

Analysis of Challenges faced by Indian Judicial System

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ABSTRACT

This paper presents analysis of various challenges faced by Indian Judicial system. Paper contributes towards finding the challenges which are obstacle for smooth functioning of Indian Judicial system. The Paper concludes with solutions to these challenges which the department faces in the proper adjudication of the routine duties in cooperative effort of criminal justice administration in India, with a contribution toward smooth functioning of Indian Judicial system. In this paper the challenges faced at the dispersal of duties by the Judicial department with the three other important wings of criminal justice administration that is Police, Prisons and Prosecution are systematically analyzed and some suitable remedies eliminating these challenges and improving the inter departmental cooperation for the better criminal justice administration in India.

Keywords: Criminal Justice Administration, Judiciary, Prosecution, Police, Prisons, Indian Judicial system.

1. INTRODUCTION

Judiciary has an all-important duty of imparting justice. It may be enough to say that all rights are guaranteed by law and the constitution which enables a citizen to secure justice[1-2]. The Judiciary has the Supreme Court (S.C) at the apex level. Below the S.C are the High Courts at state levels, followed by subordinate courts in the districts. The judiciary in the state functions under the supervision of the High Court. Judiciary is supposed to have a very open mind on every issue without having any personal opinions at all. Judiciary is now going through a phase of revolution in the country and judges are having a larger than life image. Justice for all has been priority top among the aims and objectives as enshrined in the preamble of the Constitution. The article

38 and 39 clearly indicates and defines the concept and objective of Justice[3-9].

The responsibility vested with the judiciary has also gone up by leaps and bounds, as judiciary appears to have the ultimate say in all matters. Indian judiciary started as an extension of the colonial regime. British set up a poor copy of the British judicial system as Indian judicial system. The judges (generally British in pre-independence India) were the symbol of imperial power and all the systems and procedures of the court were intended to humiliate the natives. Even after Indians were appointed as judges, any contact between judges and the common people was discouraged. The concept of jury was absent since it would have involved the local people in decision making process, which they could never allow.

It is assumed at litigant's level that in Indian court-room it is the technicalities that rule rather than truth and morality. Due to this people resort to all means other than going to courts for settlement of disputes. The accused is prosecuted in the court on the basis of his role and attribution in the crime. The defense is engaged by the accused to prove his innocence before the court. It can only be done when the prosecution and the defense is able to prove their respective stands. The case is heard by the court and the judgments are based on the averments made by both the prosecution and defense. The prosecution version is based on the investigation conducted by the investigators, which found the accused to be the culprit of the said offence. The prosecution presents the evidence against the accused. The defense lawyer is then given the chance to dispute the prosecution evidence and bring out evidence favoring the accused. It may be noticed that pendency in Judicial Magistrate Courts is higher than in the Courts of Sessions. However, to make further impact on pendency of under trial cases it is suggested that the cases from Magisterial Courts should also be referred to the Fast Track Courts for their disposal to minimize the pendency of such cases[10-12].

The quantum of work load over the judiciary is very high.

The judges are seen to hear hundreds of cases in their routine. This over burdening and over consuming stressful schedule of the judiciary can be fatal and can have a damaging impact over the society. In the earlier days, judges used to avoid public functions and parties. The Law Commission of India in its 120th Report (1987) observed that the strength of Judicial Officers in India is far less than in a number of other countries. India has roughly 10.5 Judges per million people' whereas this figure for Australia, Canada, England and US stands at 41.6, 75.2, 50.9 and 107 respectively. This Law Commission Report also observed that the total Judge strength of 7, 675 is grossly inadequate for a country of the size and magnitude as India. This is not so now, as judges readily take part in several public functions and social events, where they could come in contact with even criminals and politicians and bureaucrats facing corruption charges. The subject of criminal justice changes in our nation has got impressive consideration as of late. While it was seen that the 8 volume report of the National Police Commission (1977-1981) was not given due consideration for a long time, it was the proposals of the Justice Malimath Committee on Criminal Justice Reforms (in 2003) which set off an exuberant open deliberation between police authorities, the legal, rehearsing legal advisors, scholastics and common society activists.

The Law Commission has likewise occasionally given proposals for changes and the topic has likewise been touched upon by the National Commission to Review the Working of the Constitution (NCRWC) in 2002. Amongst the most as of late distributed studies, one can allude to the 'Draft National Policy on Criminal Justice' which was discharged in July 2007 and a percentage of the perceptions made by the Second Authoritative Reforms Commission. The judges decides the cases on the basis of the evidence, proofs, declarations and arguments put forward by the defense and the prosecution agency, based on which the judges get to know about the reasons and affect of a particular act and the guilt of the wrongdoer. The prosecution is the agency of the government which pleads the cases on the government side and assists the court in knowing the stand of the state in the case.

2. RESEARCH DESIGN

The descriptive research design was adopted due to the nature of the study. Descriptive research, also known as statistical research, describes data and characteristics about the population or phenomenon being studied. Descriptive research answers the questions for enquiring various factors affecting the research . Thus, on the basis

of the above, the descriptive research designs is appropriate for the present study as it was important to gauge the various challenges that impact the smooth functioning of various wings of Criminal Justice Administration especially Judicial system in India..

The study marks out the various challenges faced by different agencies of Criminal Justice Administration pertaining to satisfaction, work culture etc for the personnel. The study's research design is single descriptive cross sectional research design as it describes the challenges faced by the personnels of four agencies of Criminal Justice Administration viz. Police, Prison, Prosecution and Judiciary in working with inter department. It also studies the various challenges of four agencies of Criminal Justice Administration in working within the department i.e . In single descriptive research design, the sample is drawn once and the data are also collected once.

