

SPEEDING UP OF CRIMINAL JUSTICE SYSTEM IN INDIA: A CRITICAL ANALYSIS

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ABSTRACT

Dr. A.P.J. Abdul Kalam observed, -If real criminals in our society are left without punishment for years, because of delay in criminal justice for various reasons, it will indeed result in the multiplication of people taking to criminal acts. The title for the proposed research is -SPEEDING UP OF CRIMINAL JUSTICE SYSTEM IN INDIA: A CRITICAL ANALYSIS. Denial of 'timely justice' amounts to denial of 'justice' itself. These two are integral to each other. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right. India's criminal justice system has an acute backlog crisis, and this crisis is becoming severe with each passing year. The lack of adequate personnel impedes the ability of the Indian state to maintain law and order, and effectively administer justice. This poses a big challenge to Indian democracy. It will be brought forward that the lack of an effective and fast criminal justice system tends to dampen appetite for investments in the country and the lack of state capacity often encourages people to vote for local strong-men, who bypass formal channels while settling disputes and enforcing contracts in their areas of influence. The research will tend to highlight the issue that there is a huge pendency of cases, the system is not being able to keep pace with the new cases being instituted, and is not being able to dispose of a comparable number of cases. The ground reality is that securing justice in India remains a Herculean task for an average citizen in the country.

Key Words: *Speedy Trial, Justice, Criminal System*

INDIAN CRIMINAL JUSTICE SYSTEM

A criminal justice system is a structure that is present in order to put in force a legal code. This structure ensures that the law and order in the country is maintained. In order to control crime and punish those who violate the law, the government establishes a set of agencies collectively referred to as- the criminal justice system. India's Criminal Justice System has its roots in the British made age-old penal legal system while their

There are four key components that play a vital role in the criminal justice system. Th

- Counsel For The Parties

Defense counsel is the representative of the defendant in the court against the state. Defendant hires these lawyers for the court trial. Prosecution's lawyer is the lawyer who defends the state or the federal government and not the victim. The public prosecutor reviews the pieces of evidence brought by law enforcement body and also decides whether to press charges or drop the case. Since the lawyers of both the parties are important for the process to be carried out, they form an integral part of the criminal system.

- Law Enforcement Agencies

Law Enforcement officials make the crime report of the crime in their area. They have been assigned the responsibility for maintaining law and order in the states and almost all routine policing including the apprehension of criminals is done by them. They also set up investigations and protect the evidence from being tampered. Therefore, they are an important part of the criminal system.

- Courts

Judges, being the epitome of justice play a crucial role in the system as the major portion of the criminal system takes place under them. They are the ones who make decisions in courts about whether to release offenders on bail or not, oversee trials, and sentence the convicted offenders.

- Corrections

As the approach of justice system is more towards reformation now, the role of correction homes have considerably increased. Their job is to make sure that the homes or facilities that keep offenders are safe and secure. They are not only in charge of overall day-to-day custody of inmates but also oversee the release processes of offenders. Since, they have a closer interaction with offenders on day to day basis they also at times report the change in behavior of the offender.

The process of Criminal Justice System begins as soon as the crime is reported and investigation begins. It is followed by trial process, and ends with sentencing the offender by virtue of which he lands up with correction facilities/prison. Thus, we can say that the procedure of administration of criminal justice in our country is mainly divided into three stages namely investigation, inquiry and trial. The entire process aims to serve the following objectives:-

- To maintain law and order in the society.
- To prevent the occurrence of crime.
- To punish the transgressors and the criminals.
- To rehabilitate the transgressors and the criminals.
- To compensate the victims as far as possible.
- To deter the offenders from committing any criminal act in the future.

In sum, the criminal Justice System in India is a legacy of the British system. Even though the above described process for dispensation of a criminal case looks simple it suffers from many inherent lacunas which become the reasons for delay and hampers an expeditious trial.

