

Criminal Legal System and the steps or challenges to be taken by the Indian Government regarding Cyber & Space crime

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ABSTRACT

The entire existence of an orderly society depends upon the sound and efficient functioning of the criminal justice system. The law of the country must conform to the demands of the changing times, technology and the increasing complexities in crimes such as increasing crimes through technological mediums. The prominent functions and purpose of the criminal legal system is to punish the criminals and prevent future crimes from happening in the society and modern technological world, so that people can live with peaceful life. In India criminal law mainly indicates the Indian Penal Code, 1860 which defines various offenses (common crime as murder/theft/extortion etc. cyber-crimes as digital signature/MMS/Pornography/account transfer etc.) along with their punishments and code of criminal procedure, 1973 which lays down the procedure for trial, and evidence Act, 1872.

Key-Words- Legal System, SUPACE, E-Court Project, National Cyber Crime Reporting Portal

What is the Criminal Legal System-?

Like every developed society, India too, a criminal equity framework evolved. The financial and political conditions that prevailed during different periods of India's historical backdrop have influenced its progress. Likewise, the goals of criminal equality and techniques for its organization change from time to time and from one period of history to the next. In accordance with the changing circumstances, rulers have introduced new strategies and procedures to enforce the law and control parity. The Indian criminal justice system as we know it today is not a modern development. It originated in ancient times. Unique methods existed to deal with criminals, each state had its own unique and unique method of punishment and justice¹. The judicial structure manages the organization of laws through the organization of courts. The framework provides the apparatus to address the questions that lead the wronged party to the courts. Nothing troubles the human heart more than the wrong kinds of hurt feeling. No general public can allow such a situation to develop where the impression remains that there is no change in the grievances. The Indian criminal Justice system as know it today is not a modern development. It originated in ancient times. Unique methods existed to deal with criminals, each state had its own unique and unique method of punishment and justice. The judicial structure manages the organization of laws through the organization of courts. The framework provides the apparatus to address the question that lead the wrong party to courts. Nothing troubles the human heart more than the wrong kind of hurt feelings. No general public can allow such a situation to develop where the impression remains that there is no change in the grievances².

In the modern technological world, the main objectives of the Indian criminal Legal system-

- The primary goal of the criminal justice system is prevent crime committed through technological or other means.
- Punish the culprit and bring justice to the victim.
- The encroachers should be rehabilitated.
- Compensation should be given to the victims.

- Maintaining the criminal legal system smoothly.
- Implementation of speedy trial and justice system, especially on release or uploaded of MMS of female child or obscene MMS or photos of any women on the internet³.
- The nature of the crime demanded expertise, in isolation and investigation of the domain.
- With the advent of technology and the increasingly complex nature of crimes, the existing laws to address the crime and to establish simple legal process in ensuring justice to the affected aggrieved party⁴.
- To prevent crimes and criminals from committing criminal acts in future through technology or internet.

The Government of India has also taken some commendable steps to promote information and communication technology judicially and to simplify the judicial legal system which is as follows-

- **SUPACE** (Supreme Court Portal for Assistance in Courts efficiency) this tool collects relevant facts and laws and presents them available to judges. This tool is not design for decision making, rather it will only process facts and provide facts assist judges. It was initially used on an experimental basis by the judges of the Bombay and Delhi high courts. Artificial Intelligence (AI) will present a more streamlined, cost-effective and time-bound means for the fundamental right to access justice.
- **E-Court Project-** The e-courts project was conceptualized with a view to transform the Indian judiciary through information and communication technology (ICT). To develop and install decision support system in courts. Automating the system related to the judicial process to make it transparent and more accessible to information. To make the justice delivery system accessible, cost-effective, reliable and transparent, necessary (quality and quantitative) improvement. The judiciary of India, under the National Policy and Action Plan 2005 for the implementation of Information and Communication Technology, is overseen by the Supreme Court Committee on the implementation of the e-courts project.

How to file a complaint on the National Cyber Crime Reporting Portal-

This portal is an initiative of the Government of India to facilitate the victims/complainants to report cyber-crime complaints online. This portal is only for complaints related to cyber-crime especially cyber-crimes against women and children. The complaints lodged on this portal are dealt with by law enforcement agencies/police on the basis of information available in the complaints. It is mandatory to provide correct and accurate details. While festering the complaint for prompt action. In view of the increasing cyber-crime in the country, the Government has started an online website cybercrime.gov.in for the convenience of the people. Through which you can file a complaint sitting at your home. After registering a complaint of cybercrime online website, victim will also be able to get information about status. Cyber Crime Reporting II portal is named. After making an online complaint of any crime, the matter is sent to the state police for investigation from the ministry of home affairs, as well as a senior officer is appointed to monitor it, who reports it after reviewing it from time to time⁵. Will send to the ministry. In case of hacking, the following information is required to file a cyber-crime complaint:

- If any website is defaced, copy in hard copy format along with soft copy defaced web page.
- If data is compromised on a server or computer, a soft copy of the original data and a soft copy of the hacked data is required.
- Access control mechanism details, is that who had access and what kind of access.
- List of suspects- If the victim is suspecting someone.

In case of misuse of email, the following steps should be taken to file a crime complaint:

- Extended headers of the following email should be removed, and soft copy of the offending email must be retained needed.
- The offending email should not be removed from the email box.
- A copy of the offending email should be saved on the computer's hard drive.

The Indian legal system has implemented the information Technology Act 2000 to prevent the growing or increasing incidence by cybercrime and prevent the threats caused by cyber criminals, the main objective of which is to improve the reporting of cybercrimes in Indian Judicial system as well as to improve the internet. For effective use, an enabling environment has to be established.

Integrated Approach to Challenges Facing the Criminal Justice System-

Criminal Justice System around the world Face many Challenges. Integrated and coordinated approaches are necessary to effectively address them, and the United Nations plays an important role. Challenges include persistently high levels



of crime and violence, the need to respond to new forms of crime, as well as the need to enhance responses to criminal behaviors that have long perpetuated society, including technological crime and violence against women and children are pervasive. Many Criminal justice system around the world are overburdened with cases and suffers from insufficient financial and human resources. This leads to various malpractices in the justice system, including high levels of impunity, delays in the administration of justice, excessive use of pre-trial detention, often for long time, inadequate use of alternative sentencing option, overcrowded prisons that do not provide enough time for their rehabilitation.

The Criminal justice system, has always been vitiated by a division and lack of legal co-ordination and co-operation with the lack of integration of various criminal components such as social crime, civil-crime and cyber/space crimes born in the modern era. Which seems necessary to ensure an integrated response to the growing modern crime and technological violence such as cyber and technological attacks.

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