The present study is be based upon a systematic and analytic approach for studying the challenges being faced by different agencies of Criminal Justice Administration i.e. Judiciary, Police, Prosecution and Prisons in India. With special focus on the challenges/difficulties being experienced by these agencies in working with each other. This study is confined to the state of Punjab on the ground that the working relationships among various agencies of Criminal justice administration in India are almost similar across the country. Analysis was conducted through questionnaire framed very keenly on most common challenges which the prison officials are facing in the delegation of their duties. The objective of the research was to extract out and mark out the hidden and visual issues that are hindrance for the smooth and effect conduct of prison system in India. In this regard a research questionnaire was prepared after deep literature survey and analysis of relevant available material from various libraries and official gazette records maintained by the relevant departments. For questionnaire preparation different case studies were analyzed to chalk out the various hidden and obvious challenges within department and other concerned wings of criminal justice administration in India. For the purpose of data collection survey was conducted from Judicial officers serving as judges in district courts in Punjab as well as retired officers selected randomly. The officials are selected at different ranks so as to confirm that no issues at any level of Judicial management remains overlooked and untouched. The judicial officials are approached and they keenly answered to all the questions given in questionnaire. Various respondents were interviewed for verbal and written interactions during research which give

a very fruitful outcome narrating exactly the challenges they face in this date while the performance of their duties. Statistics obtained are analyzed using scientific methods to produce comparative results as an objective to enhance their work conditions and improve their compatibility with other wings of criminal justice administration. The objective of this survey is to collect baseline information on Judicial officers to enable detection of problems as well as permit comparisons with the other wings of criminal justice administration i.e Police, Prisons and prosecution.

With prior permission of Hon'ble High Court which directed the respondents Judicial officers employed as PCS(J) (full-time equivalents), categorized by different ranks. Information on recruitments, vehicle facility, infrastructure facilities, duty hours, transfers, promotions was collected. Other questions of collected data on operating issues were broken down into salaries/wages, benefits, postings, trainings, interference and co-ordination with other wings of Criminal Justice Administration. Similar permissions are also taken from the state head offices of other agencies of criminal justice administration as well. The goal of this work is to enhance comprehension of effective specialist expert coordinated efforts between those working inside and outside of the criminal justice administration so that the information scholarly can be utilized to improve working of agencies of criminal justice administration especially in India.

3. INTRA AGENCY CHALLENGES:

3.1 ISSUES RELATED TO THE IN-SERVICE TRAINING AND STAFF STRENGTH

During the research it has been observed that the in-service training requires to be developed and improved in accordance with the changing and varying crimes and laws in this date and there is a big scope of improvement in the in-service training. The judicial officers responded whole heartily that the present day training at the induction and in service training as well requires big makeover and this should not only be bookish but shall also involve practical and on spot training. The present day training involves majority of bookish methods and there is not much utilising of the on spot practical techniques which should be used as being more effective and inforamatory. It has been observed that there is a big need to reshape the present day induction and in-service training on the pattern of the union public services as is done in the training of the Indian police services officers who are given training on all ranks from constables, inspectors and

other ranks as well so that they get exposure and indepth knowledge of working and modus operandi of all these ranks. The judicial officers shall be given exposure by working as ahlamads, readers, public prosecutors etc during their training so that they get aware of the problems and plights of all these court subordinates. Even they should be provided experience of working along with the investigation officers so that they get know the formalities and essential procedures of the police investigation. It is seen that the judicial officers have to work in constant coordination with all these departments, in such circumstances it will be highly beneficial for the judicial officers so that they have the in depth knowledge of working conditions and procedures as they after being well conversed with their operational system can guide and expressively point them in the right direction so as to achieve the desired goal of attaining justice. The present day training is confined to only bookish and classroom knowledge as it is understood that the judges have already cleared the induction exams and have ample bookish knowledge and then they are required to know and get thorough practical knowledge but instead they are again made to tend to books which is futile exercise. The inter-departmental knowledge will help the judicial officers in a big way during their routine working and if joint training sessions be organised between all wings of the criminal justice administration, it shall be a big boon. The research reveals that major steps have been taken in the direction of eradicating as new judicial officers are being appointed regularly but still due to big backlog of the pending cases and a huge inflow of new cases as a result of which the judicial officials recommends for improving staff strength in the form of induction of new judicial officers. In the present day situation the courts are highly overburdened due to the increase in the crime rate in the modern society and also due to the awareness of legal knowledge of the rights of the individual. The introduction of unit systems is a hassle for the judicial officers as according to this system they have to finish more number of cases they said that by doing so they are not able to give more time in certain cases where the witness is not able to appear in court on some hearings and they are compelled to close the evidence which admittedly is hampering the basic spirit of justice and all this is supposedly done for speedy justice and to overshadow the shortage of staff in the Indian judicial system.. The new quick or the fast track courts should be setup to hear and decide the cases pending since decades waiting to get justice. The staff strength has been conceded as a challenge which is being responded by the state at all levels but much is required to be done in this direction.

