

World – college essay



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Ministry of Home Affairs Report VOLUME I INDIA March 2003 Committee on
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System (Government of India, Ministry of Home Affairs) 12/A Diagonal Road
Vasanthanagar Bangalore 560 052 “ Everything has been said already, but
as no one listens, we must always begin again. ” Andre Gide French thinker
and writer CONTENTS PART - I FUNDAMENTAL PRINCIPLES 1. 2. 3. 4. 5. 6.

Need for Reform of the Criminal Justice System Adversarial System Right to Silence Rights of the Accused

Presumption of Innocence and Burden of Proof Justice to Victims 3 23 39 59

65 75 PART – II INVESTIGATION 7. Investigation 8. 87 Prosecution

PROSECUTION 125 PART – III JUDICIARY 9. 10. 11. 12. 13. Courts and Judges

Trial Procedure Witness and Perjury Vacation for Court Arrears Eradication

Scheme 133 145 151 157 163 PART – IV CRIME & PUNISHMENT 14. 15. 16.

17. 18. 19. 20. Offences, Sentences, Sentencing & Compounding

Reclassification of Offences Offences against Women Organised Crime

Federal Law and Crimes Terrorism Economic Crimes 169 181 189 195 207

213 233 PART –V LOOKING AHEAD 21. 22. 23. Emerging Role of the Legal

Profession

Training – A Strategy for Reform Vision for Better Criminal Justice System

249 253 259 PART –VI RECOMMENDATIONS 24. Recommendations 265

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The commitment made by him and his distinguished colleague Sri. Arun Jaitley, Minister for Law and Justice, to implement the reforms, once the Committee makes its recommendations, is a fitting answer to the cynics that

the Report on Reforms of Criminal Justice System will be one more addition to the several earlier reports that are gathering dust in the Archives of the Government. The Committee is beholden to the then Chief Justice of India, Dr. A. S. Anand, for calling upon all the High Courts to provide all information and assistance the Committee needs.

Our grateful thanks to former Chief Justice Sri. B. N. Kirpal for ensuring that all the High Courts send the reports sought by the Committee on the State of Health of Criminal Justice in their respective States. The Committee is grateful to Sri Justice V. N. Khare, the Chief Justice of India for avincing keen interest in the Committee' work. s Justice P. V. Reddy, Judge Supreme Court, the then Chief Justice of Karnataka High Court, placed at the disposal of the Committee, the building for housing the Committee' office in Bangalore. The Committee is grateful to him. s

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Singhvi, Sri. Venugopal, Sri. Shanti Bhushan, Sri. Dipankumar Gupta, Sri. V. R. Reddi, Sri. K. N. Bhat, Sri. C. S. Vaidyanathan, Sri Lalit Bhasin, Lord Goldsmith, Attorney General of England, Sri Badri Bahadur Karki, Attorney General of Nepal and experts from USA, Judge Kevin Burke, Mr. Robert Litt, Mr. Ranganath Manthripragada, Ms. Dianne Post from the USA and Mme Maryvonne Callebotte, Mr. Jean Luis Nadal, Mr. Roussin, Mme. Claude Nocquet and Mr. Lothion from France.

The Committee appreciates the helpful gesture of the Governments of USA, France and UK in inviting the Committee to visit their States to acquaint the Committee with the functioning of their respective Criminal Justice Systems

and the reforms they are undertaking. The Committee could not go to USA and UK for want of time. The Chairman and Sri. D. V. Subba Rao could visit France. Our grateful thanks to USAID for bringing in four experts to Delhi to brief the Committee about the American System. The Committee would like to record its deep sense of appreciation for the excellent dedicated service of Sri.

C. M. Basavarya rendered as Executive Director of the Committee. The Committee is thankful to the Director General of CRPF for lending the staff consisting of Inspector K. Girithar, Sub-Inspectors Binu Menon and G. Yamini Rekha, Asst. Sub Inspector S. M. Reddy, Constables V. Raja and M. K. Uthaiyah to work for the Committee. The Committee records its appreciation and conveys its thanks to each one of them for excellent service and help to the Committee to complete its task on schedule.

PART – I FUNDAMENTAL PRINCIPLES 2 3

NEED FOR REFORM OF CRIMINAL JUSTICE SYSTEM _ “ Law should not sit limply, while those who defy it go free and those who seek its protection lose hope”. (Jennison v. Baker (1972) 1 All ER 997).

