

STUDY OF ADMINISTRATION OF CRIMINAL JUSTICE

- Shreya Shekhar Singh & Ankita Sinha¹

Abstract

What do you mean by administration of criminal justice?

When it comes to preserving public safety, social order and the rule of law, then criminal justice administration becomes essential. An overview of a thorough investigation that examined several aspects of the criminal justice system's administration is discussed in this abstract.

This research paper explores the various facets of criminal justice system such as adjudications (means the procedures of court, decision making processes, the fairness of trial proceedings), corrections (means the effectiveness of correctional facilities, rehabilitation programmed treatment of inmates) and law enforcement that includes (the use of technology in prevention of crimes, police tactics etc.)

Additionally, the research looks at how the criminal justice administration intersects with more general societal problems, gender equalities with the help of the legal provisions like Article-20, Article-21, Article-22 of Indian constitution and then Article-134 of Indian constitution² which appeals to the supreme court in criminal matters and powers of president and governor to pardon, suspend, remit sentences under (Article-72 and 161) and other articles as well.

In order to provide thorough understanding of the administration of criminal justice the study uses the case laws that would be discussed in chapter 3 of this research paper. The paper will also use methodology which will include the data analysis, research methods and policy evaluations.

The findings of this research paper will support evidence-based policy making, encouraging enhancement to criminal justice procedures, encouraging accountability and openness in the system and an efficient criminal justice system that protects the rights and dignity of every person.

¹ Students at MIT World Peace University, Pune

² INDIA CONST. art. 134

For general queries or to submit your research for publication, kindly email us at ijalr.editorial@gmail.com

<https://www.ijalr.in/>

Introduction

The study of criminal justice administration is a multifarious varied discipline that dives into the complex workings of the legal system, the law enforcement and correctional institutions. It covers a wide side of subjects, ranging from criminology, law to sociology and psychology. Basically, it tries to understand, analyze and improve the mechanism by which society maintains orders and laws and administer justice.

Basis of criminal justice Administration

Fundamentally, the administration is dependent on equality, justice and individual rights. For the explanation of behavior of criminals, it takes the number of theoretical frameworks like social bond theory, deterrence theory and rational choice theory. Additionally, it focuses on how the organizations like the police, the court and jail deal with criminal activities and maintain the public order.

Black and white

Here black and white refers to the enforcement of law. Basically, the law enforcement is the most important element of this administration. In order to know the crime, to catch criminals and maintain the rule of law, the agencies of policy making are important. To know both the existing and new types of criminal activity, the administrations use various tactics such as predictive analysis and civilian policing. They also have to maintain the demands of individual liberty with the essential of crime control while steering difficult moral and legal challenges.

Decision-Making

The important element of managing the criminal justice system is decision making which is settling the legal problems through the judicial system. Justice is carried out and the process is respected, thanks to the juries, judges, prosecutors and defense lawyers. They consider the facts, interpret the laws and punish those convicted of crimes. They also work to enhance procedural fairness, accountability, and openness in the legal system.

Rectifications

The rectifications that include various treatments that are targeted at rehabilitating prisoners and improving them into society, is the last stage of the criminal justice system. The important areas of the penal system are prisons, parole, probation and rehabilitation programmers but as the system struggles with the overcrowding.

Decadence and the unequal effects of imprisonment on diminished communities, the effectiveness of these policies is up for analysis.

Barriers and Change

The criminal justice administration had various difficulties in the contemporary period, even with remarkable advancement in recent years. This embraces the exchanging pattern of crimes, limited resources, social inequalities and technology breakthroughs. Moreover, the appearance of new challenges like cybercrime and terrorisms demands constant developments and adaptation on the part of the industry. In order to address these concerns, academics, interpreters and legislators are interpreting novel solutions like restorative justice, program diversion and evidence-based methods.

Chapter I

This chapter will discuss the adjudications, corrections and law enforcements.