3.2 ISSUES RELATED TO LACK OF PROPER

INFRASTRUCTURE:

There is a big problem indicated to infrastructure shortage as envisaged by the judicial officers. They have advocated that due lack of proper infrastructure support in the form of advanced technical assistance which is required to be provided urgently and this short coming requires to be immediately eradicated. With the use of video conferencing, AV medium, recording of proceedings of offences against women, etc have helped in quick disposal of the case and with the introduction of new technical commodities and highly trained responsible staff will be a big boon and help to the judicial system in India. It has also been recommended that a separate witness room be made in every court where the accused don't enter so that the witness gives his statement free from any pressure and anxiousness, because in many cases it has been observed that the accused person try to oppress the witness and try to influence them in their favour so as to influence the outcome of the case. The judges claimed that with the crime and criminals using superior quality techniques and hi-tech mechanisms in conspiring and committing crimes, the infrastructure is not available with the judicial officers and prosecution officials to check and verify the authenticity of the related evidences and documents which is of high importance for proper adjudication of justice in a criminal case. The judicial officers also pointed out that there is a problem on account of proper residential accommodation as these houses are generally found to be in old and dilapidated condition. It has been observed that there infrastructural issues are being slowly exterminated but with the increase in use of advanced techniques by the offenders the judicial officers need to be provided with advanced technical support infrastructure and staff so that these cases can be decided properly and the offender is convicted.

4 INTER AGENCY CHALLENGES FACED BY JUDICIAL OFFICER IN COORDINATION WITH OTHER AGENCIES OF CRIMINAL JUSTICE ADMINISTRATION:

The judicial officers when asked about any challenge faced by them on account of lack of coordination between judiciary and police department, they constructively replied by stating this to be a big problem. The judicial officers said that they face the lack of proper support by the police as it being the investigating agency in the criminal justice administration and due to certain obvious and perceived reasons the police officials are found to be unsupportive and not conversant with the delicacies and weaknesses of the case and its proceeding. They alleged

that the case investigating officer (I.O) are found to be very negligent towards the court proceedings and don't appear even on many notices issued by the court to record their statement in the court, due to this reason there are long delays disposal of the case by the court. The non serving and non compliance of the warrant summons and notices by the police to the case parties issued by the court is also big problem faced due to the negligent behaviour of police department. The police being the law enforcing wing of the administration is required to be very vigilant, alert and attentive and the court orders being of paramount importance and requires top priority for the police to execute and accomplish, but the judicial officers claim that there is a very careless approach shown by the police which is very frustrating and delays the justice delivery in one way or the other. They claimed that the police official witnesses don't appear for recording their statement and this is the biggest problem and thus they are forced to make orders stipulating and compelling the police official to appear before the court. Due to non-compliance of the court summons and warrants a significant delay is caused which results in weakening the prosecution case and indirectly facilitate the accused side. The judicial officers asserted that the prosecution cases many times fail due to the lack of proper investigation by the police officials and they also pointed out that due to certain perceived reasons the investigating officers (IO) don't seem careful in collecting the vital scientific evidences from the place of occurrence, don't hold identification parade, don't record the correct identity and address of the witnesses and when the court enquire them to provide these crucial information, the IO's seldom have any proper documentary proofs to substantiate the actual depiction so as to establish the guilt or innocence of the accused person before the court. The police officials are never able to prepare and file challans within the stipulated time of 90 days and always demands for extending of time period for one reason or the other.

4.1 ISSUES RELATED TO LACK OF PROPER COORDINATION WITH POLICE:

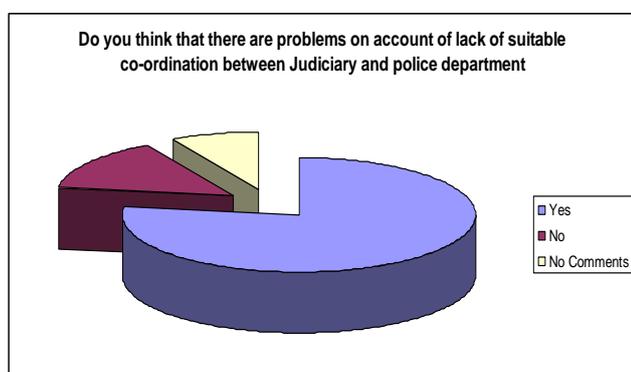
The judicial officials stated that they face big coordination problems with police officials as they are acutely non punctual and irregular as they don't care for the court proceedings and due to their lazy approach the case trials are seen to get delayed.

The 'Taamili' or the serving machinery of the police is seen to be most unsuccessful and irresponsible in serving the summons and notices in time for one reason or the other. With the serving staff being unpunctual, inefficient and undisciplined the judicial officers face this as a big challenge because for this negligible reason the judicial

officers are compelled to adjourn the case which delays the delivery of justice. The process serving staff is seen to prepare fake reports for certain perceived reasons. It is highly advised that the summons service staff should be made a separate wing under the judicial control as this will eradicate the major problems faced in the process of serving of summons, notices and warrants. Otherwise a high ranking police official should be made nodal officer in each division so as to punctually streamline the working of the process serving staff and be given freehand to take appropriate action departmentally if necessary.

Police investigating wing should be separate from Law and order maintaining duty as VIP duty engulfs too much time of the police officials and they are not able to appear in the court for many similar reasons which delays the disposal of the trials of cases. The police officials need to be sensitized about the need of proper and incorruptible scientific investigations. The endeavours should be made for quick and speedy investigation so that the trial begins at the earliest and also strict steps should be taken to impede external interference in the police working.

Scientific forensic labs and hi-tech mechanism should be set up and given at the disposal of the police department so that the investigations be completed at the earliest with the proper results. The number of forensic and chemical labs should be increased and be available at the district level as the number of drugs related cases is increasing and there are very few such labs due to which the trials get lengthy and the accused has to languish in jails for that time. The challans are not prepared and checked properly as these incomplete challans which are prepared under section 173 of criminal procedure code do not reflect the actual correct image of the offence and offender. In almost every case there is delay in filing of the challans which in itself is a legal irregularity and the police official should try to file this report within the stipulated mandatory time period.



