Indexed with IIJIF
Impact Factor : 1.021
ISSN: 2456 - 608X
International Journal of Legal Research and Studies
A Peer-Reviewed Refereed Online Law Journal

ADMINISTRATION OF CRIMINAL JUSTICE IN INDIA- AN ANALYSIS

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"*A herd of wolves, is quieter and more at one than so many men, unless they all had one reason in them, or have one power over them*"[1]

There was no criminal law in uncivilized society. Every man was liable to be attacked on his person or property at any time by any one. The person attacked either succumbed or over-powered his opponent. *"A tooth for a tooth, an eye for an eye, a life for a life*" was the forerunner of criminal justice. As time advanced, the injured person agreed to accept compensation, instead of killing his adversary. Subsequently, a sliding scale of satisfying ordinary offences came into existence. Such a system gave birth to the archaic criminal law. For a long time, the application of these principles remained with the parties themselves, but gradually this function came to be performed by the State[2].

Man is essentially a gregarious being. He as a social being cannot live in isolation. For living in society in peaceful and enriched manner, there should be law to govern human being. However, there is no uniform reason in human being as everyone has his own wishes, interests, will and passions. Hence, it is necessary for the peaceful and orderly society to have common dominance over all the humankind. The force, which has to be used by common power as an instrument for the coercion of humankind, to keep them in reason of law is called as Administration of Justice.

Administration of justice is one of the primary functions of civilized State, for the want of which human being tends to redress his wrongs by his own hand as had been done in primitive society. The common dominance, through different instrumentalities of law, regulates the rights, liberties and obligations of human beings.

Administration of law divided in to two parts.

1. Administration of Civil Justice
2. Administration of Criminal Justice

The distinction between crimes and civil wrongs is roughly that crimes are public wrongs and civil wrongs are private wrongs. Blackstone says:

"Wrongs are divisible into two sorts or species, private wrongs and public wrongs. The former are an infringement or privation of the private or civil rights belonging to individuals, considered as individuals, and is thereupon frequently termed civil injuries; the latter are a breach and violation of public rights and duties which affect the whole community considered as community; and are distinguished by the harsher appellation of crimes and misdemeanours"[3]

The violation of public rights is crime, and thus deemed by law to be harmful to the society as against only to individual. However, the immediate and direct victim of crime seems to be individual, but its indirect and gradual effect is on the society. Murder injures primarily the particular victim, but its blatant disregard of human life is beyond a matter of mere compensation between the murderer and the victim's family. As crime gradually affects the society, they shall be prosecuted by the State so that if they convicted, may be punished.

It is obvious expectation from the Criminal Justice system in every democratic society to provide maximum sense of security to the people at large by dealing with every instance of crime and criminals and that is too effectively, quickly and legally. The main objective of administration of criminal justice is to reduce the level of criminality in society by ensuring maximum investigation and detection of crime, fair and speedy trial, conviction of accused person without delay and awarding appropriate punishment to the culprit to meet the ends of justice.

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A criminal justice system is set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations.

Criminal justice is the system of practices and institutions of Governments directed at upholding social control, deterring and mitigating crime, or sanctioning those who violate laws with criminal penalties and rehabilitation efforts. Those accused of crime have protections against abuse of investigatory and prosecution powers.

The criminal justice system of any county is constituted of several legal and social institutions for the enforcement of criminal law in country. The primary aim of the criminal justice system is maintaining law and order in society, prevention of crime, imposing deterrence on criminals to mitigate crime occurrence and inflicting punishment on the guilty persons. However, the function of criminal justice system, in its modern connotation does not stop here, but the system must engage in rehabilitation of the offenders.