The investigation process

Generally, the investigation process consists of 3 elements.

1. The public authorities become aware about the crime that either the crime has been done or is about to be done.
2. The enforcement team needs to recognize the deceased.
3. Teams should collect the evidence to represent in court as to set up beyond reasonable doubt the deceased's guilt.

Now there can be two ways through which the law enforcement obtains the information of crime. Either the investigator has seen the crime on their own or by the report from a third party. But surprisingly many crimes are found by the police by direct observation, only rarely, in reality this is not the case in most cases. When police is on patrolling of particular area they may notice suspicious activities. Furthermore, there are many crimes including the drug offense, prostitution, possessing of illegal weapons, and do not have witnesses who are willing to report

the incidents to the local police. In spite of knowing the facts that these cases involve effective evidence, informants and investigations which are crucial for the success of investigations.

The local people are another important source of information about the information of crimes. Globally, every crime is not reported to the police, and not every incident on file really happened. There are many fake cases that are registered in our legal system.

There are various reasons why the witnesses doesn't come forward. They may think that there is no chance to catch the offenders and these types cases are mainly happens in High profile rape cases. There are many other cases than rape cases. The witnesses fear that the accused may take revenge or walk on them. They might be relatives of the accused or have intimate terms with them. Therefore when the proper study has been done it comes to know that the rate of reported crime is more less than the actual crime that is not reported. The most common crimes which are not reported are the homicides, domestic abuse or the sexual abuse.

The police should take initiatives as soon as possible when they come to know that crime has been committed. They need to gather the evidence and witnesses that are admissible in court of law. Although these two processes are identical but they are not same as the police uses the evidence to catch the likely perpetrator which is not a valid proof in court. For example, the police investigation depends on the statements of witnesses of what they heard rather than what they have actually seen on the Crime scene even after the witnesses were willing to testify the rumors would prevent them from testifying. The Other example that the criminals who were arrested for the crime they have done at the present time are the crimes which have been done by them earlier in their history of crime. The authorities must take the evidence to prove the crime into account when selecting the potential suspects. Other than that people blame the places for crimes in which they were participated to others who were not involved or little involved. Now there is one more issue that the witnesses can use the false alibi for shielding the guilty. Physical evidences like blood stains, drugs found in car or the weapons found at crime scene are impervious to fraud but, it can also be misled in other contexts.

The authorities have to select the potential suspect to deal with these challenges and tight time and the financial restrictions. Due to the fact that police have an unfair advantage because police departments can evaluate the performances of their officers based on the clearance rate or the percentage of offenses that result in arrest. Nevertheless, even if the police have intense suspicions about a suspect's identity, they cannot prove it because of insufficient evidence.

It's clear from the above process that law enforcement has to make tough choices to allocate their resources in a society where almost only 1/3 th of the crimes result in arrest and half of them go unreported. The undercover and detective agents can be assigned to particular types of crimes. If we have too many police authorities then it might be really discriminatory or perceived over enforcement.

It is very important for us to adapt the paradigm in investigation which is led by police and followed by court decision making where the situation would be such that the prosecutor will lead the investigation. Now the prosecutor's investigation will focus on the crimes which are organized like white collar crimes which are political in nature.

The Adjudicatory Stage

This stage is the legal procedure where the court decides that an accused person is known to be guilty or innocent. This stage comes after the investigatory stage and the prosecution and it comes before sentencing or procedures appeal.

In this phase the review is done by the court and the evidence is put forth by the defense and the prosecution; it assesses all the credibility of testimonies and then it applies to the case. This stage is characterized as the adherence of rules which aims to provide fairness and due process to all the parties that are involved. This also includes the right to legal protection, opportunity to defend yourself and the notion of unassuming until proven guilty.

Ultimately, the accused's outcome is guilty or not of the charges that are against them. However, if found guilty, they may be sentenced and if not found guilty, the court will acquit the individual and the proceedings against them will end. The adjudicatory phase is the most crucial phase of the judicial system to maintain the values and the rule of law.