There should be compulsory periodical regular and objective oriented meetings between the officials of all the agencies. Joint seminars and trainings should be held for

better coordination between all the agencies of criminal justice administration in India. The investigation officers are seen to be less educated and lack proper knowledge about the law and its applications. The IO's should be trained and well conversed with the modern scientific methods. There should be a proper minimum educational qualification and specialised trainings so that the minutest information of the case is recorded and used at appropriate time during the course of trial in the court.

4.2 ISSUES RELATED TO LACK OF PROPER COORDINATION WITH PROSECUTION:

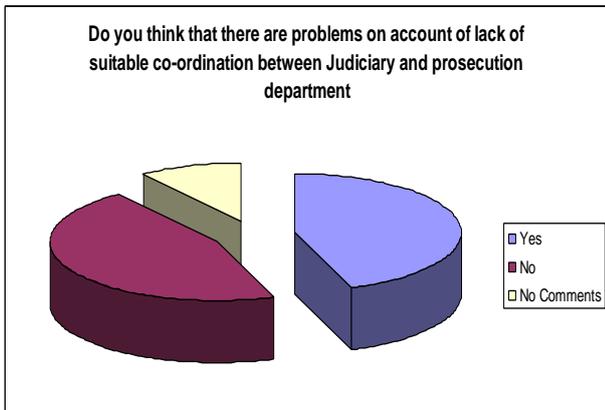
There is a huge shortage of prosecutors in the courts. There should be one permanent prosecutor for each court. The judicial officers have to keep on waiting for the PP and even themselves have to do the part of PP in their absence, this is a very futile exercise. Untrained public prosecutors. The PP should identify his duty as a link between the police and judiciary. The Lack of interest of the prosecutors in bringing the state cases to proper justice which is due to their irresponsible attitude and non accountability towards the results of the cases. The prosecutors are seen to do poor scrutiny of the challans prepared by the police in a case before the presentation of the same in the court and not even properly verified. This delay in filing of delayed and inappropriate challans acts as a legal remedy in favour of the accused person. The prosecution should be made result oriented and responsible to the outcome of the cases. The investigation wing of the police and prosecution agency should be merged together so that the cases are investigated and pleaded properly and achieves undelayed justice.

4.3 ISSUES RELATED TO LACK OF PROPER COORDINATION WITH PRISONS:

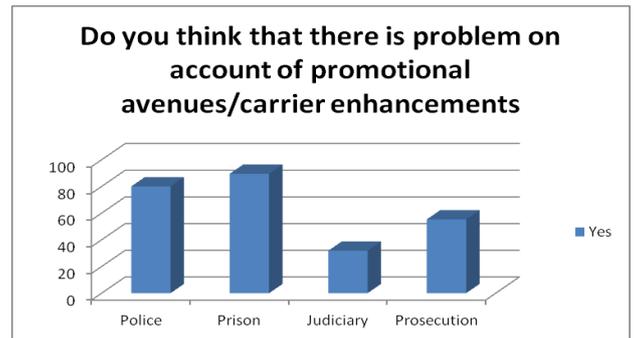
Accused are not produced in time in court and many times for many hearing dates the inmate is not sent to the court intime due to which a lot of judicial time as well as the witnesses and investigation officials have to wait whole day. The accused are produced very late in the evening without any proper notion which is highly inappropriate and unacceptable. Even after repeated production warrants the prisons officials don't produce the accused in the court on the day of hearing.

When asked about any challenge faced on account of lack of coordination between judiciary and prosecution, the judicial officers responded to this with great fervour. The judicial officers said that they face a big problem with the prosecution agency on account of lack of prosecutors in the court. They said that due to lack of proper strength of

prosecutors the judges face a lot of problems in their routine job as they are generally compelled to wait for the prosecutor to argue the case for the state. The judicial

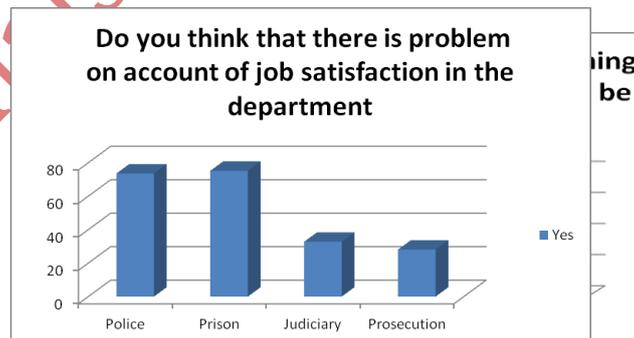


officers said that generally it is seen that the prosecutor is assigned to assist a number of courts or at times are designated to appear in two or even more courts in a day and thus when that prosecutor is arguing in one court, then the other courts are made to wait for him so that he may get free and then come to appear in other court. This is a very throbbing, painful and evading situation. The judicial officers further stated that the charge sheets (challans) are also not properly prepared and neither appropriately checked by the prosecutors which results in obstructing the proper lineage of linking the crime and accused. The reports under section 173 crpc requires to be clear cut and directly pointing at the cause of crime, motive of crime and aggressor of the crime but it is heart breaking to see that generally this final report is seen to be very flawed and inaccurately prepared, due to which the valuable time of the court is wasted needlessly. They say that the untrained prosecutors are further aggravating the situation and the prosecutors due to bulk of work are found to be unaware of the facts of the cases, under prepared for the case hearings and lacking the interest in the case. The prosecutors don't do their foremost duty of being a link between judiciary and police and instead they have turned out to be the lose end of the criminal justice administration. There is also lack of synchronization between the police and prosecution as a consequence of which the cases are not properly pleaded in the court and don't lead to the proper disposal. They stated that earlier the prosecution agency was under the police wing but now there in an independent wing of prosecution but despite being an autonomous agency the prosecution has turned out to non accountable body which has not made itself responsible for losing the bulk of state cases in the court. The prosecution is seen to not extend any help or effort to procure the presence of required witnesses at the appropriate time in the court. The judicial officers said that due to lack of proper assistance of prosecution and

