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## Criminology Understanding: An Early Step Towards Criminal Justice for India

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*The vast field of criminology investigates the intricate and varied realm of crimes, criminals, and the criminal justice system. It serves as the cornerstone upon which the criminal justice system is constructed. By examining the causes, patterns, and outcomes of criminal behaviour, criminology offers significant insights that are essential for developing a just, equitable, and efficient legal system. The greatest way to illustrate criminology's significance is to look at how it affects criminal justice procedures and policy. Criminology intersects with several disciplines, including psychology, sociology, law, economics, and public health. This interdisciplinary approach expands its reach and amplifies its impact on the criminal justice system. Cooperation increases the effectiveness of criminal justice legislation and processes in these industries. Criminals have certain rights that should be protected because they are human. When sentencing or judging an offender, it is also necessary to consider the events and circumstances that preceded the offence. This research paper will examine the significance of comprehending criminology as a prerequisite for achieving the goals of criminal justice by analyzing its numerous concepts and connecting them to the rights that offenders have, the laws that exist, and criminal justice organizations.*

**Keywords:** *criminals, criminal justice, rights, criminology, crime.*

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## INTRODUCTION: WHAT IS CRIMINOLOGY?

Criminology is an interdisciplinary science that deals with the nature, extent, and cause of crime and behavioural patterns of criminals. Before understanding the concept of criminology, let us understand:

**Crime:** Crime is an unlawful act sanctioned by the law or some authority, and the person who commits the crime is known as Criminals. For any act to be considered a crime there should be Actus Reus (guilty act) and Mens Rea (guilty mind). The term 'crime' must only refer to conduct that is thus defined by the law on crime, yet stringent definitions of the phenomena under examination in criminology are nevertheless required by accepted scientific methods<sup>1</sup>. Crime is a societal injustice. It is a behaviour that society strongly condemns.

**Criminology:** Criminology is the scientific study of crime, criminal behaviour, and the criminal justice system. It is an interdisciplinary field that draws on principles and methods from sociology, psychology, anthropology, law, and other social sciences to understand and explain the causes of crime, the patterns of criminal behaviour, and the societal responses to crime. It plays a crucial role in informing the development of laws, policies, and practices that aim to address and mitigate criminal behaviour while ensuring justice and fairness in the criminal justice system. Criminology states that a person's unlawful purpose and conduct are the product of a variety of social, economic, biological, and psychological factors, which can be understood by looking at crime trends and the people who perpetrate them<sup>2</sup>. Criminology helps individuals and communities take proactive steps to protect themselves from crime. It plays a crucial role in informing the development of laws, policies, and practices that aim to address and mitigate criminal behaviour while ensuring justice and fairness in the criminal justice system.

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<sup>1</sup> Donald R. Cressey, 'Criminological Research and the Definition of Crimes' (1951) 56(6) American Journal of Sociology <<https://www.jstor.org/stable/2772472>> accessed 20 March 2024

<sup>2</sup> Dr. Sowmya Thotakura, 'Crime: A Conceptual Understanding' (2014) 4(3) Indian Journal of Applied Research <<http://dx.doi.org/10.15373/2249555X/MAR2014/58>> accessed 20 March 2024

## EVOLUTION OF CRIMINOLOGY & ITS SCHOOLS

The many schools of criminology that were in use in the 17th, 18th, and 19th centuries were founded on the customs, rituals, and sense of reason that were common in that specific civilization. The growth of understanding the causes of crime is aided by these four criminological schools and theories. The four schools of criminology can't be the same because each one has developed a unique strategy and analysis for figuring out what makes a criminal act, why a crime occurs, and how criminals and crimes are related according to the evolution of society.