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ESSENCE OF JUSTICE IN RELATION TO EXPEDITIOUS PROCEEDINGS

Justice is the utmost urge of an individual. Right to speedy trial is the essence of criminal justice and there is no doubt that justice delayed is justice denied. India is a democratic society governed by rule of law and it is enshrined in the Constitution of India, which the people of this country have given to themselves. Rule of law means that law is supreme and the rule of law is protected when there is a legal system, which is readily accessible and responds to the needs and problems of citizens in a fair and non – discriminatory manner. The Constitution has guaranteed its citizens fundamental rights which are basic human rights. The quest for truth is the foundation of justice system which aspires to preserve and protect the rule of law. The object of establishing courts is to bring justice to the door step of the litigants to save time, expenditure and serve justice speedily. Speedy justice demands speedy and reasonably expeditious trial. It secures the right to

live with basic human dignity and right to individual liberty.

The Right to Fair and Speedy trial is guaranteed as fundamental right by virtue of the Supreme Court's landmark judgment of *Hussainara Khatoon (IV) v. State of Bihar*¹ that explicitly held speedy trial as part of article 21 of the constitution guaranteeing right to life and liberty. While delivering the landmark judgment, Justice P.N. Bhagwati² observed –Speedy trial is of the essence of criminal justice and there can be no doubt that delay in trial by itself constitutes denial of justice. We think that even under our Constitution, though speedy trial is not specifically enumerated as a Fundamental Right, it is implicit in the broad sweep and content of Article 21 as interpreted by this court in *Maneka Gandhi v. Union of India*³. Thus, any delay in expeditious disposal of criminal trial infringes the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, 1950.

Even the Criminal Procedural Code, under Section 309(1)⁴ states that in every inquiry or trial, the proceedings shall be held as expeditiously as possible. However, expeditious justice is very rare, as litigation has assumed alarming proportion with the explosion of population, expanding of business activities, sagging moral values, culture of demanding only rights and tardy disposal of cases by Courts, the arrears are mounting up day by day.⁵ This right of expeditious or speedy trial is the essence of justice and delay in the trial causes denial of justice to the accused.

The demand of justice is not only that justice should be provided but also within a reasonable time. Justice should not only be done but also seems to be done. Delay made in the adjudication of a case, result in arrears, which violates the right of fair and speedy trial. Delay though today has become a trending word but it is not a recent phenomenon. After the Constitution of India was enforced in 1950, the First Law Commission in its Fourteenth Report in 1958 submitted an extensive list of recommendations on Reform of Judicial Administration.⁶ The main objective of

¹ 1980 (1) SCC 98.

² *Id.*

³ AIR 1978 SC 597.

⁴ *Section 309(1) The Code Of Criminal Procedure, 1973- Power to postpone or adjourn proceedings- In every inquiry or trial, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.*

⁵ Pranav Kaushal, *Reformations Brought Under Criminal Law in Light of Human Right Concept* (Aug.31, 2019), Available at: <https://lawcorner.in/reformations-brought-under-criminal-law-in-light-of-human-right-concept/>.

⁶ Law Commission Of India, Fourteenth Report, *Reform On Judicial Administration*, Volume I, Ministry of Law, Government of India, Available at: <http://lawcommissionofindia.nic.in/1-50/Report14Vol1.pdf>.

the commission was to revamp the judicial system with a view to reduce delay and enlarge access to justice.

When an accused is acquitted after long delays, he not only goes through the unnecessary suffering but also many times such inordinate delay contributes to acquittal of guilty persons. This happens because the evidence is lost, or because of lapse of time, or the witnesses do not remember all the details and 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.

The Constitution of India in the Preamble provides to all its citizens social, economic and political justice which cannot be realized unless the various components of the criminal justice system, get together and work hand in hand to explore new measures for providing everyone equal and quick access to its justice system. The Indian legal system in its current condition is far from meeting its constitutional obligation of providing justice.