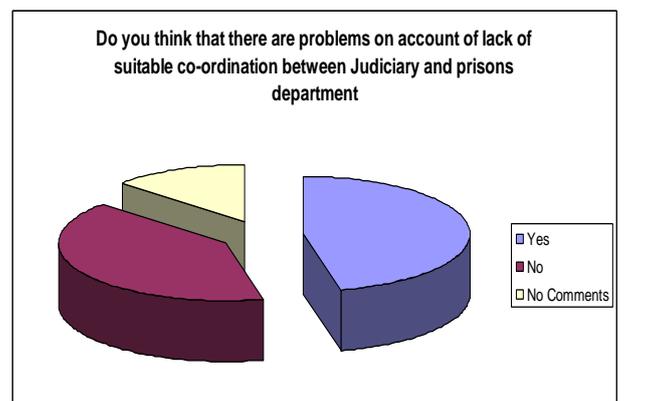


police agencies which results in non appearance of the prosecution witnesses and official witnesses in the court, the judicial officers are compelled to close the evidence to proceed in the case as the witnesses don't emerge even after several notices. They have to repeatedly edify the prosecution at all the levels of the proceeding in a case. Due to this be deficiency of synchronization between the judiciary and prosecution, there is impediment in delivering speedy justice delivered to the innocent.

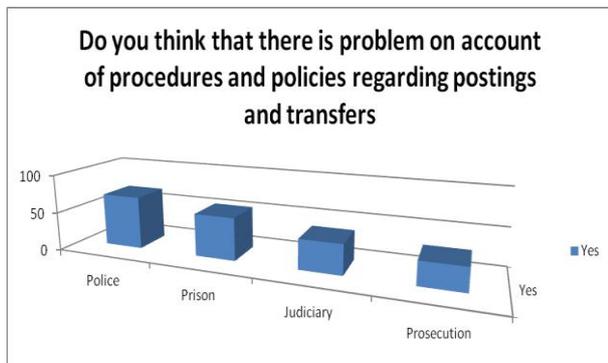
When asked about any problem being faced on account of lack of coordination with prisons department, they reverted very deeply to this. The judicial officers said that



the most common problem faced by them from the prisons department is that they don't produce the under trial in the court on the date of hearing and due to lack of the presence of the accused under trial, the judicial officer is compelled to adjourn the case to next date which results in wasting of judicial time and power. For non production of the



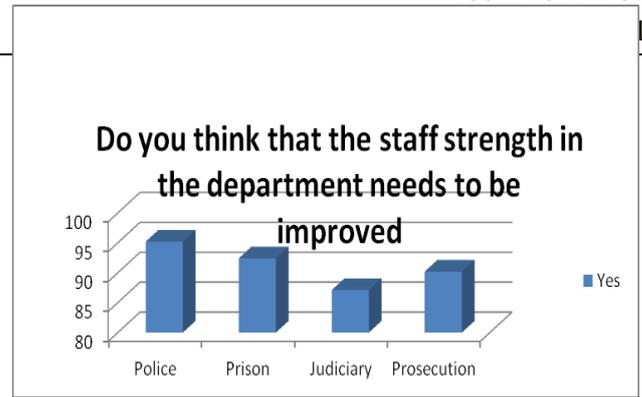
nder trial in the court consequences in delay in concluding the trial of case and innocent has to wait for justice. They said that due to this non bringing of the under trial repeatedly even on production warrants to the court by the prisons wing forces them to issue notices to the prisons officials so as to assure the presence of the under trial in the court. They further stated that the prisons officials are found to be very lacking discipline as they are of the habit of sending the inmate late to the court for several perceived reasons which is not acceptable all the times and leads to the desecrating of the judicial time and hindrance in achieving swift justice. They should make it a vital obligation to bring the inmate in the court at the early hours of the proceedings and if for any reason there is delay or any ground for non producing of the inmate in the court on that given date, then that should be informed



well within time so as to save significant time and energy of the court as well as the complainant and witnesses as well. The prisons officials also don't care to redress even the small grievances of the inmates due to which there is chaos in the prisons. The judicial officers also pointed out that they very often get complaints from the inmates that they are maltreated in the jail and thrashed by the jail officials for very minor issues.

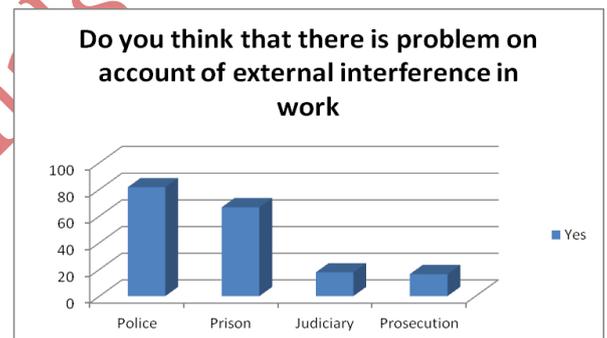
When asked about the in service training and the scope of improvement in the training, there are varied responses from the different wings of criminal justice administration. The judicial officers responded that there is a big scope of improvement in the in service training. Infact all the wings stated that there is also a scope of improvement in the training with the changing trends of crime and criminals.

