the administration of justice by ensuring the right of human rights in criminal justice. Therefore, the policy objective is to understand the criminal justice system and its transformation, because this is the only way in which people's faith in the rule of law can be oppressed.

Keywords: Crime Management Program, Human Rights, Police, Court etc.

INTRODUCTION

India is the world's largest democracy. But unfortunately, the time of their light seems to reduce as a result of the wrong criminal system. Therefore, we are in a desperate situation, there is a need to replicate and transform the justice system to address today's challenges. Due to strong focus on the demand for justice. There are some additional requirements that require strategic development and strategies that can be effective in the

policy framework. Therefore, to better understand the criminal justice system it is necessary to assess the criminal justice system.¹

OBJECT OF THE CRIMINAL JUSTICE SYSTEM

The criminal justice system is to provide social justice, punish the criminal and see that this study expires soon before the state memory is realized. The criminal case does not mean just justifying the complainant but also the victim and the community. So the law and the law are kept. The judge won a criminal case just to see that no innocent person was punished, but also to see that the guilty person did not escape. Both are civil servants when the judge must do².

Therefore, the courts should always try to maintain public faith in the people in the administration of justice by ensuring the right of human rights in the administration of justice.

NEED TO REFORM IN CRIMINAL JUSTICE SYSTEM

In modern times, the change is permanent but even in the changing phase of the community "Indian criminal justice system" has not developed. All of these are the reasons for the lack of response, lawlessness, and delays in offenses, lack of trained police, high court finance and severe prison conditions. These are all important issues in the criminal system. In India, the criminal justice system follows the Anglo Saxon-oppositional pattern with three important units, namely,

- a) Police
- b) Justice

¹Justice PalokBasu, the Human Rights Act under the Constitution of India and related laws, Allahabad: The Yearbook, 2011.

² Justice PalokBasu, the Bill of Rights on Human Rights under the Constitution of India and shared laws, Allahabad: Current Publishing, 2011.

c) Prison

COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM: PRESENT SCENARIO

I POLICE

Police, as part of the criminal justice system, play a crucial role in the administration of justice. Therefore, understanding the criminal justice system

Is a preliminary understanding of the police? Under Article 246 the Constitution of India places police, civil society, courts, prisons, reformatories and other institutions in the United States³. Now the next question comes, how can you answer the police? What is an important part of the Indian Criminal Justice system? Following this article will explore this problem.

Police accountability

The Indian Act of 1861, an outdated law, made in the colonial system with a view to oppressing people. Unfortunately, instead of pursuing the progress of the National Police Commission, the Indian government does not want to make any changes to this colonial law. In addition, in the Police Act, in 1861 it is not that the provision of police is unlike the UK, where the Independent Police Commission (IPCC) directs and investigates public complaints to the police and taking care of any investigation or investigation of any grievance case⁴. Although the Act of Police Act is not available in this case. It can be clearly seen in matters involving police abuse often come to court next to:

³Chenthilkumar Paramasivam, the Indian Police Service, the Common Wealth Human Rights Initiative.

⁴Maja Daruwala, G.P Joshi, Mandeep Tiwana, Police Act, 1861: Why do we need to put it in place? COMMONWEALTH CONSULTANTS, IN July 2005. Available in. www.humanrightsinitiative.org/.../police/.

Central Bureau of Inquiry v. Kishore singh others⁵

When soon Hon'ble Justice MarkandeyKatju said, what should happen to the police "Bobbitt" person at the police station and think they can remove it? That is the question raised in this case. The court has a view of us, a police officer who commits a crime to a severe punishment for someone who commits such a crime, because it is a police duty to protect people, not to break the law themselves. If an improved public protector will stop there. As the Bible says, "If the salt loses its taste, how will it be salted?" Or as ancient Rome was used to "guard the elephants"?"

Therefore, the police must protect the people and support the law, but if they themselves become criminals, it is a hard task to ensure the protection of human rights.

Mehboob Batcha and others v. The situation was represented by Police Minister Markandey Katju and Gyan Sudha Mishra⁶.