OBSTACLES IN SPEEDY INVESTIGATION AND ADJUDICATION

In order to put the problem in proper perspective, there is a stringent need to take account of the actual causes for delay in and to formulate means and ways of checking the problem. If one goes by the perception of public, they will primarily hold the judiciary responsible for the delays or inefficient working that occurs. However, the judiciary alone is not liable. There are many contributing reasons that cause the delay even before the judiciary is involved. Judiciary is held responsible without acknowledging the actual reasons. This happens because the judiciary chooses to keep silent and abstains itself from conveying to the general public that there might be some delays that are outside the purview of judicial control. All that said, the judiciary is expected to take into account the reasons that cause delay in investigation and adjudication and stringently take up measures in order to bring the entire criminal justice system on pace and to ensure everyone their most cherished right- Article 21 in all its aspects.

- **The Causes For Delay On Part Of Law Enforcement Agencies**

Section 2(h) of Criminal procedural code states that -Investigation⁷ includes all the proceedings for the collection of evidence conducted by a police officer or by any person authorized by a magistrate. In keeping with this definition, the Apex Court has held that investigation consists generally of these steps⁸:

- i. Proceeding to the spot
- ii. ascertainment of the facts and circumstances of the case;
- iii. discovery and arrest of the suspected offender;
- iv. collection of evidence relating to the commission of the offence which may consist of
 - (a) the examination of the various persons (including the accused) and the reduction of their statements into writing, if the officers think fit,
 - (b) the search of places or seizure of things considered necessary for the investigation or to be produced at the trial, and
- v. formation of the opinion as to whether on the materials collected there is a case to place the accused before a magistrate for the trial, and if so, taking the necessary steps for the same by the filing of a charge-sheet under Section 173.

Thus, necessarily it's the police that comes foremost in the administration of criminal justice system as they conduct the investigation over which the Court relies at a later on. Therefore, a delay in investigation would slow down the entire process and become an impediment in the course of justice. Delay during investigation is caused in the following ways:-

1. Inaction on the part of the police in registering the FIRs and in case of registration of FIR, then doing so after unjustified delays, accompanied with no seriousness in taking up the investigation at the earliest possible time.
2. Further, the Police Stations are understaffed and the police personnel lack motivation to act without fear or favor. Existing police force is out rightly inadequate and even the sanctioned strength always remains in deficit.

⁷ **Section 2(h) in The Code Of Criminal Procedure, 1973 (h) " investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.**

⁸ *H.N Rishbud v. State of Delhi* (AIR 1955 SC 196).

3. In cases involving influential persons or persons in power, the police personnel adopts a cowardly attitude & usually they don't proceed with the investigation against them or has to face a lot of pressure not to act speedily.
4. It is a known fact that corruption at Police Station is prevalent at every stage right from constable to DGP level. This affects the timely and qualitative investigation.
5. Adequate priority is not given for investigation of crimes unless the case attaches media attention or involves some important/influential personality. In fact, the personnel is engaged in comparatively unimportant duties like Beat Duty. In most of the States, there is lack of regular training programs and periodical exercises to upgrade the skills of investigation.
6. When the FIR is not registered within a reasonable time or the pace of investigation is tardy, there is a high chance of destruction of evidence and also there is no internal mechanism to check this effectively. Destruction of evidence can imbalance the entire case as the court heavily relies upon evidence.
7. When it comes to modern gadgets such as cameras, video equipment etc., the police machinery is quite unequipped. Not only that, but the laboratories that can aid in the speedy investigation also scarce. Further, it is common knowledge that there is dearth of forensic and cyber experts in police departments.
8. Sufficient care and time is not bestowed in drafting the final reports/charge- sheets. Defective charge-sheets without narration of all relevant facts and charge-sheets unaccompanied by annexures are reported to be very common and tend to delay the proceedings. This important document is normally prepared by a 'Writer' at the Police Station, who if posted at heavy Police Stations is overworked and can hardly spare the needed time.⁹