**1. Pre-Classical School:** For the only reason that the demonological idea grew throughout the 17th century alongside the supremacy of religion, the pre-classical school is sometimes referred to as the demonological school. The notion of crime was hazy and founded on beliefs and myths at this time, thus the scientific explanation was not given. So, ghosts, devils, and unidentified powers were invoked to explain criminal conduct. The idea behind such a thought was that a man commits a crime as a result of the stimulation of an evil spirit or external force that is outside of human control and comprehension. Man can be cured by suffering and anguish, but the wrath of God and the natural forces were thought to punish the violators.<sup>3</sup>

**2. Classical School:** This school believes in the Free Will Theory. The major philosophers of this school were Cesare Beccaria and Donald Taft. This school laid greater emphasis on the mental phenomenon of the individual attributed to crime as his free will. It was stated that a person commits a crime because of his free choice and seeking pleasure and pain and not because of some evil superpower. Beccaria, a prominent criminologist, said that the severity of the penalty for a crime should be commensurate to that offense.<sup>4</sup> The main flaw of the classical school was that it focused only on the act of crime without paying any attention to the criminal's mental state or mind or the perpetrator himself. It also relied on an abstract presumption of free will. This school's equal penalty for identical offenses and lack of differentiation between

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<sup>3</sup> Zeba Darvesh, 'Schools of Criminology: a Comparative Analysis' (2022) 2(2) Indian Journal of Integrated Research in Law <<https://ijirl.com/wp-content/uploads/2022/03/SCHOOLS-OF-CRIMINOLOGY-A-COMPARATIVE-ANALYSIS.pdf>> accessed 20 March 2024

<sup>4</sup> 'Schools of Criminology' (*Law Bhoomi*, 12 April 2023) <<https://lawbhoomi.com/schools-of-criminology/>> accessed 20 March 2024

first-time offenders and repeat offenders, regardless of the seriousness of the offense, were both flaws.

**3. Neo-Classical School:** Neo-classists argued that regardless of how similarly their crimes were committed, certain categories of offenders, such as children, idiots, insane, or incompetent people, could not be treated equally as prudent men in terms of punishment because they were unable to comprehend the purpose or methodology of the act they had committed. They made the argument that a person could commit crimes as a result of justifiable circumstances, and these circumstances must be taken into account when determining whether or not criminal guilt should be discharged. This school also set the way for the creation of many correctional facilities that focused their efforts on the needs of the offenders and dealt with the shortcomings of the previous school.

**4. Positive School:** To demonstrate a correlation between crime and the anatomy and workings of the brain, this school concentrates on the anthropological characteristics of criminals as the underlying cause of criminal behaviour. This school is known as the Italian School of Criminology because it was founded by three renowned Italian criminologists, Cesare Lombroso, Raffaele Garofalo, and Enrico Ferri. One of the three key proponents of the positive school of criminology, Raffaele Garofalo stressed that crimes against people are caused by a lack of sympathy, whereas crimes against people or property are caused by a lack of probity. He categorized offenders primarily into four groups. Ferri emphasized that criminal behaviour is the result of many different circumstances that have an impact on the offender and motivate him to conduct a certain crime. Ferri divided the criminals into five categories. Following a thorough examination of physical traits, Lombroso came to the firm conviction that criminals tended to engage in less than moral behaviour because of their physical deficiency. According to Lombroso's view, there are three different types of criminals.<sup>5</sup>

## DOES CRIMINALS HAVE RIGHTS?

A resounding YES is the answer to this query! Since they are people, criminals have certain rights and freedoms. Criminals have rights because upholding the defense of individual

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<sup>5</sup> Darvesh (n 3)

liberties and rights is essential to democracy and the judicial system. Realizing that those who have been accused of crimes are the ones whose rights we are referring to when we discuss 'criminals' having rights is crucial. It's important to keep in mind that people who have been accused do not get off the hook for their actions just because they have rights. Even after being found guilty of a crime, offenders may still be punished by the law with fines or imprisonment. However, these sanctions must be applied in a just and legal manner that safeguards their rights.

**Here are several reasons why individuals accused of crimes have some rights:**

**Presumption of Innocence:** Persons are deemed innocent in a just judicial system until and until they are proven guilty. This implies that a person accused of an offense is not regarded as a criminal till a fair trial determines their guilt. They have the same rights as normal citizens throughout this time.