The study of working of criminal justice system reveals that there are following institutions through which the criminal justice system of any country generally, functions-

1. Law Enforcement Authorities (Police and others)- ***Investigation Agency***
2. Prosecution, Prosecutor and Defence Lawyer- ***Prosecuting Agency***
3. Judiciary- ***Trial and Punishing Agency/Adjudication Agency***
4. Custodial Institutions (Jails/Prisons)- ***Punishment Executing Agency***
5. Correctional Institutions (Parole, Probation)- ***Reforming Agency***

In general, through these Agencies State deal with crime, criminals, criminal procedure rules, and limitation laid down by the Sovereign. It is old age recognized function of all civilized State that they are empowered to prosecute and punish the offenders. However, the notions of punishment has been undergone a radical change by passage of time. The purpose of the administration of criminal justice and its development thus, can be understood in the form of theories of punishment in following way-

1. Deterrent Theory
2. Preventive Theory
3. Retributive Theory
4. Reformative Theory
5. Compensation Theory

***1. Deterrent Theory* :**

It is evident from the past that the modes of punishment in old days were largely deterrent in nature. The idea behind the deterrent punishment is that of prevention of crime by infliction of exemplary sentence on the offender so that no one even offender again and society at large would dare to commit crime. The punishment, under deterrent theory, is used to teach the lesson to offenders and others. Capital punishment is good example of punishment under deterrent theory.

***2. Preventive Theory*:**

Prevention means disabling the criminal to do further crime. The object of the deterrent theory is to put an end to the crime by causing fear of punishment in the mind of wrongdoer and possible wrongdoer. The preventive theory of punishment facilitates for prevention of crime by immobilizing the criminals such as by detention in prison or by inflicting capital punishment and finishing his life or suspending or cancellation of license etc. Human rights activists always support the preventive theory of punishment as it embodied better humanizing influence on criminal law as compared to deterrent theory.

In this respect, it is relevant to place the following extract from Rule 58 of the Standard Minimum Rules for the Treatment of Prisoners[4]:

"*The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life*".

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Thus, the end of punishment is to prevent the occurrence of like offences. It aims at attaining social security through prevention of criminals and criminal activities by disabling them.

***3. Retributive Theory*:**

Retributive theory regards it perfectly legitimate that evil should be returned for evil. It is the primitive theory of punishment. An eye for eye, limb for limb, tooth for tooth, ear for ear etc. was prevalent in uncivilized society. The theory is based on the assumption of revenge or vengeance. The theory ignores the causes of crime and does not take efforts for the removal of causes. Retribution aims at paying the fruits to the wrongdoer for his guilt. Unfortunately, this theory overlooks the fact that two wrongs do not really make a right.

4. Reformative Theory:

Punishing the person under reformative theory is the modern approach to deal with crime and criminals. This theory considers punishment to be curative or to perform the function of medicine. Thus, this theory treated crime as a disease.

The Indian Judiciary is also supporter of reformative theory of punishment. In *Rajendra Prasad v. State of U. P.,*[5] the Supreme Court observed that:

"It is illegal to award capital sentence without considering the correctional possibilities inside prison. Anger, even judicial anger, solves no problems but creates many. Have the Courts below regarded the question of sentence from this angle? Not at all. The genesis of crime shows a family feud. He was not a murder (in this case) born but made by the passion of family quarrel. He could be saved for society with correctional techniques and directed into repentance like the Chambal docoits".

The theory believes that the offender who is in prison shall serve his sentence in such a manner that his stay in prison would afford him opportunity to re-educate him and to re-shape his personality.

5. Compensation Theory:

According to this theory, the object of punishment is not to be confined to punish the criminals and prevent them to do further crime, but it should also compensate the victim of crime. In our discussion, we have seen that this kind of punishment was prevalent in past. The theory is deal with what it is called as Victimology.

In *Bachan Singh, Ujjagar Singh and others v. State of Punjab and others*,[1] it was rightly observed by Bhagwat J. (as he was then) that there are three justifications traditionally advanced in support of punishment in general, namely,

(1) Reformation;
(2) Denunciation by the community or retribution and
(3) Deterrence

These are the three ends of punishment, its three penological goals, with reference to which any punishment prescribed by law must be justified. If it cannot be justified with reference to one or the other of these three penological purposes, it would have to be condemned as arbitrary and irrational, for in a civilized society governed by the rule of law, no punishment can be inflicted on an individual unless it serves some social purpose. It is a condition of legality of a punishment that it should serve a rational legislative purpose or in other words, it should have a measurable social effect.