- **The Causes For Delay On Part Of Courts**

The judicial system is unable to deliver timely justice because of huge backlog of cases for which the current judge strength is completely inadequate. Further, in addition to the already backlogged cases, the system is not being able to keep pace with the new cases being

⁹ *Expedition Investigation and Trial of Criminal Cases Against Influential Public Personalities*, Report No.239 submitted to the Supreme Court of India in W P (C) NO. 341/2004, Virender Kumar Ohri v. Union of India & Ors.

instituted, and is not being able to dispose of a comparable number of cases. The already severe problem of backlogs is, therefore, getting exacerbated by the day, leading to a dilution of the Constitutional guarantee of access to timely justice and erosion of the rule of law.¹⁰

Delay is caused due to:-

1. At the stage of framing charges or during the course of trial, the presence of the accused is very essential. During the proceedings the non-production of undertrial prisoners creates obstruction in the speedy discourse of adjudication. Earnest efforts are not made by the Police in apprehending and producing the absconding accused.
2. District Judges do not bring the extraordinary delays being caused in specific cases to the attention of the High Court while furnishing monthly/quarterly statements to the High Court.
3. Inadequate number of Courts and in the courts inadequate staff strength also makes the entire justice mechanism slow.
4. Many times, the Judges are transferred amidst their serving tenure. They might be involved in adjudicating upon serious offences that require rigorous investigation. If in such scenario, a judge is transferred, the resources will not only be spent wastefully but also slow down the justice system.
5. Lack of proper witness protection measures leads to harassment/inducement of witnesses because of which they keep on withdrawing the cases. Such delays can also cause the witness's memory about the incident to fade away. Trial cases are adjourned quite often for non-attendance of witnesses.
6. Trial Judges not putting in place effective case management measures such as fixing up proper time-schedules and ensuring continuity in trial and dealing with the advocates with firmness and tact.¹¹

- **The Causes For Delay On Part Of Corrections**

Correctional machinery is an integral part of the criminal justice system. If the purpose of the system is to achieve prevention of crimes the system cannot afford to leave the correctional

¹⁰ Law Commission Of India, Report No. 245 *Arrears And Backlog: Creating Additional Judicial (Wo)Manpower* July, 2014.

¹¹ *Supra* no. 7.

and rehabilitative aspect unattended. Neither the police the courts, nor correctional agencies can perform their tasks without directly affecting the efforts of the others. It has been seen in practice that lack of coordination among various functionaries like Judiciary, Prosecution, Police, Prison, Advocates constitutes a major cause of delay in quick disposal of cases. Thus, the criminal justice system is involved with corrections from the time it passes sentence until that sentence is served. Correctional agencies, may have to overcome the following hinderances:-

1. Inefficiencies that slow parole processing and delay the release of eligible candidates to parole supervision increase the likelihood of people serving their entire sentence in prison and, as a result, returning to their communities without supervision or support. If this is called -Justicell, we need to reevaluate our idea of justice.
2. Delay of a release date or delay in releasing on the fixed date ends up violating the rights of the detainee and also causes the problem of over-burdening.
3. Often Language acts as a barrier for the prisoner to understand or participate in the proceedings, thereby causing unnecessary delay.

- **The Causes For Delay On Part Of Counsel**

A lawyer's duty to the court is a fundamental obligation that defines a lawyer's role within the entire criminal justice system. However, a lawyer's duties are not only towards the court. Lawyers must fulfill and balance their duties to the client, opposing counsel, the administration of justice and society. The role of both the counsel's- defense counsel and public prosecutor is a distinct one and crucial in the administration of justice. However, because of the pressures of staggering caseloads and limited resources, the criminal justice system frequently produces marginal performances by counsel. Ethical and professional obligations, as well as other practice standards state that the lawyer's duty during the proceedings is to represent the client's stated interest, but the same must not be done at the cost of justice. They impede the course of proceedings by:-

1. Seeking adjournments without adequate justification is done mainly to give extra time to the accused party to win over the witnesses. Some lawyers take adjournment unnecessarily to harass opposite parties and to extract money from clients. The heavy

workload in the courts is taken advantage of by the advocates to press for adjournments. The witnesses are often constrained to leave the court without being examined. Sometimes, the Prosecution also seeks adjournment without prior notice to the advocate for the accused.