When asked regarding the improvement in the staff strength from the officials, a very varied response followed. The judicial officials moderately asserted that there is a trivial problem in regards to the staff strength and staff strength needs to be improved in accordance to the work load as the improving of the staff strength will reduce the work load and the per head cases shall also decrease and will further help in clearing the backlogs.



There is a uniformity and consistency among all the wings of criminal justice administration on the challenge that the staff strength needs to be improved as the Police, Prosecution and Prisons wing in India are facing a huge shortage of staff within the respective agencies which not only is a hindrance for themselves but also obstructs during the synchronizing with other agencies.

When asked about any problem on account of job satisfaction in the department, there was a varied response from different agencies of the criminal justice administration. The judicial officials stated that there is no



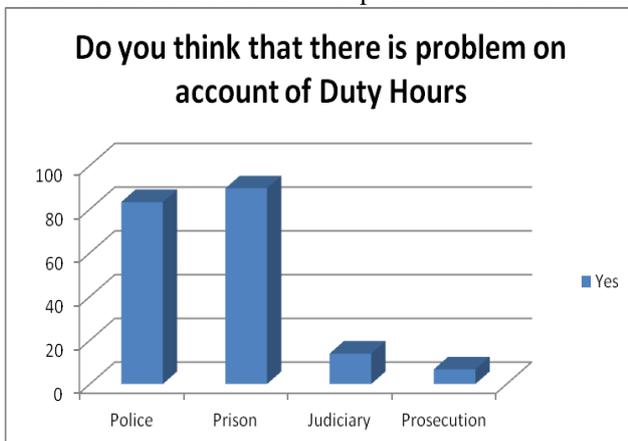
significant problem regarding job satisfaction in the department. The police and prisons department officials replied that there is a big problem of job satisfaction in the department and this situation results as a demotivator. Thus there is varied response and different prospective replies on this challenge.

When asked about the challenge faced within the department regarding promotional avenues carrier enhancement from the respondents, it has been observed that it is a big intra agency problem faced by all the agencies. The police and prisons officials indicated this to be huge problem as there is no proper and timely promotions in the department which result in a huge stagnancy in the lower cadres and further causes dissatisfaction among the different ranks. The prosecution officials also responded to this challenge as being a big problem and as a demotivation because of disparity and non compliance of statutes and rules. The judicial officials stated that it is not a huge problem in their department as

there is a centralized, proper and thorough policy of promotions due to which all the judicial officers gets ample opportunities of promotions in their carrier. Thus it has been overall observation that this is a big challenge in the police and prisons agencies and perceived to be a big hurdle by the prosecution agency.

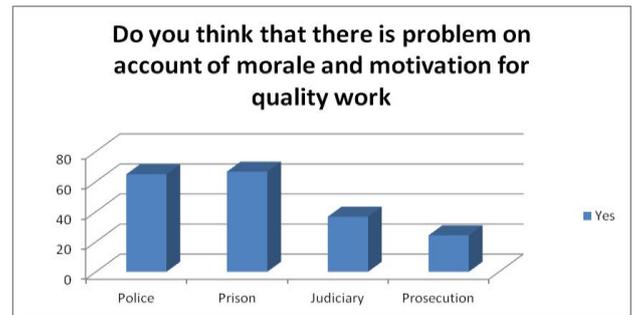
The criminal justice administration agencies when asked about any challenge faced regarding duty hours, the agencies replied in a very buoyant way. The police and prisons department officials stated this as to be the biggest problem in their routine. The prisons department also answered in a similar way and stated this to be huge hindrance in the proper working. The judiciary and prosecution wings of the criminal justice administration stated that they don't face any significant problem regarding the duty hours. The judicial officers and the prosecution official generally have set timings during their routine days. Thus there is not a exceptional problem related to duty hours faced by the judiciary and prosecution wings but it is a huge challenge faced by the police and prisons wing.

The criminal justice administration agencies officials when asked about any challenge being faced with regards to procedures and policies for postings and transfers in their respective departments, they replied in a very hearty way. The police officials stated that there is a big problem being faced in the present times related to the posting and transfer in the department. They clearly exerted that though there are number of guidelines regarding the minimum and maximum tenure at one posting and when and how to transfer an official, but due to certain perceived reasons the police staff is transferred whenever and wherever the government wants, without caring for the rules, regulations and guidelines. They reiterated that due to this reason they don't have the feeling of satisfaction and are under constant pressure to save their



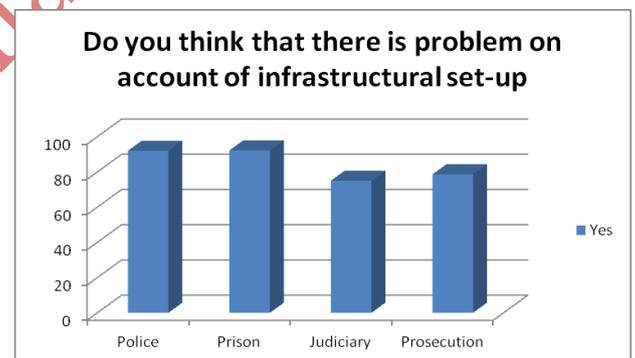
place at their place of posting. They said that posting and

transfers needs to be more impartial and unbiased. Similarly the prisons officials also stated that due to shortage of staff they have to work for long duty hours and often have to do multiple duties at various places. They said that due to these indistinct manners of posting and transfer in the department, it is a big problem that they face as a big impediment within the agency. Similarly the judicial officers and the prosecution officials stated that the transfers and postings are a problem in their



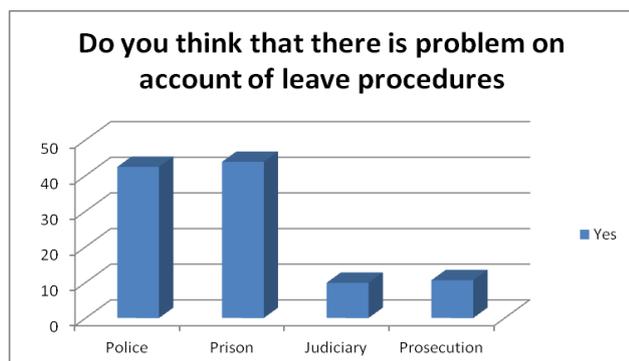
respective departments and besides the official rules and clear guidelines given regarding the transfers, still there are unparallel transfers and ambiguous manners in which the transfers are generally being done.