If we study the underlying idea of all the basic theories of the punishment, we come to conclusion that no theory of punishment is complete answer in itself. Every theory is interlinked with the other and they are not mutually exclusive. A perfect Penal Code must be judicious combination of these various purposes of punishment.

HISTORICAL RESUME

As already mentioned, there was no existence of criminal law in uncivilized society. The first stage in evolution of criminal law was personal revenge. Everyone was liable to be attacked on his person or property at any time by any one. This was led to personal vengeance. The person who was attacked by other either succumbed or over-powered his opponent. Every man was a judge in his own cause.

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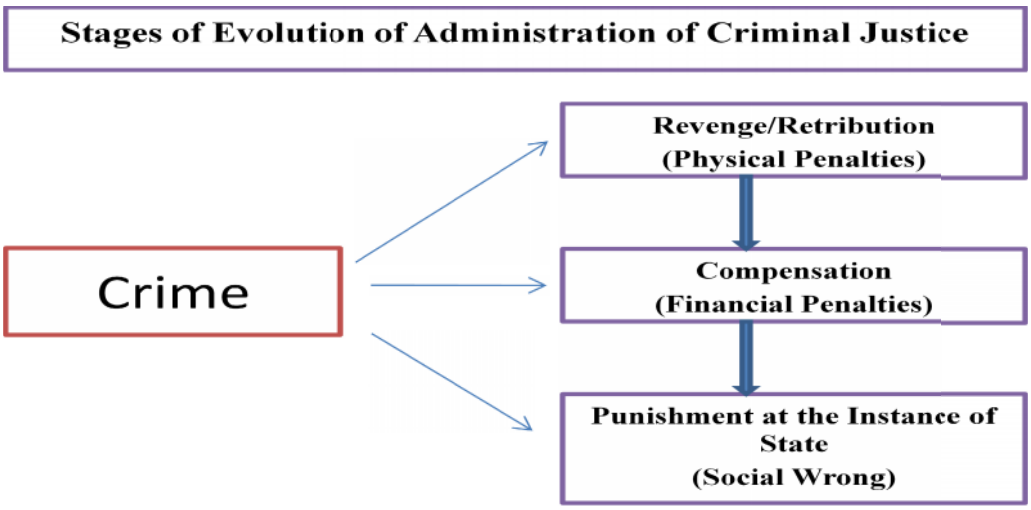
In early society, the victim had himself to punish the offender through retaliatory and revengeful methods. Self-help, through retaliation by the individual victim, was the only method then available. The idea of retribution dominated the Criminal Law in its earlier stages. This was in accordance with the human nature. To take a simple example which is applicable to all time is that when a child falls on the ground and hurts himself, we are often kicked the ground before the child, so that child would console. The sentiment of revenge is thereby satisfied.



However, as the society advanced, and time fled away, the notion was changed and injured person/victim of the crime in general, agreed to accept the compensation instead of taking revenge and giving retributive treatment to the offenders. The development was from physical to financial penalties. The offender and the victim introduced the redemption of revenge and submitted the judgment of guilt to negotiation.

Later on, as the civilization develops, this notion also ceased to exist in its place and the State become more powerful. The gradual disappearance of the concept of the individual punitive right (vengeance) including restitution and of the compensation shift to State's control over criminal law was the result of several factors.

The then State i.e. King wanted to have control strong power over the people. Pollock and Maitland give reasons of such shift. According to them, the system of compensation as expected by the representatives of the victim was extremely harsh on the offenders who could not afford to pay their victims because of which many offenders were outlawed or placed in slavery[6]. The crime was regarded as public wrong and for which State has power to punish the offender. Now, it became the duty of the State to protect society from the crime criminals.

