

# **RMM LAW COLLEGE SAHARSA**

## **JURISPRUDENCE**

### **Part I**

### **Paper -1**

**Topic- Administration of Justice**

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**Date:- 03/01/20**

#### **ADVANTAGES AND DISADVANTAGES OF ADMINISTRATION OF JUSTICE**

In order to make effective and efficient administration of justice by the courts of law has currently become one of the important functions of the state. The courts of the country are accountable for the effective administration of justice according to the laws formulated by the legislature. Uniformity, certainty, impartiality, and equality are the most significant elements for the adequate administration of justice. The judge cannot act arbitrarily while imparting justice, it is bound to deliver its judgment according to the fixed principles of law. For the application of the laws uniformly without any kind of fear or favor, the judges of every court are provided with the codified laws which they are bound to follow.

But despite that, the administration of justice has to suffer from certain drawbacks. Rigidity, formality, and complexity of laws are some of the main drawbacks coming in between the effective administration of justice, and hence, Salmond was of the view that the law is a remedy for greater evil but it brings with it evils of its own.

#### **CIVIL AND CRIMINAL JUSTICE**

Justice can be classified into two different groups, civil and criminal. The former refers to the violation of civil or legal rights of an individual called civil injuries, while the latter is in the

nature of the violation of public rights and duties which affect the community as a whole and are referred to as crime. Therefore, crime is considered to be a wrong against the community as a whole and the state is responsible to punish the criminals, while on another side the civil wrong is an infringement of the legal right of an individual which does not affect the society in general and is redressible by monetary compensation.

### **DIFFERENCES BETWEEN CIVIL AND CRIMINAL JUSTICE**

- In civil cases, remedies are sought by the aggrieved parties but in criminal cases proceedings are instituted by the state.
- In civil cases, it is upon the judge to determine whether the civil rights of the plaintiff are affected or violated and if so whether the individual is entitled to any relief, but in a criminal trial, the magistrate is to determine the guilt or otherwise of the accused based on the evidence before him.
- A civil case may result in an award of compensation or dismissal of the case but a criminal trial results in conviction or acquittal of the accused.
- A civil proceeding in case succeeds, results in a decree of a court for the enforcement of the claim of payment of a debt, award of damages, injunction restitution, specific performance, etc whereas a criminal proceeding results in the infliction of punishment ranging from a sentence of death to mere fine or binding over the lawbreaker to keep peace on his release on probation after admonition.

The main objective of civil proceedings is to enforce the rights of the citizens whereas the objective of a criminal proceeding is to punish the offender but it is not necessary especially in juvenile and the first offender cases who are only admonished or released on probation rather than being sentenced. In civil proceedings also in circumstances of disobedience of an injunction order of the court the person may be sentenced to imprisonment. Thus, civil and criminal justice is not to be considered in terms of nature and consequences of the act but the legal implications which follow as a result of the act.

Mahatma Gandhi, the father of the nation was of the view that true justice lies in fighting against injustice, tyranny, inequality, racialism, etc. in order to establish a socio-economic order based on truth, equality, and fraternity. Therefore, the state needs to administer justice in such a

manner that it must not violate the right of another individual. The state also shall utilize its power and force to render justice to the citizens of the country.