

Draft Address for Director, CBI for Graduation Ceremony of LNJN NICFS on 28.9.2013 at DRDO Auditorium

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Students

Members of Media

Ladies and Gentlemen.

2. It is indeed a matter of great pleasure to be associated with Graduation Ceremony of NICFS. I congratulate all the successful students who have received Master's Degree today. I also take this opportunity to congratulate their parents who are present in the occasion. I am told through first batch of MA/M.Sc. students passed out in 2006, it is first time a Graduation Ceremony is being organized for 2 batches. Earlier the degree certificates were routinely handed over to students. I complement NICFS on this initiative as after 2 years of hard work PG student aspire to receive their degrees in a formal way.
3. The Criminal Justice System today is besieged with numerous problems, notably, increasing crime rate, emergence of new types of

crimes, and cumulative accumulation of Criminal cases in various stages of criminal justice processes.

4. Globalization, commercialization, industrialization, computerization, open market economy and consequential entry of multi-nationals in Indian market have brought a significant change in the social order in India in recent years. Means of communication and expanding mass media have proved to be a magic band in bringing all the nations of the world closer and closer. The benefits of these developments are being used by criminals who operate in borderless world. As a result, crime is finding its manifestation in diverse forms and dimension world over. The organized crimes of all forms including smuggling and mafia, drug-trafficking, terrorism, etc. and socio-economic crimes in forms of fraudulent activities, money scam, money laundering, currency smuggling, falsification of export-import, in voicing, computer crime etc. have come to the fore in gigantic proportions.

5. Another serious challenge before the Criminal Justice System is mounting backlog of criminal cases in different courts in India. Even without mentioning the detail statistics in this regard, the pernicious effects of this situation can be easily discernible from its manifestations in form of over crowding in jails, harassment of victims of crime and witnesses, lessening the punishment, etc. Unusual prolongation of cases has not only defeated the very purpose of criminal justice administration in the country but also has raised doubts on the affectivity of the criminal

justice system. It belies arbitrary powers of the State and discretionary functions of the criminal justice administration. What is worse that delay diminishes the deterrent effect of the criminal justice system. When overburdened with the mounting backlog of cases, it becomes difficult for the courts, the pivot on which the criminal justice system turns, to maintain a proper balance between effectiveness and fairness in criminal trial. In the event of delayed trial, though the accused may be innocent, he is subjected to psychological anxiety, social stigma and probable economic impairment till proved innocent. Even if he is guilty, delays shakes his confidence in the system of criminal justice and makes him cynical.

6. Another matter of serious concern is the lack of coordination and system approach in the criminal justice system. The Criminal Justice System is a composite of four major sub-systems, viz, the police, prosecution, judiciary and the correctional services. Each sub-system is expected not only to play its own statutory role to contribute towards the achievement of the main objectives of the Criminal Justice System as a whole but also to reinforce each other's role in a concerted manner. But the ground experience shows that each of these sub-systems usually tends to function as a system of its own and, may at time, works at cross purposes with the other segments. The systems approach is clearly lacking in the functioning of the criminal justice process in our country.

7. This situation has posed an unprecedented challenge and serious threat to the Criminal Justice System which still stands on the strength of substantive and procedural acts which came into existence in the later half of the nineteenth century by alien rulers. The criminal justice functionaries are in extremely difficult position to face this challenge and to fulfill the expectations of public as a result of which not only public image of criminal justice functionaries is eroding fast but also the credibility of the Criminal Justice System is being questioned.

8. All the issues which have been mentioned above have got wide implications for both Criminology and Forensic Sciences. The students who have passed out and have obtained Master's Degree in Criminology and Forensic Science are expected to function as trained cadre to man the Criminal Justice Administration in the future. Students of criminology on the strength of their specialized knowledge and skill will better understand the dynamics of crime and criminal behavior, explore and analyze the nature, forms and implications of different problems faced by the Criminal Justice System and find out their practical solutions on the basis of scientific study. They are also expected to contribute to the formulation of policies and programmes for crime prevention and control.

9. Forensic Science provides scientific clues to the investigations of criminal cases. Many criminal cases fail in the court of Justice because of lack of proper scientific evidences as a result, cases are ended in acquittal. In many cases even in serious ones, the conviction rate is low and real

guilty persons go scot-free. This situation not only distort the image of the criminal justice system but also common people lose faith in its capability. Students of Forensic Science with their professional skill and knowledge can contribute substantially to the delivery of fair justice to victims of crime by way of providing scientific clues to investigation of criminal cases.

10. In both Criminology and Forensic Science in this country, there are many gray areas where no research has been conducted. In both the subjects, no indigenous theory is available and therefore Indian Criminological and Forensic related problems are generally explained with the help of foreign theories. This is one vital area where Indian students of Criminology and Forensic Science may work hard by invigorating their research endeavor to develop some indigenous theories in these twin fields.

11. I am really delighted to listen to highly learned speech delivered by Prof. Upendra Baxi who is well known for his immense contribution to legal jurisprudence world over. I strongly believe, you must be benefitted by his highly simulative, informative and educative address.

I again thank you all & wish you a very bright future.

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