

SOCIO-LEGAL ASPECT OF CRIMINAL SYSTEM OF JUSTICE

Ram Kumar Rojh

Research Scholar, Faculty of Law, Tania University, Sri Ganganagar

ABSTRACT

There is a conspicuous difference between the legal and scientific approaches to the problems of crime. The law is an older discipline, is more heavily weighted with tradition, and, in many cases, is in direct conflict with the empirical findings of the social sciences. The authors' text presents the problems of criminology from both points of view and attempts to indicate how advances in psychology and sociology have brought about changes in the traditional legal conceptions of crime.

Keyword: crime, legal, law, scientific, social, nation, criminology, sociology, psychology

1. INTRODUCTION

The first major part of the book is concerned with the scientific aspects of crime and empirical findings relating to crime and the community, the criminal, his mentality, characteristics, and background. In the next section are discussed the legal aspects of crime: the meaning, purpose, and content of the criminal law; the problem of criminal liability; the way in which evidence is gathered; and the procedures leading up to and incident upon trial. Problems of penology, the theory and practice of punishment, problems of penal institutions and extra-mural forms of corrective treatment, and parole and probation are considered in the following section. The last part is concerned with the topic of crime prevention.

Crime is a public wrong. Public wrong in the sense it causes injury to the public or community as a whole and any member of the public can move the court, it causes threat to social security and creates social disorder. It is a wrong pursued by the sovereign or its subordinate i.e., Police, Judicial Officials etc. for example Murder, Rape, Theft, Forgery etc.

The criminal law is concerned the criminal is related to "the general social organization of which he is a part, to the individuals who are governed by that social organization, and to the organized procedure and legal agencies which the social organization has created as a means for meeting its needs and conserving its interests. This last we ordinarily call the State. The state has a twofold function: first, it must secure itself from destruction, so that it can function for the protection of the society which has created it; and secondly, it must secure protection to the individuals in that society.

So that, as the criminal is a member of the social organization, it is the function of the state to protect him as well as the other individuals so far as the acts of the criminal will permit such protection to be afforded when the general security of the whole organization is considered and secured^{2a} The criminal is therefore related to the state in a twofold way., He threatens the security of the state, but at the same time he is entitled to protection from the state. That is, the individual interest of the criminal must be conserved so far as it is possible to conserve them and at the same time protect the individual interests of the other members of the social organization and the interests of the state, both as a juristic person and as the guardian of the social interests^{2b} It is the determining and balancing of these interests which is the fundamental problem of the criminal law.^{3 0} This problem has its nexus in the criminal, his acts and the consequences of these acts.

So, the concept of crime is closely related to social policy of a given time. With the changes of ideologies, the concept of crime also will change. And certain new crimes bounce up whereas some existing crimes become out of date and, consequently, they are deleted through adequate changes in the criminal law. For this reason, the criminal law has often been considered as a barometer to gauge the moral turpitude of the society at a given time. In other words, the social standards of the society can suitably be judged by studying the criminal policy adopts by it.

A few illustrations from the Indian society will maintain this contention. The legislative measures to legalise abortion in certain cases adequately reproduce the changing concept of morality in Indian society. More newly, the strict anti-dowry laws enacted to prevent the

incidence of dowry deaths and bride-burning and deterrent against the practice of sati providing for death sentence and fine to those who abet this evil practice in any form clearly indicate that the society is no longer going to tolerate atrocities against women and desires to guarantee them a decorous place in the community. The Protection of Women against Domestic Violence Act, 2005 and the Children's Rights Act, 2006 reproduce the changing trend of society in the direction of women empowerment and protection of children from abuse.

Use of computer network has given rise to cyber-crimes and other computer related unlawful activities of twenty-first century's hi-tech world. Cyber-crimes are harmful acts committed for or against a computer or against information on computer network. These crimes differ from most terrestrial crimes in four ways:

1. It is easy to learn how to commit them,
2. they hardly require any resources,
3. they can be committed in a jurisdiction without being physically present in it, and
4. they are often not clearly illegal.