**Human Integrity:** Respecting accused persons' rights protects their human dignity. Regardless of the charges leveled against them, all persons have the right to be dealt with with decency, justice, and respect.

**Verifies Government Authority:** Protecting accused persons' rights acts as a check on the authority of the judiciary and law enforcement authorities. It protects against arbitrary arrests, illegal arrests, or abuses of power.

**Fair Trial:** A fair judicial process necessitates that those accused of crimes have the chance to defend themselves, provide evidence, and receive an impartial trial. Protecting their rights guarantees that the judicial system is fair and just.

**Eliminating False Convictions:** Protecting accused people's rights helps to lessen the chance of false convictions. When the judicial procedure adheres to due procedure and protects the rights of the accusers, the possibility of convicting innocent people is reduced.

**International Human Rights Standards:** Several countries, including India, have signed international human rights treaties outlining accused individuals' rights. Adherence to these

criteria is a legal requirement.

**Rehabilitation:** Recognition of the rights of those who have committed crimes is crucial for rehabilitation and reformulation within society. Access to schooling, mental health services, and various other support networks can assist individuals in leading law-abiding lives after they have served their time on probation.

## **LAWS & PROVISIONS WHICH DEALS WITH CRIMINAL'S RIGHTS**

### **Under International Law**

**United Nations Charter** - The United Nations Charter was signed at the end of the United Nations Conference in 1945. The General Assembly approved and declared the Fundamental.<sup>6</sup>

**Rules for the Welfare of Prisoners in Session 45/111 on December 14, 1990. The following are the rules:**

- Prisoners should be treated with their inherent worth and be respected as human beings.
- No discrimination based on race, gender, colour, religion, language, political, national, social origin, property, birth, or other status.
- Respect the religious principles and cultural tenets of the group with which the prisoners are associated.
- All inmates should preserve the human rights and basic freedoms enshrined in the UDHR, ICESCR, ICCPR, the optional protocol, and any additional rights enshrined in other United Nations covenants.
- Prisoners have the right to participate in educational and cultural events that promote the complete development of their personalities.

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<sup>6</sup> 'United Nations Charter' (*United Nations*) <<https://www.un.org/en/about-us/un-charter>> accessed 20 March 2024

- The abolition or limitation of solitary confinement as a sentence should be done or promoted.
- Prisoners should be given meaningful remunerated work that will allow them to reintegrate into the labor market and contribute to their own and their families financial well-being.
- Access to medical treatment without discrimination based on their legal situation.
- With the participation and assistance of community organizations and social agencies, and in the interests of victims, favourable conditions for the rehabilitation of the ex-prisoner towards society shall be created.

**Universal Declaration of Human Rights (UDHR)** – In 1948, the United Nations launched a movement in the formation of the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly.<sup>8</sup> This essential paper lays forth some fundamental concepts of justice administration. The following are some of the stipulations of the document:

- No one should be forced to any form of torture or inhuman or degrading treatment or penalty.

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- No one should be forced to any form of torture or inhuman or degrading treatment or penalty.
- Everyone has a right to life, liberty, and personal security.

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<sup>7</sup> 'Universal Declaration of Human Rights' (*United Nations*, 1948)  
<[https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)> accessed 20 March 2024

- No one should be subjected to arbitrary detention, arrest, or imprisonment.
- Every person should be presumed innocent until proven guilty as per the law.

## Indian Laws

**Constitution of India** – The fundamental rights provided by the Indian Constitution cannot be considered absolute, and they are subject to several limits. Certain rights specified in Part III of the Indian Constitution<sup>8</sup>, however, are also available to criminals since a ‘Prisoner remains a ‘Person’ inside the prison’. Even when imprisoned, inmates have the right to exercise their residuary basic rights. As a result, a criminal is entitled to some privileges, like as –

**Right to life and live with human dignity:** The right to life and the right to live with human dignity are fundamental and intertwined. The right to life simply means the right of every person to exist and be free from violence or threats to their existence. But life goes beyond just staying alive. The right to live with human dignity ensures that this existence is not merely about physical survival. It guarantees access to necessities like food, water, and shelter. It also delves deeper, encompassing the right to be treated with respect and having the freedom to make your own choices about your life. In essence, these rights work together to ensure both your continued existence and the ability to live that existence with a basic level of decency and respect

**Right to Have a Fair Trial:** The right to a fair trial ensures an impartial judge or jury hears your case in a public setting. You have the right to be informed of the charges against you, defend yourself, and present evidence. The prosecution must prove your guilt beyond a reasonable doubt.