2. Some of them cause delay by continuing meaningless argument day after day. However, this habit of wasting court dates in lieu of meaningless arguments by lawyers day after day, poses a threat to the judicial process.
3. In Government cases, adjournment are freely sought to file affidavit because the offices of the Advocate General, the Attorney General and Solicitors General to the Central and State Governments are inadequately staffed and unequipped.
4. A usual trend is seen in courts that the counsel in order to delay the case file multiple miscellaneous applications. This can also be seen in another light, the parties to the case misuse the judicial remedies available for redressal of cases. One after the other, they attempt to file appeal, review, revision. This also overburdens the already burdened courts.

Effect of slow criminal justice system

Prolong litigation undermines public interest. Parties to a case remain trapped in the disputing process and are unable to get on with their lives and businesses. Reversal of a trial court decision extends a dispute even longer. The longer the appellate process takes, the more likely it is that witnesses will be unavailable, memories will fade, and evidence will be stale when the case is again before the trial court. Lengthy delays also create mental anguish to parties and waste time, money and resources. When courts cannot manage their business well, they contribute to a negative model of court processes and tend to weaken public trust in the legal system.

JUDICIAL SENTIMENT TOWARDS THE INDIAN CRIMINAL JUSTICESYSTEM

The courts despite long delays have made an attempt to maintain the public faith of the people in administration of the justice by ensuring the concept of the human rights in administration of the Criminal justice, as can be seen from plethora of cases-

The Supreme Court in *Hussainara Khatoon (II) v. Home Secy, State of Bihar*¹² has highlighted the plight of undertrial prisoners who were languishing in jail for a long period without trial. The court directed the state government to release forthwith the undertrial prisoners on their personal bonds as an exceptional measure in view of the fact that all undertrial prisoners were in jail without trial for several years and in some cases for offences for which the punishment would be less than the period of their detention. Justice Bhagwati¹³ held that the state cannot be permitted to deny the constitutional right of speedy trial to the accused on the ground that the State has no adequate financial resources to incur the necessary expenditure needed for improving the administrative and judicial apparatus with a view to improving speedy trial.

In the famous case of *Sheela Barse v. Union of India*¹⁴, Supreme Court observed that where the court comes to a conclusion that the right to speedy trial of an accused has been infringed, the charge or conviction, as the case may be, must be quashed. The court directed the state governments to take steps for completing an investigation within three months in cases lodged against children. Further, it directed the establishment of an adequate number of courts to expedite the trial of children detained in various jails.

In another case¹⁵, Supreme court held that there is implicit right under Article 21 for speedy trial which in turn encompasses speedy investigation, inquiry, appeal, revision and retrial. To determine whether undue delay has occurred, one must have regard to nature of offence, number of accused and witnesses, workload of the court and the investigating agency, systemic delays. Inordinate delay may be taken as presumptive proof of prejudice particularly when accused is in custody so that prosecution does not become persecution. Court has to balance and weigh several relevant factors. Though it is neither advisable nor feasible to prescribe any mandatory outer time limit and the court may only examine effect of delay in every individual case on the anvil of Article 21 of the Constitution, there is certainly a need for in-house mechanism to ensure that there is no undue delay in completing investigation.

The issue of the huge number of pending and delayed criminal cases came up before the Supreme Court in a petition filed by a non-governmental organisation. The Supreme Court in the

¹² 1980 1 SCC 91: AIR 1979 SC 1369.

¹³ *Id.*

¹⁴ 1986 (3) SCC 632.