In early periods, ancient India manifested the administration of criminal justice based on religion (Dharma). It distinguishes right and wrong as virtue and sin. Law in ancient India was regarded as higher than society, and it was held the duty of society to conform to Law. Strictly speaking, therefore, there could be no such thing as legislation in the early ages. In fact, if the term 'law' be understood in the limited sense of command of sovereign authority, there was no law at all. The Hindu legal system has laid great emphasis upon duty rather than on right, upon obligations to society than on privileges. Every law in ancient India was Dharma and had its roots and justification on principles of right conduct. The end of law was to promote the welfare of men.

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According to Manu, the sources of law are:

1. The Vedas,
2. The Smritis,
3. Good customs, and
4. Self-satisfaction[7]

Yajnavalkya gives Manu's four sources, but adds ten more as subsidiary sources, thus bringing the total up to fourteen. The secondary sources are-

1. Deliberation,
2. Decisions of Parishads and of persons learned in the Vedas,
3. The Puranas,
4. Nyaya,
5. Mimamsa,
6. The Dharmasastras,
7. Temporary needs not inconsistent with one's duties,
8. Royal edicts,
9. Special usages of corporations, guilds, and communities of heretics, etc., and
10. Local customs[8]

Manu also incidentally refers to the primeval (primitive) laws of countries, of castes, of families, and of heretics and companies (of traders and the like) as rules governing human conduct[9].

Barbarous punishments such as mutilation of limbs and detracting punishments such as riding on an ass, sprinkling of urine and shaving of the head, etc. were also provided for criminal offences. The brutal forms of punishments were beheading, drowning, burning, roasting, impaling (pierce), cutting into pieces, trampling down by wild elephants, tearing to pieces by dogs etc. "In the case of mutilation and execution, as in other ancient systems of punishment, the principle of retaliation as well as symbolical punishments come into play. The offender or the robber shall lose that limb with which he assaults or injures anybody…. Moreover, the brand-marking of the drinker with the flag of a tavern (inn, pub) and of the incestuous person with the mark of feminine pudendum were also symbolical[10].

The punishment awarded in criminal cases corresponded to the nature of the offence. According to Manu, the gravity of the offence varies with the caste and creed of the criminal and so does the sentence. The protection given to Brahmins was paramount and they were placed above all. In case of theft, for instance, the Brahmins remained unpunished if he took away the property of his *Sudra* slave. Stealing gold from a Brahmin, on the other hand, was considered to be an offence punishable by death[11]. Thus, the law was not same for all, but depended upon the status of the person concerned.

ADMINISTRATION OF CRIMINAL JUSTICE UNDER MOHAMMEDAN LAW

The system of administration of criminal justice of the ancient days continued up to nearly twelfth century after Christ. After the Mohammedan rule established in India, the people were forced to the criminal jurisprudence of Muslims.

It was Qutub-Uddin-Aikab in 1206 A.D. who laid the foundation of a stable Muslim administrative system in India which continued through Mughal rule until the grant of Diwani to the East India Company in 1765.

The Muslim legal system had its origin in the *Quran*, which is said to have been revealed by god to the Prophet. The *Quranic* law had originated and developed outside India, viz., in Arabia and Egypt, the chief centres of Islamic thought and culture. The cruel and barbarous penal system of the ancient days continued during the long reign of the Mughals in India. In Muslim law, the concept of sin, crime, religion, moral and social obligation is blended in the concept of duty, which varied according to the relative importance of the subject matter. The administration of criminal justice was entrusted in the hands of *Kazis*. The punishments varied according to the nature of the crime.