The criminal justice administration agencies when asked

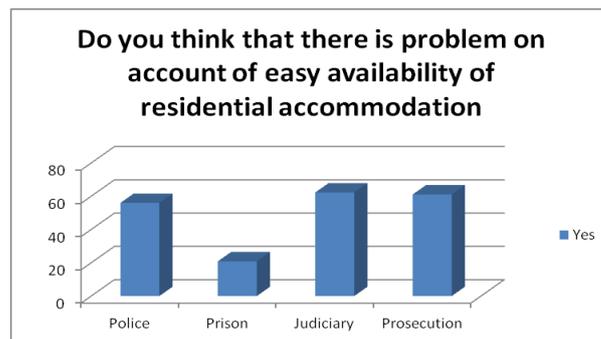


about any challenge faced with regards to the external interference in work, we received very varied responses. The police officials claimed that this is one of the biggest problem which they are facing in their routine work. There is an atmosphere where they have to face interference not only from within the department but also from influential people outside the department. The prisons department officials also stated that they face a huge problem of external interference in their daily work. The judiciary and the prosecution officials affirmed that there is not a major problem of external interference in their work and they don't find this as a hinderence in their work. The judicial officers said that for imparting best justice there is required to have an unblemished judicial atmosphere which acts as the basis of criminal justice administration in any society, thus this is not a problem in their job and infact if anyone tries to influence and

interfere in their work, such a person is severely dealt with by them.

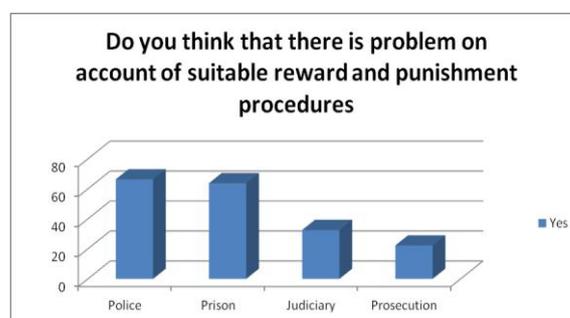


The criminal justice administration agencies when enquired about any challenge being faced on account of infrastructural set-up within the department, the officials responded to this very keenly. The police officials stated that they face a big problem on account of infrastructure and buildings in the form of their place of work. They exerted that the infrastructure and building are very old and primitive and many police offices are stationed in building which are in very horrible state. The police officials stated that infact many of their police stations are being housed in the building which are constructed by and for other departments and these stations have been sent eviction notices by the other departments but due to lack of infrastructure they cant shift to any other place. The prisons officials stated that there is an urgent need to improve and develop the infrastructure and buildings of the prisons. They said that the prisons are housed in the primitive and old buildings which have been constructed during the colonial era and there is a big problem of space and other modern facilities in the jails. This is due to this reason that the prisons are over crowded and there are many incidents of gang wars nowadays. The judicial and prosecution officers identically stated that they find a big problem on account of infrastructural set-up. They said that in the recent times there is an improvement in the buildings of the courts which earlier were housed in pathetic conditions with no facilities at all but now the government has taken vital steps for improving the buildings housing the court complexes. The judicial officers claimed that with the crime and criminals using superior quality techniques and hi-tech mechanisms in conspiring and committing crimes, the infrastructure is not available with the judicial officers and prosecution officials to check and verify the authenticity of the related evidences and documents which is of high importance for proper adjudication of justice in a criminal case. The prosecution officials have claimed that there is lack of internal infrastructure as they don't have proper backup subordinate staff to help them in their work and there is



also problem to depend on the police officials to get the desired technical evidences proved as there is no infrastructure available at hand to check the correctness and accuracy of audio, visual or other chemical proofs before presenting the same in the court. In this way the infrastructure set-up has been seen to be a big challenge faced by all the agencies of criminal justice administration.

When asked about any problem faced on account of morale and motivation for quality work, there are diverse responses received from the different wings of criminal justice administration. The police officials acknowledged that there is an immense problem on account of morale and motivation being faced within the department. The prisons officials as well stated that there is scarcely any appreciation for exceptional service and there is a huge problem on account of morale and motivation for quality



work in the department. The judiciary and the prosecution wing stated that there is not a significant challenge on account of morale and motivation for quality work.

When asked about any problem faced on account of suitable reward and punishment procedures, there are assorted responses established from the different wings of criminal justice administration. The police officials recognized this as a mammoth problem on account of reward and punishment being faced within the department. They said that there is barely any instance of reward and punishment and there is no stable policy of reward and punishment in the department. The prisons officials also stated that there is nothing being done in the form of reward and punishment in the department. In this

Do you think that there is problem on account of availability of transport for official work

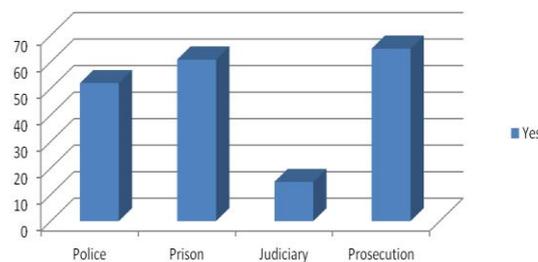


regards the judiciary and the prosecution wing stated that there is not a significant challenge on account of reward and punishment in the department. However the prosecution officials said that the reward and punishment should be made transparent and there has to be an identical incentive for all alike employees in the department.

