

**Criticism of Indian justice: as projected in the web series  
“Criminal Justice”**

**A FORESHADOWING OF AMARTYA SEN’S ‘IDEA OF JUSTICE’ &  
KAUTTILYAN’S ‘DANDANITI’**

**Malay Ghosh**

**ABSTRACT**

There is a proverb in English “**justice delayed is justice denied**” it means justice that comes too late is equal to injustice. Justice is blind, the blind folds represents objectivity. Justice should not be meted out with any fevers or favours of money, wealth power or even the identity. But in present day the sharpness of the lady’s sword seems somewhat blunt as Indian judiciary encountered with inherent problems.

Now I would try to show how our justice system destroyed almost 2 years of a M.B.A students named Aditya Sharma not to find him guilty. His one night with a new good looking lady passenger pushed him into the labyrinths of Indian Justice System as well as Jail. The very one night take away his named from ‘Adi’ to ‘new chiriya’.The hardship struggle of a young boy inside the jail and his middle class family outside the jail --- are tortured and tormented by our Justice System. The ails of Indian Judiciary clearly projected in this Web Series, As Madhab Mishra commented “kanoon andhha hota hain yeha nahi me nehi janta par langra jrur hota hain”

**Key Word:** justice, destroy young life, andha kanoon

**INTRODUCTION**

**ABOUT THE WEB SERIES**

Indian web series is no doubt growing faster as an instrument of media .its is quiet is a good replica of movies and TV shows. Like Amazon Prime, ATA Balaji, Hotstar bring a head to head fight with its unique and fresh content. Although it is a remake of ‘the night of’ a web series by HBO miniseries *directed by* but it has a Indian influence.

Criminal justice is a web series which is based on peter Moffatt’s film Criminal Justice.it realises on 5<sup>th</sup> April 2019 by Hotstar under the title hotstar special. The web series directed by Tigmanshu Dhulia and Vishal Furia.

**PLOT/STORY LINE**

Criminal Justice is a story of an ill- fated boy Aditya Sharma who was accused with rape and murder. Aditya is born and brought up in a middle class family in Mumbai. He is a student of M.B.A and a good football player. His father is a cab-driver. He also drives cab. One night he drives the cab and he encountered with a strange lady. The lady is very beautiful but somewhat

tensed that very night. Aditya was in a hurry because he will have to attend a party but his passenger changed her distinction very frequently, this caused Aditya lost his temper. Finally Sanaya, the strange passenger tells that she wants to go her own flat. After a few times Sanaya feels sorry for her rough behaviour with Aditya. She feels pity for him and invites him to her flat. She offers him drink and with the passing of times they physically intimate with each other. After a long time Aditya wakes up and find Sanaya dead. Being afraid he decides to ran away but his fortune brings him to the police station as he violating traffic rules. On the other side police came to know about Sanaya's murder. The witness of the apartment identifies Aditya.as a result he is arrested for the case of rape and murder.

The news of Aditya's arrest cover his family with the shadow of darkness. His family is now ready to sacrifices all the thing to save their one and only son from the dark shadow of crime.in the court episode we came to know that judge said "bail is out of question" and order to keep Aditya 14 days police custody. Aditya's junior lawyer Madhab Mishra played a vital role. Later a senior lawyer Mrs. Mandira comes to deal with that case. She finds all the evidences are against the accused. There is hardly any way left to save her client. After a head to head fight in the court room she able to prove Aditya don't rape the victim but fails to prove about the murder.so she advices his client to surrender or feel guilty. But the tragic hero will not ready for that. This incident made Mrs. Mandira very angry and she said-" I don't care about how the world judges me, what I care about is what the judgement will be"

Aditya's future is now became darker. Suddenly madhab Mishra got some new clues and with the help of Mrs Avni reinvestigate the case. Police superintend Also helps them. Finally the real culprit is found Mr Lakhani Founder of a rehabilitation center.This man is running a child prostitution business which Sanaya has known. She threaten him and wishes to go to police. But this fatal decision take away her life. Mrs.Lakhani murder her while the protagonist is sleeping and intoxicated.

Finally court finds Aditya not guilty and realises him. But this procedure takes away 2 years from his life.