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Broadly speaking, the punishment was fourfold, namely-[12]

1. *Kisa/Quisas*- Retaliation
2. *Hadd*- Fixed punishment
3. *Tazir* or *Syasa*- Discretionary or exemplary punishment
4. *Diya or Diyut*- Blood Money

However, the notions of Kazis about crime were not fixed. It differed according to the purse and power of the culprits. As a result, there was no uniformity in the administration of criminal justice during the Muslim rule in India, and it was in a most chaotic state. The Mohammedan criminal law was defective in many respects. It gave no weight to the testimony of unbelievers. In cases, where women were charged with sexual offences, their testimony was also rejected. In such cases, the law was not satisfied with less than the positive testimony of four men, who are eyewitnesses to the fact and of ascertained credit. It was undoubtedly very harsh and cruel in certain cases. Death sentence was awarded to a married man, who had sexual intercourse with a woman other than his wife. The result was, as was remarked by Stephen 'a hopelessly confused, feeble, indeterminate system, of which no one could make anything at all'.

Under Moghul rule, civil justice and revenue laws came under the authority known as Diwani, whereas military and criminal justice came under Nizamat.

ADMINISTRATION OF CRIMINAL JUSTICE DURING BRITISH RULE AND MODERN INDIA

The Mohemmedan system of administration of criminal justice was in vogue when the East India Company spread its domain in India. In the beginning, British engrafted the Muslim system of administration and did not try to change the criminal law administration, which was prevailing there. However, the British have faced much difficulty. As a result, the Moffussil as well as the Presidency Courts gradually began to turn to the English law for the guidance and help.

The Regulating Act of 1773 established a Supreme Court consisting of a Chief Justice and three puisne (other than Chief Justice, Junior Judge) judges established at Calcutta. In 1793, Lord Cornwallis (who came to Indian after Warren Hastings in Sept. 1786) passed judicial regulations, which formed the foundation of the existing system. He, for the first time, introduced the principles of administration according to law and laid down the foundation for the superstructure of the British patter of the Jurisprudence. Cornwallis started his reforms of the criminal law and its machinery after observing, for more than three years, the functioning of the existing law and the criminal judicial system.

The Muslim law of evidence had also gone under the drastic change so as to eliminate the discretionary treatment which was given to the non-Muslim (*Zimmis*) in the matter of their evidence. The discretionary treatment was abolished in April 1792.

Till now, the Muslim Criminal law was continued to be implemented, which resulted in detention of large number of persons in the prisons in *Diwani* territories as they could not able to pay *Diyut* i.e. blood money on their conviction. They were from long time in prisons and did not know the period of release. This indefinite period of imprisonment sufficiently made them and their families in miserable and depressed condition. However, this punishment is abolished in 1797 by Rugulation XIV of 1797. The *Sadr Nizamat Adalat* was authorized to grant them relief by setting them free. It is further provided that all fines imposed on criminals were, thenceforth, to go to the Government and not to individuals. If fines could not be paid, definite terms of imprisonment for the convicts were fixed in lieu and only on expiry thereof the prisoners was to be released. The provision for recommending case by the Judge to the Governor General in Council to mitigation or grant of pardon, in cases of injustice for application of Muslim law, had been made in 1797.

This is the first known incident in the history of criminal justice administration of modern India that the provisions for the prisoner in imprisonment were made so that they could get their release within definite time.

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In later years, the attempt was made to harmonize the criminal law so as to applicable equally to all. Perhaps the process of the reformation after the Cornwallis was slowed down.

Regulation XVII of 1817 made another reformation by providing that conviction and punishment could be possible on confession, credible testimony or circumstantial evidence. It also laid down the maximum punishment of seven years imprisonment with hard labour and thirty-nine stripes for the offences of adultery and rape as against the punishment under *hudd* of stoning or scourging.

Indian administration of criminal justice evidenced the drastic changes from 1832. The application of criminal law from this year was made optional for the non-Muslims. The provision to that effect was embodied in Regulation VI of 1832. However, it did not specify which law would be applicable to them.

It may be noted that in the first half of the 19th century the needs and exigencies of administration had asked for the replacement of Mohammedan Criminal Jurisprudence. Accordingly, with the passing of the Charter Act, 1833, the first Law Commission was setup in 1834 under a noted Benthamite-Lord Macaulay who also undertook the task of drafting the Penal Code for India to bring about uniformity in criminal law. The draft was very much influenced by the *French Penal Code.* It came in to force on 1862 famously known as Indian Penal Code, 1960.