At the same time the High Court had, as murdered by the prison police, was killed. They deserve the death penalty and we warn the country that this will not be tolerated. In addition, the court stressed that the prevention of violence against the police is a violation of the court's dictates. K. Basu v. State of WB,

A.S. Mohammed Rafi v. Tamilnadu status⁷

The provisional court was awarded 1.5 compensation for the victim's murder by police. However, apart from the above cases, one of the most controversial and dynamic conflicts is the illegal arrest and incompatibility with the police. Therefore, it is important to write down, study and analyze other legal cases in this regard.

Judicial view of arbitrary arrestsillegal detention

The police force of arrest is often abusive. This can be reviewed on the following cases.

⁵(2011) 6 SCC 371 Cases in the highest court of the week, 2011 Vol. 6

⁶(2011) 7 SCC 46.

⁷(2011) 1 SCC 688.

There are cases of cases where the Apex Court has directed different lines of guidance regarding the arrest of the model in Dr. Basu v. The West Bengal⁸ situation in the immediate case of the court made the process of arrest. The court also reflects on this, that arbitrary arrest is based on Article 21 and 22 (1) of the constitution and must be strictly enforced.

High Court in Joginder Kumar v. The U.P.⁹ situation has set clear limits on the power of the police to be arbitrarily arrested.

The cases are really high, the form of abuse. Therefore, it is time to look at the power of the President given to Art. 372 (2)¹⁰ of the 10th Constitution of India. What empowers the President to amend the Constitution in line with the Constitution?

II JUDICIARY

Crime plays a very important role in the application of the rule of law. The primary and most important function of the courts is to protect and enforce human rights, and to provide assistance to the victim. Such work and commitment are very important in a democratic world. The Indian justice court justice system focuses on the defendant and tries to protect all his rights, which means the Publication of the innocence, legally arrested, and Jeopardy. No doubt the accused has the right to all rights but now to change the situation, it is also expected from the courts to focus on Victim and to witness.

Role of the court during the criminal proceeding: Ensuring the humane condition of the investigation

Here the important question is, what should be the role of the court in the transformation of the criminal justice system? Because we are already talking about it, it's an important court of justice a role in the application of the law. In addition, it appears that, there are

⁸(1998) 6 SCC 380.

⁹(1994) 4 SCC 260

¹⁰Section 372 (2) For the purpose of bringing the provisions of any law applicable to the territory of India in accordance with the provisions of this Constitution.

certain provisions in the law itself, proper recognition that can cause significant changes in the sector of crime. Analyzing such arrangements referred to in the next section of this article.

1. Limitation on the power of the arrest

The Criminal Procedure Code, in 1908, provides for greater powers of arrests especially to the Sections of Sections of Sec. 41, 42, and 151 code. Are there numbers of cases, indicating how the police use this power? Therefore, the concept of imprisonment should be diverted from Art. 21 and 22 of the Constitution of India. Therefore, it is the duty of magistrates to satisfy all the requirements of the detention. Section 436-A of Cr.P.C. facing a period of time "The maximum time when the trial is under trial". The purpose of this section is to ensure the rights of the person arrested. Now access to legal cases to fully assert this right. In addition, the court must also keep in mind Section 310 of Cr.P.C. this runs as follows:

"Any judge or magistrate, at any stage of investigation, testing or other process, after the declaration of the participants, visit and inspect any case where the offense is committed,"

Therefore, it is clear from the above section that the magistrate has a number of powers to recognize human rights for any stage of any investigation.

2. Limitation on the adjournment of the cases

Now is the idea of the postponement of the postponement of the state to a different position. This is one of the key elements of delays in offenses. However, it is prohibited to be dismissed more than three times (Ordinary XVII, Rule 1 code of state policy, 1908), but still in practice there is no major concern about it. Therefore, all courts should remember all these provisions to ensure early prosecution of cases.

3. Judge should be sensitize:

There is a need for Judges to take part in the administration of justice. They can use their understanding in the course where they find what is required for the benefits of justice.