COMMITTEE AND ITS WORK 1.

1. The Committee on Reforms of the Criminal Justice System was constituted by the Government of India, Ministry of Home Affairs by its order dated 24 November 2000, to consider measures for revamping the Criminal Justice System. (Annexure-1). The terms of reference for the Committee are: i. ii. iii. iv. v.

To examine the fundamental principles of criminal jurisprudence, including the constitutional provisions relating to criminal jurisprudence and see if any

modifications or amendments are required thereto; To examine in the light of findings on fundamental principles and aspects of criminal jurisprudence as to whether there is a need to re-write the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence Act to bring them in tune with the demand of the times and in harmony with the aspirations of the people of India; To make specific recommendations on simplifying judicial procedures and practices and making the delivery of justice to the common man closer, faster, uncomplicated and inexpensive; To suggest ways and means of developing such synergy among the judiciary, the Prosecution and the Police as restores the confidence of the common man in the Criminal Justice System by protecting the innocent and the victim and by punishing unsparingly the guilty and the criminal; To suggest sound system of managing, on professional lines, the pendency of cases at investigation and trial stages and making the Police, the Prosecution and the Judiciary accountable for delays in their respective domains; vi. To examine the feasibility of introducing the concept of “ Federal Crime” which can be put on List I in the Seventh Schedule to the Constitution. 1. 2. The Committee was constituted under the Chairmanship of Justice V. S. Malimath, former Chief Justice of Karnataka and Kerala High Courts, Chairman, Central Administrative Tribunal and Member of the Human Rights Commission. The other members of the Committee are Sri S. Varadachary, IAS (Retd), former Advisor, Planning Commission of India and Sri Amitabh Gupta, former Director General of Police, Rajasthan.

Sri Durgadas Gupta, Joint Secretary (Judicial), Ministry of Home Affairs was made the Secretary. On the recommendation of the Committee Justice Sri T.

S. Arunachalam, former Judge of Madras High Court and Prof. N. R. Madhava Menon, Vice-Chancellor, West Bengal National University of Juridical Sciences were co-opted. Later, Justice Sri. T. S. Arunachalam tendered his resignation on personal grounds where-upon Sri D. V. Subba Rao, Advocate who also happens to be Chairman of the Bar Council of India was co-opted in his place.

Sri Durgadas Gupta, Secretary of the Committee was made the Member Secretary of the Committee. Sri C. M. Basavarya, former District Judge and Registrar of the Karnataka High Court was appointed as Executive Director so that the Committee has the benefit of trial court experience in criminal matters. The term of the Committee, which was six months from the date of its first sitting, has been extended till 31 March 2003. Thus it may be noted that there is a wholesome combination of expertise of all the relevant fields — the Judiciary, the Bar, the Police, the legal academic and administrator. .

3. The notification constituting the Committee does not expressly state the reasons for constituting the Committee, obviously for the reason that they are too well-known. The statement in the notification that the Committee has been constituted “ to consider measures for revamping the Criminal Justice System” implies that the Criminal Justice System is in such a very bad state as to call for revamping. A former Chief Justice of India warned about a decade ago that the Criminal Justice System in India was about to collapse.

It is common knowledge that the two major problems It is common knowledge that the besieging the Criminal Justice System two major problems besieging the are huge pendency of criminal cases Criminal Justice System are huge and the inordinate delay in disposal of pendency of criminal

cases and the criminal cases on the one hand and the inordinate delay in disposal of very low rate of conviction in cases criminal cases on the one hand and involving serious crimes on the other. the very low rate of conviction in This has encouraged crime.

Violent and cases involving serious crimes on organised crimes have become the the other. order of the day. As chances of convictions are remote, crime has 5 become a profitable business. Life has become unsafe and people live in constant fear. Law and order situation has deteriorated and the citizens have lost confidence in the Criminal Justice System. 1. 4. The ultimate aim of criminal law is protection of right to personal liberty against invasion by others - protection of the weak against the strong law abiding against lawless, peaceful against the violent.