¹⁵ *Dilawar v The State Of Haryana* MANU/SCOR/12149/2019.

case reported as *Common Cause v. Union of India & Others*¹⁶ observed: It is a matter of common experience that in many cases where the persons are accused of minor offences punishable for not more than three years— or even less—with or without fine, the proceedings are kept pending for years together. If they are poor and helpless, they languish in jails for long periods either because there is no one to bail them out or because there is no one to think of them. The very pendency of criminal proceedings for long periods by itself operates as an engine of oppression. Quite often, the private complainants institute these proceedings out of oblique motives. Even in case of offences punishable for seven years or less – with or without fine—the prosecutions are kept pending for years and years together in criminal courts. In a majority of these cases, whether instituted by police or private complainants, the accused belong to the poorer sections of the society, who are unable to afford competent legal advice. Instances have also come before courts where the accused, who are in jail, are not brought to the court on every date of hearing and for that reason also the cases undergo several adjournments. It appears essential to issue appropriate directions to protect and effectuate the right to life and liberty of the citizens guaranteed by Article 21 of the Constitution. It is also necessary to ensure that these criminal prosecutions do not operate as engines of oppression.

In the second *Common Cause Judgment*¹⁷, the Supreme Court clarified that the time-limit mentioned regarding pending criminal cases in the first judgment shall not apply to cases wherein the delay of criminal proceedings is wholly or partly attributable to the dilatory tactics adopted by the accused or on account of any other action of the accused which results in prolonging the trial.

In the case of *Swaran Singh v. State of Punjab*¹⁸, court held that "It has become more or less a fashion to have a criminal case adjourned again and again till the witness tires and gives up. It is the game of unscrupulous lawyers to get adjournments for one excuse or the other till a witness is won over or is tired. Not only is a witness threatened, he is abducted, he is maimed, he is done away with, or even bribed. There is no protection for him. In adjourning the matter without any valid cause a court unwittingly becomes party to miscarriage of justice."

¹⁶ 1996 (4) SCC 33.

¹⁷ 1996 (6) SCC 775, 199.

¹⁸ (2000) 5 SCC 668.

In another judgment¹⁹ the Court, in a one-page order, has ruled that ‘_counsel being out of station’ is not a ground for granting an adjournment. The Court then went on to say that since there was a finding that ‘_being out of station’ is not a valid ground for an adjournment and Since this is an order issued by a Bench of three judges, it appears that the law on this issue stands settled. There are perhaps compelling policy reasons that this must indeed be the legal position

On 10 January 2008, in the case of *Puran Singh v. State of Uttaranchal*²⁰, the Supreme Court acquitted appellant Puran Singh of murder committed in 1979, the case for which had run for last 29 years. At the time of judgment he was in jail. It is significant that the court heard his appeal out of turn. Else, the case would have lingered on much longer. The Sessions Judge, Chamoli (Uttarakhand) acquitted the accused in 1981. However, the government appeal was allowed by the high court in 2005. The High court convicted the accused person and ordered him to undergo imprisonment for life. Puran Singh filed a Special Leave Petition before the Supreme Court of India. He also applied for bail as he was taken into custody after his conviction in October 2005. He remained in custody for around one-and-a-half years at this time, in addition to from August 1979 to February 1981. On 24 November 2006, finally when the matter was called out, the accused was acquitted. This is not the harsh reality of only case, but the plight of many in India.

In another decision²¹ of the Supreme Court delivered shortly thereafter, on 16 January 2008, it acquitted appellant of the charge of murder committed on 1 October 1994 at Greater Mumbai (Maharashtra). In the present case the gap between the date of registration of the crime and the final acquittal was around 13 years, which is completely inconsistent with the basic human rights of the accused person. The appellant remained in jail throughout this period as two courts, the sessions court as well as the high court, had sentenced him to life imprisonment.

CONCLUSION

Public expects and deserves speedy trial and quick justice. Delay is a denial of justice. The courts must realize that it is their responsibility to take the initiative to eliminate delay. Delay is not inevitable and can be curtailed by adopting imaginative court management

¹⁹ Ram Siromani Tripathi & Ors. v. State of U.P & Ors [(2019) 2 SCC 206].