The first criminal procedure law in India was passed in 1861 following the passing of Indian Penal Code, 1860 named as the Code of Criminal Procedure, 1861. The Code of Criminal Procedure, 1861 was an experiment as there was no model except that of France of 1808. However, the model of France mainly belonged to the *inquisitorial system* of criminal trial.

Finally, in 1882 a new criminal procedure Code was passed which was made applicable to whole country to be known as Code of Criminal Procedure, 1882 (Act X of 182), which was supplanted by a new code of 1898 which mainly formed the basis of our now existing Code of 1973 i.e. the Code of Criminal Procedure, 1973.

The Code of Criminal Procedure in India followed the accusatorial or adversarial system, which was prevalent in England while the counties like France, Germany, Italy and other Continental countries follow Inquisotorial System. Both the systems either adversarial or inquisitorial were established with an aim of administering justice to the criminals. These systems were starts off and developed during a period when the concept of victim justice system i.e. victimology, crimino-victim justice system or equal justice to crimino-doers and victim were not thought of.

In adversary system, the judge or jury is a neutral and passive fact finder, dispassionately examining the evidence presented by the parties with the objectives of resolving the dispute between them. The fact finder must remain uninvolved in the presentation of arguments as against to the inquisitorial system, so as to avoid reaching a premature decision.

The mainstay of the adversary system resides in the privilege against self-incrimination [13] . In the accusatorial/adversarial system, the accused in a crime is presumed innocent and every charge against the accused has to be proved by the investigating agency. The accused was also enjoyed the right to silence and cannot be compelled to reply. To quote the famous English saying: **"*It is better for 99 guilty persons to go free than for one innocent person to be punished*"**. The aim of the Criminal Justice System is to punish the guilty and protect the innocent. This is also inherent in Article 20 (3) of the Indian Constitution.

Another feature of the adversarial system is that both the parties represent their version through the advocates. Thus, the assistance of the counsel is the essence of the adversarial system. In India, it is also well recognized that right to legal aid is fundamental right under Article 21 of the Constitution. This right is well accepted in *M. H. Hastok v. State of Maharashtra.*[14]

An inquisitorial system is a legal system where the court or a part of the court is actively involved in investigating the facts of the case, as opposed to an adversarial system where the role of the court is primarily that of an impartial referee between the prosecution and the defense.

The Malimath Committee in its recommendations, after examined in particular the inquisitorial system, which is followed in France, Germany and other Continental countries, opined that the inquisitorial system is certainly

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efficient in the sense that the Judicial Magistrate supervises the investigation, which results in a high rate of conviction. However, at the same time, so as fair trial is concern, the Committee observes that, a fair trial and in particular, fairness to the accused, are better protected in the adversarial system.

In recommending the system to be followed in India, the Malimath Committee took the mid way and suggests the blending of the two systems. The Committee opined that, some of the good features of the Inquisitorial system could be adopted to strengthen the Adversarial System and to make it more effective. Some of good features of Inquisitorial system such as the duty of the Court to search for truth, to assign pro-active role to the judges, to give directions to the investigating officers and prosecution agencies in the matter of investigation and leading evidence with the object of seeking the truth and focusing on justice to victims.[15]

Indian criminal administration justice scenario witnesses that we are blindly following the draconian principles, which were designed by the British in 1833-1862, with little modification in it. It resulted in to severe lacunas in substantive as well as procedural law. The criminal administration of justice in India mainly based on the following laws-

1. The Indian Penal Code, 1860
2. The Code of Criminal Procedure, 1973 and
3. The Indian Evidence Act, 1872 along with other Special Local Legislation

The suffering areas of the Indian criminal justice system is- old-fashioned and inefficient institutions and agencies, lack of well trained, skilled and policed human and technical resources, lack of investigations expertise, a confession oriented approach to interrogation and easy abuse of human rights, lack of willingness of the State to take action against the abusers of human rights, corruption embedded in the Government machinery at all level and major problem is inadequacy of judges and courts. There is still need to do more work in these fields.