To protect the rights of the citizens, the State prescribes the rules of conduct, sanctions for their violation, machinery to enforce sanctions and procedure to protect that machinery. It is utter selfishness, greed and intolerance that lead to deprivation of life, liberty and property of other citizens requiring the State to step in for protection of the citizens' rights. James Madison writes in his book The Federalist that " if men were angels no government would be necessary". It is the primary function of the government to protect the basic rights to life and property.

The State has to give protection to persons against lawlessness, disorderly behaviour, violent acts and fraudulent deeds of others. Liberty cannot exist without protection of the basic rights of the citizens by the Government. 1. 5. This is the first time that the State has constituted such a Committee for a

thorough and comprehensive review of the entire Criminal Justice System so that necessary and effective systematic reforms can be made to improve the health of the system. Prison administration is one of the functionalities of the Criminal Justice System.

However, it does not fall within the mandate of the Committee. All the earlier initiatives were of a limited character to bring about reforms in the relevant laws, substantive and procedural laws, judicial reforms or police reforms. The Committee is required to take into account the recommendations made by the Law Commission of India, the Conference of Chief Ministers on Internal Security, the Report of Task Force on Internal security and Padmanabhaiah Committee Report on Police Reforms. 1. 6. The terms of reference are very wide and comprehensive.

They require the Committee to examine the fundamental principles of criminal jurisprudence and relevant constitutional provisions and to suggest if any modifications or amendments are needed. If, on such review the Committee finds that any amendments to the Code of Criminal Procedure, the Indian Penal Code or the Indian Evidence Act are necessary to bring them in tune with the demands of time and the aspirations of the people, it can make necessary recommendations. The Committee is not called upon to take up a general review of all these three statutes. The mandate of the Committee is limited to recommending only such amendments to these statutes as may be necessary in the light of its findings on review of the fundamental principles of criminal jurisprudence. Therefore, the Committee has not undertaken any general review of these Statutes. 6 1. 7. The well recognised fundamental principles of criminal jurisprudence are ‘

presumption of innocence and right to silence of the accused' , burden of proof on the Prosecution' and the ' right to fair trial' Examination of . ' Adversarial System' followed in India being an aspect of the concept of ' fair rial' falls within the purview of the Committee. Simplifying judicial procedures and practices, bringing about synergy among the judiciary, Simplifying judicial procedures the Prosecution and Police, making and practices, bringing about the system simpler, faster, cheaper synergy among the judiciary, the and people-friendly, and restoring the Prosecution and Police, making the confidence of the common man are system simpler, faster, cheaper and the other responsibilities of the people-friendly, and restoring the Committee.

This includes improving confidence of the common man are the investigation and trial procedures the other responsibilities of the on professional lines for expeditious Committee. dispensation of justice and making the functionaries accountable. The Committee is also required to examine if the concept of ' Federal Crimes' can be put in List 1 of the Seventh Schedule of the , Constitution so that it becomes the exclusive responsibility of the Central Government. STRATEGIES ADOPTED BY THE COMMITTEE 1. 8.

Realizing the importance and magnitude of the task, the Committee decided to reach out to every section of the society, which has a stake in the system, directly or indirectly. Accordingly the Committee decided to: (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) Prepare a questionnaire and obtain responses from all walks of society. Organize seminars on important issues in different parts of the country. Participate in seminars or meetings

organised by others. Meet citizens from different States hailing from different walks of life.

Obtain the views of the State Governments. Obtain the views of the High Courts and the Judges. Obtain the views of Central and State Bar Councils and members of the Bar. Seek the views of Attorney General and Advocate Generals of the States. Obtain the views of the Heads of Police Departments. Obtain the views of the Heads of Prosecution Departments. Obtain the views of the Forensic Scientists. Obtain the views of the academics in law. Obtain the views of the media persons. Get research done by scholars on important topics. 7 (15) (16) (17) (18) (19)

Study the relevant reports of the Law Commission of India, Report of Dharmavira Committee, Report of Padmanabhaiah Committee, Report of Vohra Committee, Report of Task Force on internal security, Report of Chief Ministers conference on Internal Security and other Commissions on topics relevant to the Criminal Justice System. Study the Criminal Justice Systems in U. K, Australia, France, USA and other countries and the reforms undertaken by them. Make a comparative study of Criminal Justice Systems in 20 selected countries from different continents. Interact with experts from different countries in the world.