The Criminal Trial

This stage is the most important in the study of administration of criminal justice. This stage is an instrument for resolving disputes, proving innocence, and enforcing appropriate punishments. This phase is designed to follow rules and provide equality and fairness and respect towards the rules and fairness.

Essentially, the prosecution that is either state or government prove the evidence and give arguments in an attempt to prove the respondent's conviction beyond a probable cause during the trial. On the other hand, the defense on counsel aims to discredit the evidence presented by prosecution, develop a reasonable doubt and protect the suspect's legal rights. The trial takes place in the presence of a jury and judges who acts as impartial arbiters of law and the facts.

Juries are asked questions to determine their fairness and eligibility for settling on the case as the trial commences with selection of jury. After the hiring of jury, each side explains its case along with a synopsis on the proof that it will be offering in the course of the trial's opening statements.

Following the opening statements, the defense utilizes testimony from experts, real proof and testimony from witnesses to establish its point. The defense team may question the accused and dispute any proof that was offered. After the prosecutor's completion to its case, the defense is allowed to present their own proofs, ask for witnesses and dispute the Prosecution's allegations.

The judge delivers their judgements on evidential issues, protects the defendant's rights, while making certain legislation is adhered throughout the trial. IF required both parties can submit motions before a judge, issue challenges and debate matters of law. The jury discusses privately until reaching its decision once every argument has been provided and both parties are given an opportunity to make their last statements. If there isn't a jury the judge determines judgements regarding innocence or guilt according to the proof that is provided.

Either proven guilty or not, the decision ends the trial. After the finding of the guilt the jury will impose the punishment on the accused person, choosing an appropriate time which confers within the requirement of the law. On the remote possibility if the perpetrator if proves innocent then they will be free from the custody.

Overall, the criminal trial is an important phase in the administration of criminal justice, which represents the values, equality and due process. It represents broader cultural standards and principles and offers an environment for solving disputes and determining individual accountability.

Sentencing

Sentencing is the study of the court's judgment of the culpable individual's sentence. It involves considering factors such as gravity of the underlying crime, the past record of the criminal, both

aggravating and mitigating situations and social objectives like rehab or deterrent. The objective of sentencing is to find an equilibrium among rehab and retribution, promoting the perpetrator's rehabilitation in community but simultaneously making it responsible for what they have done. It's an expression for proportion, fairness and the overall goals of the system, that seek to maintain safety for all and an equitable and just society.

Chapter 2

In this chapter we will discuss about the influence that politics have on criminal policies, the ethical dilemmas in decision making and enforcement of law and after this we will discuss how to use the risk assessment tools which will help in balancing the safety of public and the rights of local people and at last we will compare and analyze our criminal justice system from other countries.

Political influence on the policies and administration of criminal judicial system

Political impact on the rules and regulation of the administration and policies of the criminal judicial system created an issue in the system. Every single factors of the system intersect with the system in some or the other ways like partisan agendas or electoral factors or public sentiment.

Through drafting and enacting laws, politicians-including legislators, directors or mayors-have an importance on the creation of criminal law. Election promises, safety, views or prevailing views on politics often influence their decisions. Also, the legislative plans or objectives may be influenced by electoral pressure by advocacy organizations, law enforcement organizations and other interested groups.

Furthermore, political consideration could have an effect upon choices regarding prosecutor privacy, enforcing objectives or allocation of resources since the legislative branch -which comprises law enforcement organizations or prosecutors-operates within an atmosphere of politics. Attorney generals or deputy sheriffs were instances of elected appointments which can additionally bring their political perspectives into their roles that might affect the management and execution of laws.

Further, despite its apparent liberty, the court system remains bound by influence from politicians. Ideological prejudices may be brought to the legal system through election for judges

or suggestions, that may influence judgment about parole, punishment and the application of the rights guaranteed by the constitution.