CONCLUSION

Administration of criminal justice remains in the hands of Government in modern concept of State. It is the duty of the State to give the law and get it enforced through the different agencies of the Government. The Police, Prison, Executive and the Judiciary are the main elements and agency for the proper administration of justice. However, there is no much changes in Police

The criminal law defined the acts or omissions, which are prohibited by the State, the violation of which resulted in sanction at the instance of State. While the criminal procedural law prescribes the method in which a crime is to be investigated, the accused is to be treated and punishment is meted out.

Various amendments are brought out changes in criminal procedure code to provide humane approach to criminal justice system. However, substantial provisions for victim of crime are needed to be embodied in legal system. There is need to have a new and simplified Code of Criminal Procedure to ensure speedy dispensation of Justice on the line of the reports submitted by the Law Commission and Malimath Committee.

There is no significant changes have been brought about in the structure of Police Administration despite of the fact that there are numerous socio-eco and political developments in Post Independence period which brought changes in the role of police especially so far as prevention of crime is concerned. Police and Prison Jurisprudence witnessed transformation in India mostly after the judicial activism.

Criminal justice systems of almost countries are suffers from one and other problems and requires the reformation time to time. The law is essentially deal with human behaviour and human behaviour is relative one. It always suffers from bias, self-interests and discrimination. Whether it may be the case of police, prosecution, defence lawyer, judge (and jury) and prison and correctional authorities, the performance of these organs could be biased and discriminated. The need is to curb the problems, to find out the reasons behind these problems. The research in this field necessarily affords this opportunity.

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International Journal of Legal Research and Studies
A Peer-Reviewed Refereed Online Law Journal

BIBLIOGRAPHY

Books:

Agrawal , Dr. H. O. : *Human Rights, 3rd Edition, Universal Law Pub.*

All Reported Cases (1936) : *Corpus Juris Secundum: Complete Restatement of The Entire American Law.*

Ashutosh Dr. : *Rights of Accused, Edition 2009, Universal Law Publishing Company.*

Bag, R. K. : *Supreme Court on Criminal Justice, 2nd Edition, Asia Law House, Hyderabad.*

Banerjee, Pramathanath : *Administration in Ancient India, Macmillan And Co., Limited, St. Martin's Street, London 1916,*

Basu, D. D. : *Introduction to the Constitution of India, Part II, Lexis Nexis, Butterworths, Wadhwa, Nagpur.*

Basu, Durga Das : *Human Rights in Constitutional Law, Publisher Prentice-Hall of India, New Delhi 1994.*

Bhandarkar, P. L., : *Methodology and Techniques of Social Research, 16th*
Wilkinson, T. S. *Edition 2000 (2003), Himalaya Publishing House.*

Bhattacharya, S. N. : *Administration of Law and Criminal justice in India Burdwan Publication 1982, Burdwan University.*

Carlson, Peter M., Garrett, : *Prison and Jail Administration- Practice and Theory, 2nd Judith Simon Edition, Jones and Bartlett Publishers.*

Dantzker M. L., Hunter : *Research Methods for Criminology and Criminal Justice- Ronald D. Primer, Edition 2000, Butterworhts Heinemann, Woburn- NewDelhi.*

Fitzgerald, P. G. : *Salmond on Jurisprudence ed. 12th Edition, N. M. Tripathi Private Limited.*

Gaur, K. D. : *Criminal Law: Cases and Materials, 3rd Edition 1999.*

Kamalakar, Pandit : *Human Rights and Crimnal Justice by, Asia Law House, 1st Edition, 2010, Asia Law House, Hyderabad.*

Pandey, J. N. : *Constitutional Law of India, 42nd Edition 2005-2010, Central Law Agency, Allahabad.*