Examine Reports of the National Crime Bureau upto 2000. 1. 9. After an in-depth study of the problem facing the Criminal Justice System the questionnaire was prepared and sent to 3, 164 persons enclosing a pre-paid envelope to enable them to respond without incurring any expenditure. The list includes the Prime Minister, Home Minister, Law Minister, Attorney

General, Home Secretary, Law Secretary, Govt. of India, Law Commission of India and functionaries of the State Governments such as the Chief Ministers, Home Ministers, Law Ministers, Chief Secretaries, Law Secretaries, Home Secretaries, Advocate Generals, D.

GsP, Director of Prosecution, the Chief Justices of the High Courts, Senior District Judges, different Bar Associations and State and Central Bar Councils, Bar Association Lawyers. However the number of responses received is only 284. 1. 10. Views of all the High Courts and information relating to institutions, pendency, disposal and other relevant information were sought from all the High Courts. As the response was not encouraging, the Chief Justice of India, on being requested by the Chairman, called upon all the High Courts to send their responses.

As a result of the initiative of the Chief Justice, all the High Courts have sent their reports. (Refer Appendix 5, Volume II). However some of them have not furnished all the information sought, in the pro forma in regard to filing, disposal, pendency of criminal cases etc. 1. 11. Similarly all the State Governments were requested to send their views. But only the States of Arunachal Pradesh, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh and Jammu & Kashmir have submitted their replies. Other States have not responded inspite of repeated requests. (Refer Appendix 6, Volume II). . 12. Reports on the functioning of the prosecution system in all the States were sought from the respective heads of Police Departments. Reports have been received from the States of Arunachal Pradesh, Bihar, Goa, Himachal Pradesh, Karnataka, Madhya Pradesh, 8 Orissa, Tamil Nadu, and Uttaranchal. Others have not responded. (Refer Appendix 7, Volume III).

1. 13. The Committee organised seminars as follows: – Date 9 February 2002
Place Chennai Topic Media and Criminal Justice System 23/24 February 2002
Jaipur Reforms of Criminal Justice System (Investigation, Sentencing and
Prosecution) 2/23 March 2002 Mumbai Economic Crimes and Financial
Frauds 26/27/28 April 2002 Delhi Fundamental Principles of Criminal Justice –
A Fresh Look. 1. 14. Several other seminars organised on the
recommendations of the Committee by different organizations and many
more seminars organised by different organisations on the topics concerning
the Criminal Justice System in which the Chairman or members of the
Committee actively participated are the following: Date Place Topic 16
February 2002 Haveri, Karnataka Reforms of Criminal Justice System 10 July
2002 Delhi Use of Handcuffing – a rational approach. 7/28 July 2002
Hyderabad Forensic Science, its use and application in investigation and
prosecution. 12 September 2002 Lucknow Symposium on Criminal Justice
Administration and Dalits 13 September 2002 Allahabad 4 October 2002
Delhi Application of Information Technology in Legal System and Reforms Of
Criminal Justice System. Insulating Police from External Pressures. 10/11
October 2002 Delhi Law of Arrest Accountability. 11 January 2003 Pune
Reforms of Criminal Justice System –Speedier and Efficient Procedure for
Trial Of Criminal Cases. – Police Powers and 9 1. 15.

It is heartening to know that many eminent personalities participated in
these seminars. Notable among them are Dr. R. Venkataraman, former
President of India, Sri Bhairon Singh Shekhawat (now Vice-President of India),
Sri Arun Jaitley, Honourable Minister for Law, former Chief Justices Sri
Ranganath Misra, Sri A. M. Ahmadi, Sri M. H. Kania, Dr. A. S. Anand, former

Supreme Court Judges Sri. K. Jayachandra Reddy, Sri. Jaganadha Rao, Sri. K. T. Thomas and many Senior Advocates Sri. Fali Nariman, Sri Soli Sorabjee, Attorney General, Sri K. K. Venugopal, Sri Shantibhushan, Sri. P.

P. Rao, Sri V. R. Reddy, Sri. Dipankar P. Gupta, Sri. K. N. Bhat. 1. 16. The Chairman held discussions with Mr. Badri Bahadur Karki, Attorney General of Nepal who is engaged in reforming the criminal prosecution system in his country. The Chairman discussed with Lord Goldsmith, Attorney General of U. K and held discussion with particular reference to several reforms undertaken in that country. The Chairman and members Professor Madhava Menon and Mr. Subba Rao participated in a video conference on reforms with prominent criminal lawyers from U. K. The Chairman and member Mr.