When asked about any problem faced by them on account of leave procedure, the criminal justice administration officials responded very actively. The police and prisons official retorted that they face this problem as a colossal challenge in their department. They say that sometimes they don't even get leave when they are severely ill and due to this reason they find leave procedure to be a very big challenge. The prisons department officials said that they find it as a big hindrance to pertain for leave in times of personal urgencies. In this view the judiciary and the prosecution wing confirmed that there is not a significant challenge on account of leave procedure in the department.

When asked about any problem relating to easy availability of residential accommodation, the officials of all the criminal justice administration agencies held that there is a considerable problem being faced by them in this regard. The police official said that they face this as a big problem due to frequently transferable job and they find huge difficulty in getting residential accommodation at their place of posting. There is scarcity of official residential complexes. The judicial officers and the prosecution officials also rated this to be a huge problem. They said that even though they are entitled to have proper residential accommodations as per rules but still they face a big challenge in getting a proper accommodation at the place of posting. The judicial officers stated that at many places the accommodation made available at the division are in very shabby and dilapidated situation for many other perceived reasons, which make them non habitable. The prisons officials also reiterated by saying that they don't find easy availability

Do you think that there is problem on account of satisfaction about pay and perks



residential accommodations.

When asked about any problem on account of availability of transport for official work, the officials of different criminal justice administration agencies replied very vehemently. The police officials and the prisons officials very enthusiastically stated this as to be a major challenge while on official duty. The police officials said that due to lack of official transport facility they find this as a big problem, as legally speaking they are required to show and prove the mode of conveyance used by them to reach at "the place of occurrence". The use of non-official vehicle weakens the prosecution case and helps giving legal lacunae in favour of the accused person. The prisons official criticized this policy of non availability of official vehicles with the prisons department as there are no sufficient vehicles available with the prisons department. The prosecution officials also stated this as to be a big problem as they don't have ample facility of official transport at their disposal. They said that due to lack of proper transport facility they find it to be big handicap. The judicial officials however said that they don't find this as a major problem and don't find this to be a key challenge in their official working.

When asked about any problem being faced by them on account of satisfaction about pay and perks, the officials of the criminal justice administration responded immensely to it. The police officials stated that there is a big problem all the individual employees are facing as there is too much work load. The prisons officials said that the pay and perks should be in accordance with the quantum of the work they delegate everyday due to immense lack of staff strength in the department. The prosecution officials also stated that there is big discrepancy in the work and pay in accordance of the workload they undertake daily. The judicial officers claimed that they don't find any grave problem concerned to the pay and perks in the department and tendered satisfaction with the pay and perks in their department.

5. PROPOSED SOLUTIONS TO THE PROBLEMS:

The Judicial officials when asked regarding the above questioned challenges faced within the department and with other departments of criminal justice administration in India, the respondents replied to all these challenges with a very professional approach and seasoned way. From the above discussed and the interviews, the following are the few proposed solutions to the problems:

A. IMPROVING THE DEPARTMENTAL TRAINING

During the research it has been observed that the in-service training requires to be developed and improved in accordance with the changing and varying crimes and laws in this date and there is a big scope of improvement in the in-service training. The judicial officers responded whole heartily that the present day training at the induction and in service training as well requires big makeover and this should not only be bookish but shall also involve practical and on spot training. The present day training involves majority of bookish methods and there is not much utilising of the on spot practical techniques which should be used as being more effective and informatory. It has been observed that there is a big need to reshape the present day induction and in-service training on the pattern of the union public services as is done in the training of the Indian police services officers who are given training on all ranks from constables, inspectors and other ranks as well so that they get exposure and indepth knowledge of working and modus operandi of all these ranks. The judicial officers shall be give exposure by working as ahlamads, readers, public prosecutors etc during their training so that they get aware of the problems and plights of all these court subordinates.

B. IMPROVING THE INFRASTRUCTURAL SETUP

There is a big problem indicated to infrastructure shortage as envisaged by the judicial officers. They have advocated that due lack of proper infrastructure support in the form of advanced technical assistance which is required to be provided urgently and this short coming requires to be immediately eradicated. With the use of video conferencing, AV medium, recording of proceedings of offences against women, etc have helped in quick disposal of the case and with the introduction of new technical commodities and highly trained responsible staff will be a big boon and help to the judicial system in India.

The judicial officers also pointed out that there is a problem on account of proper residential

accommodation as these houses are generally found to be in old and dilapidated condition. It has been observed that there infrastructural issues are being slowly exterminated but with the increase in use of advanced techniques by the offenders the judicial officers need to be provided with advanced technical support and procedural staff so that these criminal cases can be decided properly and the offender is convicted.

6. CONCLUSION:

This paper presents various challenges faced by the Judicial department as being an important wing of criminal Justice administration in India. This paper focuses on the actual challenges faced by the Judiciary within the department and in coordination with other department of criminal justice administration. It present statistical results on the major concerns obtained in the form of questionnaire from the Judicial officials serving on various ranks in the department. It presents various views and interesting facts obtained after interviewing judicial officials. It concludes with the solutions to various important challenges faced by the Judiciary department that can help in the smooth working of the most important wing of criminal justice administration.

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