### Research Proposal

**“for in the absence of a magistrate (dandadharabhave), the strong will swallow the weak; but under his protection, the weak resist the strong.”**

— Kautilya, The Arthashastra

The above quotes states that if the judges is corrupted or misleads then the innocent is punished or in other word 'Justice' is not between finding rights and wrong but finding the truth and uphold it.

Now I am going to critically analyse how much the above statements are true in

Hotstar's web series 'Criminal Justice' with the view of "Dandaniti" by Chanakya and Amartya Sen's The Idea of justice. Can court find Aditya Sharma guilty or not guilty?

## LITERATURE REVIEW

### 1. Amartya Sen's view on justice

Amartya Sen in his book '**The Idea of Justice**' (2009) Shows that Human Beings are as concerned with eliminating remediable injustice as they are with pursuing their own self-interest. Times of India commented that it is "his most ambitious book yet." The work can also be regarded as a critique and revision of John Rawal's ideas in *A Theory of Justice* (1971). In an interview with **Times of India** Dr. Sen said,

"Justice is a complex idea (I was not surprised that it took me 496 pages to discuss it), but it is very important to understand that justice has much to do with everyone being treated fairly. Even though that connection has been well discussed by the leading political philosopher of our time, John Rawls, I have argued that he neglects a couple of important connections. One neglect is the central recognition that a theory of justice has to be deeply concerned with systematic assessment of how to reduce injustice in the world, rather than only with the identification of what a hypothetical "perfectly just society" would look like.

There may be no agreement on the shape of perfect justice (and also perfect justice will hardly be achievable even if people did agree about what would be immaculately just), but we can still have reasoned agreement on many removable cases of manifest injustice, for example, slavery, or subjugation of women, or widespread hunger and deprivation, or the lack of schooling of children, or absence of available and affordable health care. Second, analysis of justice has to pay attention to the lives that people are actually able to lead, rather than exclusively concentrating only on the nature of "just institutions". In India, as anywhere else, we have to concentrate on removing injustices that are identifiable and that can be remedied."

□ **Times of India** ( JULY 26,2009 BY RASHMEE ROSHAN LALL)

### 2. KAUTILYAN VIEW ON JUSTICE

Kautilya is a great legend and magnificent Guru of Indian. He lived in 372 BC to 383 BC. He has written two famous book among them **Arthashastra** is his magnum opus. He is the pioneer of Indian political and justice system. His law and justice theory is called as "DANDANITY" is that of protection, or the art of punishment, is subordinated to Rajadharma. Though it recognizes a quasi-divinity of the king OR the superiority of the king but it has ample influence in today Indian Judiciary.Kautilya suggests why and how the rule of law ought to be applied.

“That sceptre on which the well-being and progress of the sciences of *Anvikshaki*, the triple Vedas, and *Varta* depend is known as *Danda* (punishment). That which treats of *Danda* is the law of punishment or science of government (*dandaniti*).

It is a means to make acquisitions, to keep them secure, to improve them, and to distribute among the deserved the profits of improvement. It is on this science of government that the course of the progress of the world depends.

“Hence,” says my teacher, “whoever is desirous of the progress of the world shall ever hold the sceptre raised (*udyatadanda*). Never can there be a better instrument than the sceptre to bring people under control.”

“No,” says Kautilya; for whoever imposes severe punishment becomes repulsive to the people; while he who awards mild punishment becomes contemptible. But whoever imposes punishment as deserved becomes respectable. For punishment (*danda*) when awarded with due consideration, makes the people devoted to righteousness and to works productive of wealth and enjoyment; while punishment, when ill-awarded under the influence of greed and anger or owing to ignorance, excites fury even among hermits and ascetics dwelling in forests, not to speak of householders.

But when the law of punishment is kept in abeyance, it gives rise to such disorder as is implied in the proverb of fishes (*matsyanyayamudbhavayati*); for in the absence of a magistrate (*dandadharabhava*), the strong will swallow the weak; but under his protection, the weak resist the strong. Arthashastra CH: 4”

From **The Acorn** (Article by Nitin Pai, 12 Oct 2008)

### **Ails of our Justice System**

With about 27 million cases in court, our country is facing a litigation explosion if on an average there are 3 person involved in a case there are at least 82 million people are waiting for justice in India. What is the Indian judiciary? There are issues in manpower or in other word there are not enough judges to decide the cases. Physical infrastructure is awfully insufficient there are lots of processor and procedure that compound the problem. According to the report of National Management System says all the numbers of judges increase 6 fold in the last three decades while the number of cases increases 12 fold. If this trend is not arrested in proper time really things might go out of hand.