Subba Rao visited Paris on the invitation of the French Government to study the Inquisitorial System followed in that country. Similar invitation from USA Agency USAID could not be accepted for want of time. Therefore USAID was good enough to send four experts to New Delhi who enlightened the Committee about the salient features of the Criminal Justice System in USA.

1. 17. The Committee made an in-depth study of the materials gathered in respect of all the 19 items mentioned in the earlier paragraph. **CRIMINAL JUSTICE SYSTEM - AN OVERVIEW:** Whatever views one holds about the penal law, no one will question its importance to society.

This is the law on which men place their ultimate reliance for protection against all the deepest injuries that human conduct can inflict on individuals and institutions. By the same token, penal law governs the strongest force that we permit official agencies to bring to bear on individuals. Its promise as

an instrument of safety is matched only by its power to destroy. Nowhere in the entire legal field is more at stake for the community or for the individual. Herbert Wechsler 10 1. 18. 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. . 19. Since Independence and the promulgation of our Constitution rapid strides have been made in almost all fields. The communication revolution has opened the eyes, ears and minds of millions of people, resulting in increasing expectations of an ever growing population. The desire for quick, fair and affordable justice is universal. Protection of life and liberty have been given a pre-eminent position in our Constitution by enacting Article 21 as a fundamental right and imposing a duty on the State to protect life and personal liberty of every citizen.

Any deprivation or breach of this valuable right is not permissible unless the procedure prescribed by law for that purpose is just, fair and reasonable. Has the State been able to keep up to this promise in a substantial measure? The ground reality, however, is that this precious fundamental right is turning out to be a mere pipe dream to many millions to whom justice is delayed,

distorted or denied more than its delivery in accordance with the ideals enshrined in the Constitution. The entire existence of the orderly society depends upon sound and efficient functioning of the Criminal Justice System.

1. 20.

Latest report of the National Crime Record Bureau, 2000 (NCRB) published by the Ministry of Home Affairs, shows that in the year 1951 there were 6, 49, 728 cognizable crimes under the IPC. This has risen to 17, 71, 084 in the year 2000. In the year 1953 (figures for 1951 are not available) there were 49, 578 violent crimes whereas in the year 2000 the number of violent crimes has increased to 2, 38, 381 (for the sake of illustration only figures of cognizable IPC crimes have been taken). These figures indicate an abnormal increase in the number of serious crimes. At the same time the population of the country which was 361. million in 1951 has increased to 1002. 1 million in 2000.

11 Consolidated Statement of Police Strength and of Cases

Investigated by the Police in India 1996 to 2000 S. No 1. 2. 1996 Total

strength of State Police Forces 1997 1998 1999 2000 9, 56, 620 9, 87, 378

10, 20, 171 10, 32, 956 10, 26, 917 3. Workload of Civil Police : Total cases

investigated by police divided by total number of investigating officer (ASIs

to Inspectors) IPC Cases 16, 78, 453 16, 63, 666 17, 53, 121 17, 94, 390 17,

92, 896 SLL Cases 41, 95, 778 46, 00, 513 44, 09, 133 35, 47, 072 33, 66,

127 Total Total number of cases in which investigation as completed by the

police - 58, 74, 231 62, 64, 179 61, 62, 254 53, 42, 462 51, 59, 023 IPC

Cases SLL Cases 18. 7 17. 8 17. 8 17. 2 16. 5 41. 7 42. 9 39. 3 28. 3 26. 1 60.

4 60. 7 57. 1 45. 5 42. 6 Total Consolidated Statement of Cases Dealt with by

the Courts in India from 1996 to 2000 SI No 1 1996 No. of IPC cases which

came up for trial during the year including cases pending at the beginning of the year

Year	IPC cases	SLL cases	Total
1997	52,97,662	54,81,004	71,20,383
1998	56,60,484	58,90,744	77,51,906
1999	60,23,134	61,00,000	79,10,411
2000	60,23,134	61,00,000	72,19,222

12 SI No 2 3 4 5 1996 No. of SLL cases which came up for trial during the year including cases pending at the beginning of the year No. of cases in which trial was completed during the year IPC cases SLL cases No. of cases pending trial at the end of the year IPC cases SLL cases Total Conviction rate of those cases in which trial was completed IPC Cases SLL cases

Year	IPC cases	SLL cases	Total
1997	843588	3487815	879928
1998	3732474	895414	3679707
1999	8570940	37.8%	38.2%
2000	37.4%	39.6%	41.8%

87.3% 87.9% 86.7% 87.9% 81.4% Table 2 1. 21.