Some criminals operate around the computer network, undeterred by the prospect of arrest or prosecution, and therefore are a menace to e-mail or e-commerce users. Frauds, hackers, viruses, pornography, harassment, stalking, data-diddling etc are these cyber-crimes cover a wide range of illegal activities. These offences are needed to recognise the fact that criminal law must continue to address itself adequately to new developments in information technology. Because of the cyber crimes' international potential, there is need for an effective anti-cyberspace international law for preventing cyber-crimes. In recent years has made the crime situation still worse as evinced by scams, corrupt practices, bomb-blasts, sex-scandals and all sorts of violent activities.

Tappan defined crime as: "An intentional act or omission in violation of criminal law committed without any defence or justification and penalised by the law as felony or misdemeanour.

2. CRIMINAL ADMINISTRATION OF JUSTICE SYSTEM AT A GLANCE

The criminal law has been protecting society from criminals and lawbreakers with intimidation of punishments to forthcoming lawbreakers as well as attempts to make up the real offenders suffer the prescribed punishments for their crimes. So, criminal law

consists of both the substantive criminal law and the procedural criminal law in its wider sense. Substantive criminal law describes offences and recommends punishments for the same; simultaneously the procedural law administers the substantive law. Subsequently the two main head in our country are criminal procedure code i.e., Cr P C which deals with administration of criminal cases and Indian penal code i.e. I P C being procedural and substantive respectively.

On the other hand, with the changing period the community rule also changes and accept this change by the people who are part of this community either by way of compromise or any other way with the purpose of regulate and make them the part of the especially same civilization. In previous days there was no criminal law in uncivilized society. The compliance of these principles remains with the parties themselves, for a long time, but step by step this function came to be performing by the State.

From the time of Manu, the germs of criminal jurisprudence came into existence in India. Manu has recognized in the category of crimes such as assault, theft, robbery, and false evidence, and slander, criminal breach of trust, cheating, adultery and rape. The king protected his subject matter and the matter in return yet to be paid him commitment and paid him revenue. The king governs justice himself, but the matter was handed over to a Judge if they busy. If a criminal be fine, the fine goes to the king's reserves, and was not given to the injured party as compensation. One needs to have a receptive in today's world, broad and open mind in order to solve various problems by our justice system.

In view of the fact that it is clear that in our criminal justice system a change is essential and there is a need to stick on to option to alternative methods of dispute resolution even in criminal cases in place of making a major change, we initially need to see the general character of a trial and by our courts which the procedure or system is followed for the criminal administration of justice. Procedure In our country the procedure of administration of criminal justice is divided into three stages namely investigation, inquiry and trial. Under the Indian Penal Code or under any other law The Criminal procedure code 1973 provides for the procedure to be followed in investigation, inquiry and trial, for every offence.

There are certain basic terms one should be aware of these being before discussing the procedure of administration:

- Cognizable offences.
- Non cognizable offences.
- Inquiry.
- Investigation.

Therefore, to resolve for a dispute the said case has to go through the three stages i.e. inquiry, investigation and trial and after this process will complete the judgement of by the judge who settle on the case and its conclusion. Even though the process becomes visible to easy and simple by paper but in practicality is weighty and time overriding fair and speedy justice who is defeating the main essence of a criminal system, and so warrants a change now. 1.6. A Socio-Legal Study Socio-legal study means the relation of law and society. It is an interdisciplinary to analysing law relationships between these and wider society. It is theoretical as well as empirical work has included, and perspective and methodologies are drawn as of the humanities as well as the social sciences.

3. CONCLUSION

We suggest a critical edge taught LLM programme and work with key in civil society partner and government so that our evidence-based information is both related and easily reached to those concerned in practice. Advantages & Disadvantages of Social Survey At the present time higher survey software makes it easy to develop survey and on the whole researchers" gather information online. Personally, don't prefer this data collection mode if respondents are accessible then. Whether a searcher select online survey or paper survey it should focus on study type and the demographics of the respondents. Due to cost effectiveness sometimes, a researcher selects online or mobile survey, yet they may not able to reach the alternate modes. In online survey and mobiles survey required results may be different due to respondent's lack of interest. In far away and rural areas customary methods of survey is best alternative.

Under Sec. 304A any person responsible the death of any person by any rash or negligent act shall be punished with imprisonment for two years, or with fine, or with both and whoever commits murder shall be punished with death, or imprisonment for life and shall also be liable to fine. Though, only one person died in murder, he will obtain death or life imprisonment with fine and in rash or negligent act died number of persons the accused will obtain imprisonment only two or fine or both. It means some time he can acquit on fine only, it is not reasonable.

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