²⁰ (2008) 3 SCC 7051.

²¹ Satish Rajanna Kartalla v. State of Maharashtra, (2008 AIR SCW 1136).

techniques. Unfortunately little attention has been paid to this. Pendency of cases across courts in India has increased in the last decade.

The plight of Indian criminal justice system is worsening day by day. The problem of delays in the system have been there for years. In India, previous Law Commissions and Governmental Committees have suggested various directory time frames both as guidelines to Courts for the timely disposal of cases, and as standards by which delay in the system can be measured.²² However, hardly any of these suggestions are implemented.

SUGGESTIONS

Here are a few steps that can be taken in order to facilitate the speeding up of criminal justice system in India:-

1. Networking the Police Stations with the Criminal Courts: Networking all the police stations and linking with trial courts will improve the situation a lot as there will be immediate transmission of documents, by which possibility of manipulating or changing the documents would drastically reduce.
2. Appointment of a legal officer to assist the Investigation: A legal officer may be appointed for all levels of the police to render advice and guidance on the legal aspects of investigation to strengthen the utility of the documents collected by the Investigating Officer.
3. Recording Reasons for delay by IO: The IO must mandatorily record the reasons for the delay in lodging of FIR if any, that might also help the prosecution in getting the delay condoned but at the same must be condoned with strict regards.
4. Verification of the truth of FIR: At the outset the police officers present at the police station should immediately register the complaint without probing into the falsity or otherwise of the complaint. Suspecting the complainant should not become a stumbling block in discovering reality.
5. Instant action on matter: Since, the falsity of the complaint is not to be tested or verified by the police officers at the threshold of FIR lodging. Immediately after it has been

²² *Supra* no. 8.

lodged, action must be taken so that a check can be kept and false cases can be prevented from reaching the courts.

6. Prompt filing of Charge-sheet: There should be a very comprehensive and cohesive effort by all means to drastically reduce the delay in filing of charge sheet.
7. Speedy Investigation: Speedy Investigation not only includes time bound investigation but also few other factors that can prevent delays, like, besides reaching the scene of crime, the Investigators also should see that the crime scene is not disturbed by the people generally before police reached so that the crucial evidences like finger prints, hair follicles and other things are properly secured and documented. The entire case comes to a standstill if crucial evidence is lost. Also, To avoid the problem of witnesses turning hostile and frustrating entire criminal justice system including the efforts of the police, every effort should be made to support the witnesses, secure their morale, provide safety to their physical being and make it easy and respectful for them to depose truth in court hall.
8. Hand In Hand Working Of Police–Prosecution: The coordination and cooperation in between prosecutors and police has to be established in a methodical and meticulous manner at all levels. There should be speedy communication of important documents to the prosecutor in the right time so as to remove suspicions about genuineness of the case to secure the convictions.
9. Increasing the number: The number of scientific experts, police personnel, laboratories, police stations and courts shall be increased to meet the needs of the state as they are absolutely insufficient currently to handle the growing rate of crimes to the tune of the increasing population. However, increasing the no. solves half the problem, the other half issue can be resolved when their working is made efficient by providing regular trainings and conducting short courses.
10. Immediately taking appropriate responsive measures: Correctional authorities should without delay take apt measures for immediately releasing offenders on parole or probation. They should fast forward the applications of the ones who have duly served their tenure. Also in cases of convicts awaiting death sentences, the prison authorities must ensure that the convicts don't have to wait for long durations.

11. Strict Action against Counsel: The courts must impose heavy fine/ penalty on counsels who unnecessarily seek long adjournments in order to accomplish their selfish ulterior motives.

Thus, we can conclude by saying that if the above mentioned suggestions are taken into account the criminal justice system will become expeditious and thereby ensure efficient and transparent judiciary and administration.



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