Out of every 100 cases (both IPC and SLL crimes) reported to and taken up by the Police for investigation, between 25 and 30 cases are IPC crimes and the balance is accounted for by SLL crimes. Of the IPC crimes taken up by police for investigation every year, The above statistics suggest that as of investigation is completed by January 2003, assuming that we have a the police in 76% to 80% of crime free society with Police not having to these cases. The corresponding take cognizance of and investigate any percentage in respect of SLL crime (either IPC or SLL) from now on and cases is between 85 and 95. he strength of the trial courts remain at the present level numerically and efficiency 1. 22. The above statistics wise, (an unrealistic assumption indeed!) it suggest that as of January 2003, will take a minimum of another four years for the courts to dispose of all these cases. assuming

that we have 13 a crime free society with Police not having to take cognizance of and investigate any crime (either IPC or SLL) from now on and the strength of the trial courts remain at the present level numerically and efficiency wise, (an unrealistic assumption indeed! it will take a minimum of another four years for the courts to dispose of all these cases. 1. 23. These figures show that the courts have not been able to cope up with the number of cases that come before them for trial every year. According to Table 1 the total number of complaints received by the police and cases registered during the year 2000 in India is 56, 62, 773. It is a matter of common knowledge that several persons who are victims of crimes do not complain to the police. During the year 2000 the total number of cases charge-sheeted after investigation is 50, 98, 304.

The total number of cases disposed of by the courts in the year 2000 is 9, 32, 774. So far as the cases under IPC are concerned, the analysis in the report on page 1 of the NCRB report shows that 79% of IPC cases were investigated in the year 2000, 78. 4% of them were charge-sheeted, 18. 3% of them were tried and 41. 8% of them resulted in conviction. In many Countries like U. K. , U. S. A, France, Japan and Singapore the rate of conviction is more than 90%. 1. 24. Quality of justice suffers not only when an innocent person is punished or a guilty person is exonerated but when there s enormous delay in deciding the criminal Quality of justice suffers cases. It is a trite saying that justice delayed is not only when an innocent justice denied. Table 25(b) of the NCRB report, person is punished or a 2000 furnishes the duration of trial of cases guilty person is exonerated during 2000. It is seen that 10, 382 cases of the but when there is enormous

duration of 3 to 5 years, 6, 503 cases of the delay in deciding the duration of 5-10 years and 2, 187 cases of the criminal cases. duration of over 10 years were disposed of by all the courts in India during 2000. Taking more than 3 years (sometimes even 10 years) amounts to denying fair trial. Speedy trial is a right of the accused that flows from Article 21 as held by the Supreme Court. If the accused is acquitted after such long delay one can imagine the suffering he was subjected to. Many years (sometimes even 10 years) amounts to of guilty persons either because the evidence is lost or because of lapse of time, or the witnesses do not come forward to give true evidence due to threats, inducement or sympathy. Whatever may be the reason it is justice that becomes a casualty. 14 1. 25. Vulnerable sections of the society like women, children and other members of weaker sections of society like the Schedule Caste and Schedule Tribes suffer more when the Criminal Justice System fails to live up to expectations. Crime Against Women SI No 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. Crime Head Rape Kidnapping and Abduction Dowry Death Torture Molestation Sexual Harassment

Importation of Girls Sati Prevention Act Immoral Traffic (P) Act Indecent Rep. of Women (P) Act 11. Dowry Prohibition Act Total 1998 15151 16351 6975 41376 30959 8054 146 0 8695 190 1999 15468 15962 6699 43823 32311 8858 1 0 9363 222 2000 16496 15023 6995 45778 32940 11024 64 0 9515 662 Percentage variation in 2000 over 1999 6. 6 -5. 9 4. 4 4. 5 1. 9 24. 5 63. 0 1. 6 198. 2 3578 131475 3064 135771 2876 141373 -6. 1 4. 1 Year Table 3

Several disturbing features are seen from the figures given in this table.