**Right to have a Speedy Trial:** The right to a speedy trial complements the right to a fair trial. While a fair trial guarantees a just process, a speedy trial ensures it happens within a reasonable timeframe. This right protects you from languishing in legal purgatory, accused of a crime but unable to clear your name. By expediting the trial process, it prevents extended pre-trial detention, which can significantly disrupt your life and potentially weaken your defense.

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<sup>8</sup> Constitution of India 1950, art 22



Delays can cloud your memory of events, make locating witnesses more difficult, and cause undue stress and anxiety. Ultimately, the right to a speedy trial ensures you face your accuser and have a fair shot at justice promptly.

**Right to Bail:** The right to bail allows an accused person to seek release from custody by offering a financial guarantee, typically through a bondsman or surety. This enables them to prepare their defense outside of jail, maintain ties to their community, and potentially minimize disruptions to their life.

**Right to have Parole:** The right to parole allows eligible prisoners to be considered for early release after serving a portion of their sentence. This opportunity hinges on demonstrating rehabilitation, remorse, and a reduced risk of re-offending. Parole boards carefully evaluate factors like a prisoner's behaviour, participation in rehabilitation programs, and potential support system upon release.

**Right to have Medical and Health Facilities:** The right to have medical and health facilities guarantees individuals access to preventative care, treatment for illness and injury, and essential medications. This includes ensuring affordable and geographically accessible facilities with qualified healthcare professionals. This right acknowledges that good health is a cornerstone of well-being and a prerequisite for a fulfilling life. By ensuring access to healthcare, individuals can prevent illness, manage chronic conditions, and receive timely treatment when needed. It fosters a society where everyone has the opportunity to live a healthy and productive life

**Right to Presumed Innocent Until Proven Guilty:** The right to be presumed innocent until proven guilty dictates that the burden of proof rests with the prosecution. The accused is not required to prove their innocence. The prosecution must present compelling evidence that convinces the court of the accused's guilt beyond a reasonable doubt. If such proof is lacking, the accused must be acquitted. This right safeguards individuals from facing societal stigma or punishment based on mere suspicion. It ensures a fair trial where the focus is on uncovering the truth, not on presuming guilt. It fosters a system that protects the rights of the accused and upholds the ideal that justice should prevail.

**Right to Free Legal Aid:** The right to free legal aid guarantees that those who cannot afford a lawyer can still receive legal representation in civil or criminal matters. This right is typically enshrined in legislation and implemented through legal services authorities. These authorities provide legal advice, representation in court, and assistance in navigating the legal system. This right ensures equal access to justice. Without it, financial limitations could prevent individuals from defending their rights, enforcing contracts, or seeking legal recourse in times of need. Free legal aid empowers individuals to navigate the complexities of the legal system and fight for their rights on a level playing field.

**Right to Consult Lawyers:** The right to consult with a lawyer guarantees that individuals facing legal issues can seek professional advice and guidance. This right allows them to discuss their case with a lawyer in a confidential setting. The lawyer can explain their legal rights and obligations, explore potential courses of action, and provide informed legal counsel.

**Right against Cruel and Unusual Punishment:** The right against cruel and unusual punishment prohibits the government from inflicting punishments that are so severe or degrading that they violate basic human dignity. This right isn't defined in absolute terms, but courts consider factors like the severity of the crime, the evolving standards of decency, and the potential for rehabilitation when evaluating if a punishment is cruel and unusual.