Generally, government influence on the field of criminal justice administration or legislation shows that politics, society or laws interact by affecting the rules for fairness, retribution and prevention of crime. Throughout the framework of the criminal justice system, maintaining equilibrium between political motivation and the principles of fairness, equity and supremacy is an ongoing struggle.

Ethical Difficulties in Law Enforcement and Judicial Decision Making

Ethical difficulties in law enforcement and judicial decision making present complex challenges that need balancing the goal of justice with upholding moral principles and legal standards. These difficulties drive from situations where competing values, interests or obligations come into conflict, requiring individuals within the criminal justice system to make hard decisions with significant consequences.

In law enforcement, ethical difficulties may rise in various contexts, like the use of force, secret operations, interactions with vulnerable populations. For example, police officers may face the difficulties of whether to use fatal force in situations where their lives or others are threatened, balancing the need to protect public safety with concerns about immoderate force and the sanctity of life. Same wise, secret operations arise questions about the ethical boundaries and the potential harm to innocent individuals caught in the operations net.

Decision-making, ethical difficulties in judicial situations such as sentencing, plea bargaining, and judicial impartiality. Judges may struggle to maintain a balance between taking into account mitigating factors and recovery efforts and enforcing punishment that properly represents the significance of the offense. The aim is to pursue the justice and the defendant's rights for a fair trial that may clash with the incentive to settle cases quickly through plea negotiations.

With political pressure, public opinion, or personal biases while maintaining judicial impartiality poses ethical challenges for judges as decisions can have far reaching implications for individuals' lives and the integrity of the justice system.

Ethical difficulties in law enforcement and judicial decision-making require a responsibility for ethical standards, training and a willingness to critically examine institutional practices and policies. Maintaining the values of justice, and the rule of law within the criminal justice system

requires ethical decisions while following legal and professional norms of conduct, accountability and transparency.

Discussing risk assessment tools in regard with pretrial detention which balance public rights and safety

A balance using risk assessment tools in pretrial detention to preserve both public safety and the rights of those awaiting trial. These are designed to help judges assess a defendant's risk of not showing up for court if released on pretrial, also a possibility that the defendant may commit crimes in the future. Risk assessment tools to present both practical and ethical issues, even though they have the ability to improve the effectiveness and equality of pretrial decision-making.

The risk assessment tools offer a data-driven approach to pretrial decision-making, moving from reliance only on subjective judgements or financial resources. Factors such as criminal history ties to the community, and previous failure to appear, can be considered as tools to help identify who pose a high risk of reoffending or flight, allowing judges to tailor pretrial understanding conditions.

While using the assessment tools also have potential biases and inaccuracies in predictive algorithms. Critics claim that the specific risk factors such as race or socioeconomic status included in these tools may negatively affect underprivileged populations and worsen already existing inequities in the criminal justice system. Concerns about responsibility and the right to correct processes are also raised by the hidden nature of some risk assessment algorithms and the lack of openness in their development and validation processes.

Also, the excessive use of preventive detention due to the dependence on risk assessment tools may harm individuals' rights for proper process and liberty. Pretrial detention especially for minimal risk defendants who might not be able to afford bail, can have serious major consequences, such as loss of job, unstable housing and strained family ties.

Broad changes to reform the structural injustice in the pretrial justice system, balancing these opposing goals requires careful accountability of the limitations and potential biases that accompany risk methods. It is important to maintain accountability, transparency and continuous monitoring of risk assessment procedures to ensure that decisions involving pretrial detention enhance individual rights and public safety as adhering to the principles of justice and equity.

Chapter 3

This chapter will discuss the case laws which will give the idea about the information provided in this research paper.

1. **Arnesh Kumar v. State of Bihar (2014)**

In this case the supreme court delivered guidelines which prevent the arbitrary arrest and detention of individuals, which emphasize the importance of protection of individual rights, including the right to liberty and presumption of innocence.