**Incident 1:-** In 2014 Delhi High Court granted divorce to an 82 years old man after a protracted legal battle of 32 years that ruined all his hope as well as physical and mental state of resuming a married life.

**Incident 2:-** Pallavi-Purkayastha Murder Case: According to the Supreme Court this is one of the rarest of rare case. Court sentenced the culprit Sajjad Mogal to life imprisonment. But he has still not been found.

**Incident 3:-** Nirbhaya gang rape case : it is also an example of delayed justice. This monstrous crime took every Indian. The death sentence of the four culprit is still now pending

Chief justice T.S Thakur broke down while talking about judicial system and vacancy He lamented "inaction" by the Executive in increasing the number of judges to 40,000 from the current 21,000. That, he said is the reason the judiciary is unable to handle the "avalanche" of litigation.

Despite the progressive made in field of information and technology judiciary has not been able to adequate advantage of this to tackle pendency.

Chief Justice also said"...And therefore, it is not only in the name of a litigant or people languishing in jails but also in the name of development of the country, its progress that I beseech you to rise to the occasion and realise that it is not enough to criticise. You cannot shift the entire burden on the judiciary". 10 lacks Indian but there are only 15 judges' .this heavy load causes our justice delayed. Everybody knows about the famous proverb but my question if we have already known that then who will be responsible for this-- who will ask for justice? Or who will give the justice?

Insufficient judges are the main reason but this issues have mention several time

In 2003 Chief Justice V.N. Khare points out that we have lack of judges to handle this situation. America has 135 judges over 10 lacks people whereas India have 10 judges over 10 lacks. We need a strong judiciary for a wealthy government.

I have hear **a story** that justifies the current judicial system of India.

A cow was running away from jungle. Suddenly he was stopped by an elephant and asked the reason behind .the cow replied ‘Govt. had announced to catch all the buffaloes in the jungle’

The elephant asked: ‘but why are you running? You are a cow.’

The cow said: ‘ I know I am a cow ,but if they catch me, it will take 20 years to prove that I am a cow not buffalo.

Elephant also stared running along with the cow.

### **Conclusion**

**“The arrow shot by the archer may or may not kill a single person. But stratagems devised by a wise man can kill even babes in the womb.”**