**Other Enactments & Rules** - Several other enactments protect certain rights of criminals.

The Prisons Act, 1894 - This act is India's first legislation on jail regulation<sup>9</sup>. Some of the key provisions concerning prisoners' rights are as follows:

- Prisoners' accommodations and hygienic conditions.
- Provisions concerning the mental and physical health of convicts.
- Prisoners are examined by a certified medical officer.
- Male, female, criminal, civil, convicted, and awaiting trial inmates are separated.
- Provisions for the care of inmates awaiting trial, prisoners, parole, and convicts on interim release.

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<sup>9</sup> The Prisons Act 1894

- The Transfer of Prisoners Act 1950 was designed to allow inmates to be transferred from one state to another for rehabilitation or vocational training, as well as from overcrowded jails to less congested jails within the state<sup>10</sup>
- The Convicts (Attendance in Courts) Act of 1955: This Act authorizes the transfer of convicts to a civil or criminal court to deliver evidence or answer a charge of an offense.<sup>11</sup>
- The Prisoners Act of 1900 states that it is the government's responsibility to transfer any prisoner jailed under any order or sentence of any court who is of unsound mind to a lunatic institution or other facility where he would get suitable treatment.<sup>12</sup>

## WHAT IS THE CRIMINAL JUSTICE SYSTEM & AGENCIES?

Criminal justice refers<sup>13</sup> to the framework of procedures and institutions set in place by governments to preserve social order, discourage and regulate crime, and punish and rehabilitate individuals who break the law. It comprises a wide variety of processes and activities aimed at holding criminal perpetrators responsible for their actions and respecting the rights of victims as well as perpetrators. The following are typical elements of the criminal justice system<sup>14</sup>

**Law Enforcement Agencies** - This includes police officers who are in charge of detecting crimes, interrogating suspects, and collecting evidence to create cases against people who have violated the law. The police force is in charge of investigating offenses, apprehending criminals, keeping the peace, and preventing criminal activity. Each Indian state has its own police force, and there are specialist police groups such as the Criminal Investigation Department (CID) and the Rapid Action Force (RAF).

**Judicial System & Legal Professionals** - The court system is in charge of handling criminal

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<sup>10</sup> The Transfer of Prisoners Act 1950

<sup>11</sup> The Prisoners (Attendance in Courts) Act 1955

<sup>12</sup> The Prisoners Act 1900

<sup>13</sup> Stan Crowder and Brent E. Turvey 'Chapter 1 - Ethics in the Criminal Justice Professions' (2013) *Ethical Justice* <<https://doi.org/10.1016/B978-0-12-404597-2.00001-2>> accessed 20 March 2024

<sup>14</sup> 'What is criminal justice? Investigating its purpose and professions' (*University of Massachusetts Global*) <<https://www.umassglobal.edu/news-and-events/blog/what-is-criminal-justice>> accessed 20 March 2024

matters. This involves evaluating the accused's guilt or innocence and, if required, sentencing them. It also entails upholding due process and protecting individual rights. Criminal trials are presided over by judges, who make laws based on the facts presented in court. They make certain that the trial is impartial and that justice is delivered. Magistrates have the jurisdiction to conduct preliminary investigations into criminal cases, serve warrants for arrest, and make initial bail and remand judgments.<sup>15</sup> Attorneys, the prosecution, and defense solicitors play crucial roles in the criminal justice system by defending the state or the accused person's interests in court. Public attorneys are legal officials who represent the government in criminal proceedings. They present evidence, question eyewitnesses, and argue in court as representatives of the prosecution. Defendants accused of crimes are represented by defense lawyers, who argue for their liberties and interests. They give legal assistance, develop a defense plan, and argue in court for the sake of the accused.

**Correctional Institutions** - The corrections system is in charge of the supervision of people who have been convicted and found guilty and imprisoned including their confinement in correctional institutions (such as prisons or bars), probation, parole, and other rehabilitation programs. Prisons and correctional establishments are in charge of the detention and rehabilitation of criminally convicted persons. Individuals sentenced to probation or parole as an alternative to jail are overseen by probation and parole organizations, which provide monitoring and support to help them reintegrate into society.