³

2. **Zahira Habibullah sheikh v. state of Gujarat (2004)**

Now this case dealt with the witness protection and highlighted the duty of the state to ensure the safety and security of the witnesses in the criminal proceedings. The supreme court laid down the guidelines for the protection of witnesses to prevent the intimidation and harassment of witnesses thereby enhancing the administration of criminal justice.⁴

3. **Jessica Lal murder case (1999)**

In this case Jessica, who was the model who was shot dead in the pool party by Manu Sharma who was the son of the prominent politician. Manu Sharma was primarily accused by the administration but soon acquitted due to lack of evidence which led to public outrage. However, after public pressure and retrial he was found guilty and sentenced to life imprisonment⁵.

4. **Aarushi Talwar murder case (2008)**

This case is about the 14-year-old girl and her family's domestic helper Hemraj the girl and the helper both were found murdered in the house in Noida. Aarushi's parents Rajesh and Nupur Talwar were initially convicted for the murder in 2013. However, the Allahabad high court acquitted them in 2017 citing insufficient evidence and serious lapses in the investigation⁶.

5. **1993 Bombay bomb blast case**

³ Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India).

⁴ *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158 (India).

⁵ *Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1 (India).

⁶ *Dr. Mrs. Nupur Talwar v. C.B.I., Delhi & Anr.*, (2012) 4 SCC 217 (India).

For general queries or to submit your research for publication, kindly email us at ijalr.editorial@gmail.com

<https://www.ijalr.in/>

Several individuals were convicted for their involvement in the coordinated bomb blasts that rocked Mumbai 1993. However, after years some of the accused were acquitted by higher courts due to lack of evidence. Notably, actor Sanjay Dutt initially convicted for illegal possession of firearms has his sentence reduced on appeal and acquitted of terrorism charges⁷.

6. Bhanwari Devi case (1992)

In this case the social worker Bhanwari devi was allegedly raped. The accused were initially convicted but later acquitted by Rajasthan High court in 1995⁸.

There are many other cases like Nirbhaya case and then Bilkis Bano and many others in which the investigation process, the adjudication process, the trial and the sentencing came in question.

Suggestion on the working system of administration of criminal justice

My suggestion for improving the system is to be focus on the collaboration and the coordination among the various stakeholders in the system which includes the judge, the attorney general, prosecutors and various other communities. This will help to make sure that every one of the parties are working towards the common goal that is fairness, equality, justice and the public rights. Also, if the government and organizations will invest in the training and resources for professionals within system it will improve the effectiveness and ensure that they are having the tools which will help them to uphold justice. Regular reviews to the rules and procedures will also help to identify the area for improvement and ensure that system is adapting the changing needs.

Conclusion

In conclusion, the study of administration of criminal justice is important for understanding the working of the judicial system and what impact it has on society. Also, it encloses an examination of law making, prosecution, arbitration, and corrections which sheds light on issues of fairness, equality, justice scholars and accountability. By understanding the challenges in administering justice, practitioners strive to promote transparency effective functioning and maintaining rules

⁷ Yakub Abdul Razak Memon v. State of Maharashtra Through CBI, Bombay, (2013) 5 JT 142 (India)

⁸ Vishaka v. State of Rajasthan, (1997) 6 SCC 241 (India)

For general queries or to submit your research for publication, kindly email us at ijalr.editorial@gmail.com

<https://www.ijalr.in/>

and regulations. Through this research and analysis and policymaking efforts are made to address systemic flaws and reduce the discrepancy and foster more just and equitable society.

References

1. www.iresearch.net
2. scholarlycommons.law.northwestern.edu
3. ResearchGate
4. Ratanlal & Dhiraj Lal's IPC book
5. The constitution of India (1950)
6. Law Commission of India, The Code of Criminal procedure, 1973, Report No. 154(1996)
7. Committee on Reforms of the Criminal Justice system (Government of India, 2003)
8. [ipleader. blogs](http://ipleader.blogspot.in)