Paranjape N. V. : *Criminology and Penology 14th Edition, Central Law Pub.*

Pillai, P S A : *Criminal Law, 9th Edition, Lexis Nexis, Butterworths, Wadhwa, Nagpur.*

Ratanlal and Dhirajlal : *The Code of Criminal Procedure, 19th Edition 2010, Lexis Nexis, Butterworhts, Wadhwa Nagpur.*

Sethana, J. M. J. : *Society and Criminal, 3rd Edition, N. M. Tripathi Pri. Ltd.*

Shah Tushar V. : *Law Relating to Jails, Prisons and Prisoners in Maharashtra, Edition 2008, Current Publications.*

Siddique, Ahmed : *Criminology- Problems and Perspectives, 4th Edition Reprint 2001.*

Sirkar, Sir Jadunath : *Mughal Administration, Bombay 1972: Orient Longmans*

Sridhar, Dr. Madabhushi : *F. I. R., Arrest and Bail, Edition 1999, Asia Law House.*

Srivastava S. S. : *Criminology and Criminal Administration, Edition 1996, Central Law Agency, Allahabad.*

V. Suresh & D. Nagasaila : *Criminal Law, 9th Edition, Lexis Nexis, Butterworths.*

Vali Dr. Hyder B. : *Rights of Accused in Criminal Trial, Edition 2003, Gogia Law Agency, Hyderabad.*

Wagh, S. S. : *Basic Law of Evidence, Sone Publication, Pune.*

Indexed with IIJIF
Impact Factor : 1.021
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A Peer-Reviewed Refereed Online Law Journal

Web-Sites:

1. *http://en.wikipedia.org/*
2. *http://en.wikipedia.org/wiki/Criminal_justice.*
3. *http://en.wikipedia.org/wiki/Inquisitorial_system.*
4. *http://legaldictionary.thefreedictionary.com/Inquisitorial +System.*

Commissions/Committees Report:

1. *Draft National Policy on Prison Reforms and Correctional Administration (Part I, II, III and IV)*
2. *Malimath Committee Report*
3. *Report on Reforms of Judicial Administration Vol. I (154th)*
4. *Reports of Joint Parliamentary Committees*
5. *Reports of Law Commission of India*
6. *Reports of National Human Rights Commission*
7. *Reports of National Police Commission*

Acts/Manuals:

1. *Indian Evidence Act, 1872*
2. *Model Prison Manual, 2003*
3. *Protection of Human Rights Act, 1993*
4. *The Code of Criminal Procedure, 1973*
5. *The Constitution of India Act, 1950*
6. *The Indian Penal Code, 1860*

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[1] *Jeremy Taylor, Works, XIII 306, Herver's ed. cited from Salmond on Jurisprudence, Edition By P. G. Fitzgerald, 12th Edition at p. 88*
[2] *Malimath Committee on Reforms of Criminal Justice System, Government of India, Ministry of Home Affairs, 2003, 1.1.8 pg. 10.*
[3] *Salmond on Jurisprudence ed. By P. G. Fitzgerald, 12th Edition at p. 91-92*
[4] *Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31st July 1957 and 2076 (LXII) of 13th May 1977*
[5] *AIR 1979 SC 916, para. 103, 104*
[6] *Pollock, Frederick and Maitland, Fredrick William: The History of English Law p. 460*
[7] *Manu, II. 6 and II. 12, Sacred Book of the East*
[8] *Yajnavalkya, I. 1, 2 and I. 1, 8*
[9] *Manu, I. 118*
[10] *Jolly, Tr. Ghosh, Hindu Law and Custom, 1928 p. 281-282*
[11] *See Manu Institutes of Hindu Law, Chapter III.*
[12] *Essays on the Indian Penal Code, 1962*
[13] *Malloy v. Hogan, 378 U.S. 1, 7 (1964)*
[14] *AIR 1978 SC 1548*
[15] *Vide Malimath Committee Report 2003 at para 2.6, 2.7, 2.8, 2.9, 2.10 and 2.11*