**Legal Aid & Services** - Legal Services Agencies are governmental organizations that offer legal aid and services to those who are unable to afford legal representation. Non-governmental organizations (NGOs) and legal aid groups also help accused people, particularly those from marginalized or impoverished backgrounds.

**Victim Support** - Some Indian states have developed victim assistance organizations to aid and support victims of crime during the judicial process. The system of Criminal Justice is also responsible for giving victims of crime support and assistance, such as access to services and reparations.

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<sup>15</sup> Ronald J. Waldron et al., *The Criminal Justice System An Introduction* (5th edn, Routledge 2010)

## INTERLINKING CRIMINOLOGY & CRIMINAL JUSTICE

Criminology and the criminal justice system are subjects that are closely related and frequently cross in numerous ways. Criminology is the study of crime, criminal conduct, and the variables that lead to criminal activity, whereas the criminal justice system is in charge of detecting, prosecuting adjudicating, and punishing criminals.<sup>16</sup>

**Here are some of the important points where criminology and the criminal justice system intersect:**

**Recognizing Criminal Behaviour:** Criminologists investigate the underlying reasons for crimes, including behavioral, social, economic, and environmental aspects. This comprehension can aid in the creation of more effective law enforcement policies and practices. Criminological studies can help to inform the prevention of crime initiatives. Criminologists can assist the criminal justice system in developing programs and policies targeted at reducing crime rates through the recognition of risk factors as well as early intervention approaches.

**Criminal Profiling:** Criminologists frequently assist judicial agencies in developing criminal profiles to aid in the investigation and prevention of crimes. Profiling can offer law enforcement valuable leads and techniques.

**Law Enforcement Training:** The knowledge gained from criminological study can be used to inform police officer development, assisting officers in understanding the dynamics of criminal behaviour and enhancing their capacity to manage various scenarios in the field.

**Sentencing and Rehabilitation:** research in criminology can affect judge sentencing choices and help to design rehabilitation initiatives within the criminal justice system. Recognizing the elements that lead to criminal conduct allows the system to target the underlying causes and reduce repetition.

**Policy Development:** research in criminology can help shape and alter criminal justice policies and processes. It can, for example, assist define policy about punishment probation, parole,

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<sup>16</sup> Freda Adler et al., *Criminology* (McGraw-Hill Humanities Social 2003)

and drug treatment.

**Evaluation & Assessment:** Criminologists can examine the performance of criminal justice policies and procedures, giving data-driven insights that can lead to system reforms.

**Public Policy and Legislation:** Criminal justice researchers frequently do research and advocacy to inform the development of legislation and public policies concerning crime and the justice system.

**Victimology:** The study of crime victims is a significant branch of criminology. Victimologists can help improve victim rehabilitation in the field of criminal justice and advocate for the rights of victims.

**Ethical Considerations:** Criminal justice researchers also investigate ethical issues within the criminal justice system, which may result in conversations and reforms in police work, imprisonment, and execution of justice.

Ultimately, criminology and the criminal justice system in general are inextricably linked, with criminological research and insights critical to the operation and reform of the criminal justice system to better address crime and its fundamental causes.

## **SIGNIFICANCE OF CRIMINOLOGY**

Understanding and studying criminology is important for several reasons, including the fact that it provides valuable insights into the complex phenomenon of crime and its impact on society. Here are some of the main reasons why criminology is important:

**Crime Prevention:** Criminological research aids in the identification of the underlying causes of criminal behaviour as well as the factors that contribute to crime. Understanding these causes allows policymakers, law enforcement, and communities to create more effective crime prevention strategies.

**Effective Law Enforcement:** Criminological knowledge informs law enforcement practices, assisting officers and agencies in better understanding criminal motivations and behaviours.

This can lead to more effective investigations and crime-solving methods.

**Policy Development:** Criminologists help to create evidence-based criminal justice policies and reforms. Their research helps to shape laws, sentencing guidelines, and correctional practices that are more likely to achieve desired outcomes, such as lower recidivism.