There is a 6.6% increase in the offence of rape from 1999 to 2000.

So far as the percentage of sexual harassment during the same period is concerned, there is an increase of 24.5%. What is worst is the figures relating to importation of girls obviously for sex which has increased to 63% during 2000. This is quite shocking. 15 1. 26. So far as offences against children are concerned, Table 4 furnishes information about the incidents of different types of offences against them between 1996 and 2000. Offences Against Children

Sl No	Crime	Head	Years	Percentage variation
2000	2000	over	over	1996 1999 -23.3 -0.7 24.5 -10.1
1.	Child Rape	.	Kidnapping and abduction	3.
	Procuration of minor girls	4.	Selling of girls for prostitution	5.
	Buying of girls for prostitution	6.	Abetment of Suicide	7.
	Exposure and abandonment	8.	Infanticide	9.
	Foeticide	10.	Child marriage restraint act	Total
1997	1998	1999	2000	4083 571 4414 620 4153 699 3153 791 3132 711 94
6	87	9	171	11 172 13 147 15 56.4 150.0 -14.5 15.3 22 13 13 5 53 140.9
960	11	554	13	582 28 575 24 593 18 660 63.6 19.1 -25 11.2 113 39 89
107	57	78	114	62 56 87 61 58 104 91 92 -8.8 133.3 3.4 19.5 49.2 58.6
5582	5980	5882	4957	5023 -10.0 1.3

Table 4 The figures show a mixed trend during the last five years. There is an increase of 1.3% from 1999 to 2000. 16 1. 27. So far as incidence of child rape is concerned, there were 744 victims below 10 years and 2,880 victims between of 10 and 16 years. This shows the extent of child abuse that is prevalent in India and the failure of the system to contain it. This is very disturbing. 1. 28. So far as crime against other weaker sections of the society

namely the SC and ST are concerned, the figures for the years 1998, 1999 and 2000 are furnished in the Tables 5 and 6.

Sl No Crime Head Years Percentage variation in 1998 1. Murder 516 506 526 1999 over 1998 -1. 9 2. Rape 923 1000 1083 8. 3 8. 3 3. Kidnapping & Abduction 253 228 268 -9. 8 17. 5 4. Dacoity 49 36 38 -26. 5 5. 6 5. Robbery 150 109 108 -27. 3 -0. 9 6. Arson 346 337 290 -2. 6 -13. 9 7. Hurt 3809 3241 3497 -14. 9 7. 9 8. PCR Act 724 678 672 -6. 3 -0. 9 9. SC/ST 7443 7301 7386 -1. 9 1. 2 11425 11657 11587 2. 0 -0. 6 25638 25093 25455 -2. 1 1. 4 (Prev. of 1999 2000 2000 over 1999 4. 0 Atrocities) Act 10. Others Total Table 5 17

Sl No Crime Head Years Percentage variation in 998 1999 2000 2000 over 1999 59 1999 over 1998 21. 2 66 80 331 384 403 16. 0 4. 9 56 59 48 5. 3 18. 6 1. Murder 2. Rape 3. Kidnapping & Abduction 4. Dacoity 5 3 5 -40. 0 66. 7 5. Robbery 15 8 2 -46. 6 -75. 0 6. Arson 38 43 32 13. 2 -25. 6 7. Hurt 638 646 447 1. 2 -30. 8 8. PCR Act 50 45 31 -10. 0 -31. 1 9. SC/ST 709 574 502 -19. 0 -12. 5 2368 2608 2661 10. 1 -2. 0 4276 4450 4190 4. 1 -5. 8 (Prev. of 26. 3 Atrocities) Act 10. Others Total Table 6

In the year 2000 there was an increase of 1. 4% of crimes against the members of SC. So far as the members of the ST are concerned the figures indicate that there was an Economic crimes like increase in the number of crimes like murder, smuggling, money laundering, rape, kidnapping, dacoity during 2000 tax evasion, drug trafficking, compared to the figures of the previous year. corruption and serious economic frauds are eating the 1. 29. Economic crimes like smuggling, vitals of the nation in a very money laundering, tax evasion, drug big way. trafficking, corruption and serious economic frauds

are eating the vitals of the nation in a very big way. Table 7 furnishes information about major frauds reported during 2000.