

THE KNOWLEDGE TREE

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Preface

In the past decade multiple developments have taken place which has led to changes in organisational structures, technologies and legal peripherals. Changing structures, advances in information and communication technologies and the greater reliance of companies on information indeed poses a number of challenges for maintaining good management practices. With an objective to promote fresh ideas and provide a platform to all avid writers, I am pleased to be a part of this book.

I am extremely grateful to all the reviewers, editors and all the authors for their valuable contribution to make this book a grand success. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.

It has been a matter of great pride and honour to be associated with this book and I hope it will inspire scholars to create a new viewpoint of ideas and enrich their knowledge.

Happy reading!

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“Human Rights and Criminal Justice System: A Socio Legal Study”

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Abstract

Criminal Justice System of any country is the basis of establishing peace and tranquillity. It includes not only the judicial system but the investigating machinery as well. Criminal Justice is one of the critical areas of human rights where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand, and prevention of human dignity of both victims of crime and person accused of it, on the other. Rule of law is the bedrock of democracy, which is acknowledged as the best system of governance to ensure respect for human rights. When one speaks of human rights, he is not only referring to bodily requirements, but also to the conditions of existence that allow all people to fully develop and employ their human attributes of intelligence and conscience, as well as to meet their spiritual demands. Human rights are intrinsic to nature and impact people's everyday lives in a variety of ways. As a result, denial of human rights would invariably lay the stage for political and social discontent, conflicts, and animosity between states and within nations. Any nation's criminal justice system is its cornerstone for fostering peace and calm. It also comprises the investigative apparatus in addition to the judicial system. One of the most important areas of human rights is criminal justice, where the legal system is constantly put to the test in order to maintain social order and safety on the one hand, and to protect the human dignity of both crime victims and those who are accused of committing it on the other. Democracy, which is considered as the ideal form of government to ensure respect for human rights, is based on the rule of law.

Keywords: Human Rights, Declaration of Human Rights (UDHR), Criminal Justice System, Dignity, freedom.

Introduction

International protections of human rights have increased dramatically in the last century, due in part to the increased recognition that a number of nations share many fundamental legal values and expectations. Human Rights are those rights which every human being possesses by virtue of his birth. They are inherent and inalienable. In a country like India, we come across various instances in which the individual is threatened with the possibility of violation of his human rights in every walk of life. They are based on mankind's demand for a life in which the inherent dignity of human being will receive respect and consideration. The Universal Declaration of Human Rights clearly states that respect to human rights and human dignity is "the foundation of freedom, peace, and justice in the world. This paper is goal to everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, and the determination of his rights and obligations and of any criminal charge against him.

The rights that every person has by virtue of his or her birth are known as human rights. They possess intrinsic and unalienable rights. We frequently observe situations in which an individual in a nation like India faces the prospect of having his human rights violated in every aspect of life. They are founded on humanity's aspiration for a life in which human beings would be treated with respect and appreciation for their inherent dignity. Respect for human rights and dignity is categorically stated to be "the cornerstone of freedom, peace, and justice in the world" in the Universal Declaration of Human Rights (Universal Declaration of Human Rights). The United Nations concern for human rights has grown in importance since the conclusion of both world wars. The idea of "International Human Rights Law" has also evolved as a result of this evoking a reaction from international law. Human rights are the cornerstone of a nation's ability to provide social justice, as they not only uphold the rights of people. The Universal Declaration of Human Rights is a document that India has ratified, therefore it has established comparable guidelines and rules to safeguard human rights. Global human rights experts also contend that the state's various authorities should not neglect such basic standards of a fair trial.

Human Rights are those rights which every human being possesses by virtue of his birth. They are inherent and inalienable. In a country like India, we come across various instances in which the individual is threatened with the possibility of violation of his human rights in every walk of life. They are based on mankind's demand for a life in which the inherent dignity of human being will receive respect and consideration. The Universal Declaration of Human Rights clearly states that respect to human rights and human dignity is "the foundation of freedom, peace, and justice in the world".

Human Rights Abuses in the Criminal Justice System

Crimes have increased day-by-day because of the combined contribution of socio-political-economic factors. Some reasons, which can be said, increase in population, increase in the unemployment and denial of opportunities to a certain section of people. Organized crimes have increased. Organized gangs have such control on finances, weapons, and communication; such crimes have emerged as a serious challenge not only to the police but also to the existence of civilized society itself. In general, organized crime corrodes the social, economic and political fabric of the society.

Police Democracy gets threatened when the police cease to respect the legal and constitutional rights of the citizens and persistently disregard the due process of law. Allegations of the police violence and brutality are being constantly received from different parts of the country. It is a known fact that a common complainant of crime is rudely received in the police stations and is treated with discourtesy, indifference, and indignity.

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