There are some judges who are not qualified for the development of a criminal justice system because they have an old attitude. The old judge is based on the code of the principle and believes that it is, justice can only be made by a clear rule of law. That is why judges should look through the window to see the results of their judgment against ordinary men and women. Therefore, justice does not dwell only on the wisdom of the judge. It also resides in his heart. The combination of the heart and the intelligence that gives justice¹¹. So the transition of day crime is a matter of deep concern, and the enforcement of criminal justice is essential.

4. Due care and causation in case of the bail application and remand order

At first there are no strong and fast rules about recruitment and bail. Each case must be determined in the light of their facts. But it should take the decision to make good use of the courts. In Cr.P.C time section 436 provides a specific rule. Similarly, Si. 437 dealing with cases not found. Now it is the duty of the courts to take care of and care for the provision and denial of bail.

5. Power to grant the Remand

Under section 167 of Cr.P.C. The magistrate has the power to prosecute the police or prison, not more than fifteen days at a time (if there is a police cell, only the first fifteen days). Legal authorization is a limited arbitrary detention of personal freedom, so it should be noted that it should be used when authorizing the arrest of a suspect in the police or a trial for the eviction. Therefore, there is a magistrate's responsibility to check the story diary and all the facts before giving the order.

Case study:

- Inder Joginder Kumar v State of the UP¹²

There are other guidelines set by the court:

¹¹Hon'ble Justice Enoch dumbutshena (Zimbabwe), the role of the judge in the development of human rights, 1300, Heinonline, a common economic report.

¹²AIR 1994 SC 1349.

- The person held in custody has the right, if asked to have one friend a relative or another person known to or who is interested in their welfare, told how well he was arrested and where to be arrested.
- The police officer will notify the person who was arrested when they arrived at the police station.
- Entry should be a diary of who is notified of the arrest. This protection should be completed from Art 21 and 22 in the Constitution of India.
- Sing Nahar Sing Yadav and another v. Union of India and others¹³. A provisional court means that "true and equal inspection is Article 21 of the Constitution. Therefore, it can be clearly documented in this regard, that the court must take care and take care of all the administrative action.

III. PRISON

Violation of the rights of the prisoners:

The state of the prisoners was increasingly apprehensive in India. Law enforcement workers face the abuse of human rights in general to include misuse of life in allegations of suspicion, death in custody and the unseen use of firearms. According to the national Bureau of State of the Government of India, eight people died in custody and 42 people died in police killings in 2005. Besides, at least 87 people were killed between January and March 2005, and a total of 238 in 2004 and 214 in 2003¹⁴. Therefore, it is the duty of all courts to visit regular visits and prison visits to verify the detention status of prisoners.

SUGGESTIONS

There are some very important suggestions to ensure that Justice Reform is a crime.

1. There is a need to check during courts.

¹³(2011) 1 SCC 307. Section 21.

¹⁴Id. in 184

2. Currently there are court cases pending and unfortunately, there is no true data in this and, in addition, the High Court and the High Court do not publish the annual management report on the avoidance of cases.
3. Now another tax collector is a government sentence (Sec.197) before persecuting a public servant in Section 166 of I.P.C. creates a major barrier to energy use under section 166 of the Indian penalty code. Therefore, its need for exclusion. Even the National Police Commission in 1979-1981 in Article 8 raises the withdrawal of the Phase. 132, 197 of Cr.P.C.
4. It is a counterfeit that most of the existing law today does not expire, it seems that the prescribed sanction under the laws is as influential and difficult as it is not affected by the crime situation. The Police Act, in 1861 is an example of that.
5. Cases must be assigned according to the person. It was also commended by the Malmath Committee (on November 24, 2000) to judge cases without taking into account the consequences of delays in decision-making.
6. There is a need to reduce political influence because, the Police Service Act, 1861 examines the ranks of police directly in the hands of a political officer in government. In the meantime, the Head of Police (Director-General / Auditor General) enjoys his position with the joy of the Executive Minister. Possibly removed from posts at any time without giving any reasons. Such an economic climate has led to political policing.

So last but not least in the light of civil cases, new revisions and corrections are necessary.

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