**Fairness and Justice:** Within the criminal justice system, criminology promotes fairness and justice. It assists in identifying and addressing systemic biases, discrimination, and inequalities, ensuring that individuals are treated equally under the law.

**Understanding Victimology:** The study of victimology, which assists society in understanding the observations and requirements of crime victims, is included in criminology. This understanding informs victim support services, legal processes, and policies aimed at protecting and assisting victims.

**Rehabilitation and Reintegration:** Criminological research informs offenders' rehabilitation and reintegration programs. Recognizing what works in reducing recidivism helps to develop effective interventions aimed at assisting individuals in reintegrating into society after serving their sentences.

**Public Safety:** Understanding criminology enables communities and individuals to take preventative measures against crime. This includes being aware of crime hotspots, taking safety precautions, and understanding the role of community policing in improving public safety.

**Academic and Career Opportunities:** The study of criminology opens up academic and professional possibilities for those interested in law enforcement, criminal justice treatment, legal professions, research, and academia.

**Insights into the Social and Psychological Factors Influencing Human Behaviour:** Criminology provides insights into social as well as psychological variables that influence human conduct, including criminal behaviour. This knowledge can be applied in a variety of fields other than criminal justice, including sociology, psychology, and governance.

**Crime Reduction:** Criminology's ultimate goal is to reduce criminal activity and its negative

impact on people and the community as a whole. Criminologists study the causes and consequences of crime to find effective solutions to reduce criminal behaviour and its related harms.

## **COMPARISON OF TRIALS: INDIA & WORLD**

The Indian legal system upholds the importance of justice and a fair trial while offering a variety of options. However, the perpetrators of the criminal cases have been overlooked in favour of focusing on delivering justice. Following observation of the facilities and assistance offered by the French Criminal Justice System, the Indian court ought to establish victim care centres. Since India is a democratic nation, every Indian citizen is entitled to the fundamental right of access to information. Furthermore, as the Indian judiciary is a vital pillar of the state, it must abide by laws passed by the state. From the Criminal Justice System of the USA India can make the process of trials easier and faster by understanding the actual cause of offense, what are the circumstances that instigate a person from committing such an offense? What is the background of the accused? What is an actual story which leads to the commission of offenses? Because it is important to go to the roots of the cases before providing and judgment.

We may conclude from a comparison of the criminal justice systems of the other states and India that the Indian judiciary ought to implement some of the policies that permit the recording of court sessions and make them readily accessible to the public. In addition to eliminating judicial corruption and bias, this would instill public confidence in the legal system's ability to punish wrongdoers, hear both sides out, and uphold the ideal of Audi Alterum Partum.

## **CONCLUSION**

Understanding Criminology is an essential and initial step towards achieving the goals of the criminal justice system. It serves as the intellectual foundation upon which informed policies, practices, and reforms are built. By adopting a scientific approach to crime, criminology unravels the mysteries of criminal behaviour, informs the pursuit of justice, enhances public safety, and fosters interdisciplinary collaboration. The rights of accused people exist to ensure a just process of justice, protect against abuses of authority, prevent wrongfully convicted individuals,



and uphold the principles of equality, dignity, and humanity within a society governed by the rule of law and this can be accomplished by understanding the offender's backstories and circumstances that led them to commit such crimes. Criminology helps to comprehend criminal circumstances and behavioural patterns, which helps to create a better society for them by enacting various laws, as well as for the general public since it aids in crime prevention. In conclusion, the study of criminology is significant because it not only improves our understanding of crime and criminal behaviour, but it additionally serves a vital role when establishing regulations, procedures, and remedies that promote public safety, fairness, and justice in society also, it helps to continue efforts to prevent crime, protect persons and communities, and solve the issues caused by criminal conduct and their Rights. In a world where the quest for a fair and effective criminal justice system is ongoing, criminology remains an invaluable guide, illuminating the path toward a more just and secure society. As we continue to unravel the complexities of crime, criminology stands as a beacon of hope, guiding us toward a brighter and safer future.