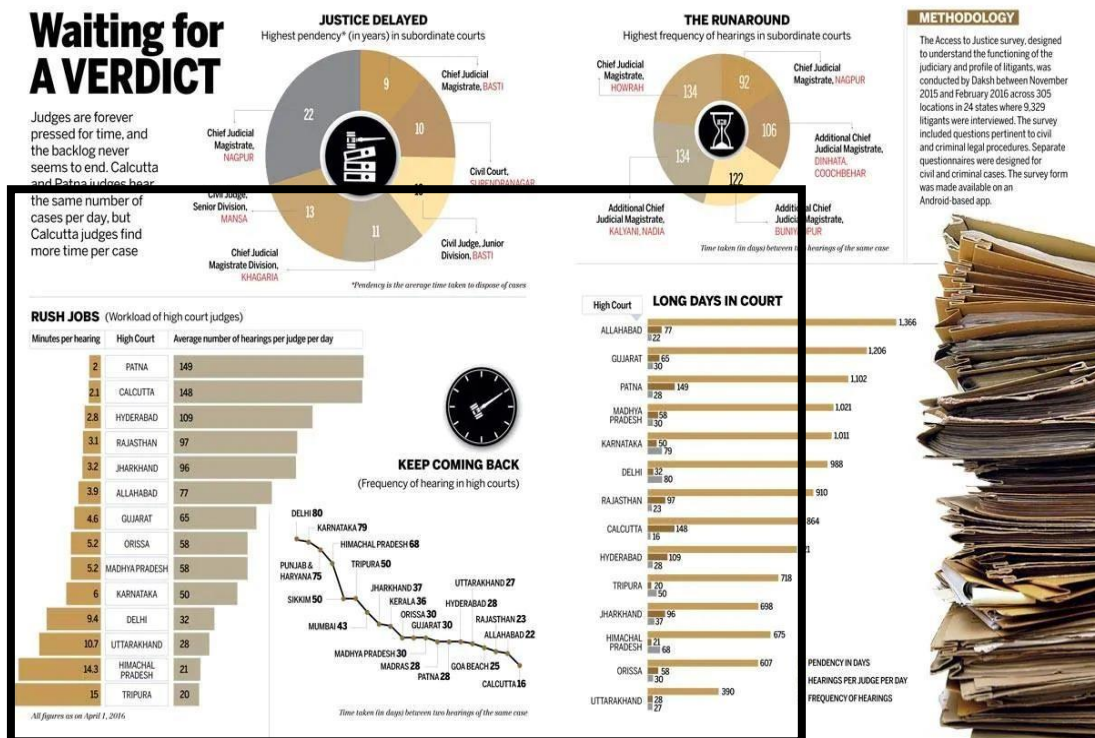
— Kautilya

Hasan Suroor’ report in *The Hindu* is more helpful. It says Dr Sen has argued “that there was no such thing as “perfect” justice; that justice was relative to a situation; and that instead of searching for “ideal” justice, the stress should be on removing the more visible forms of injustice such as subjugation of women, poverty and malnutrition.”

“You create an enemy by punishing an innocent”. This quotes of kautilya states that wrong justice or ‘miscarriage in justice’ can be harmful for our nation. Most criminal justice have some means to overturn or quash a wrongful verdict. The same is found in our tragic hero Aditya Sharma.it takes more than 2 years of the court to find him not guilty. Now who will take the liabilities of this?

The degradable truth of Indian justice is that if you have to struggle 20 years, then it is quite impossible for struggling. Only rich people are able to survive in this labyrinth. The road of justice is not only expensive but also too long.

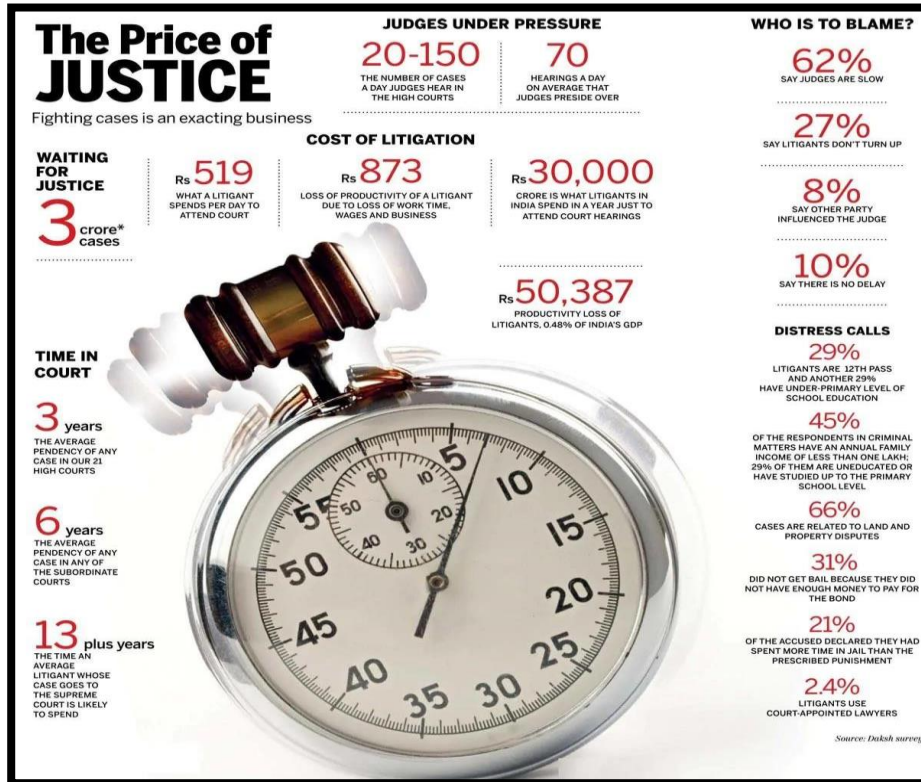
Lets have a look at the picture below...



❖ This image cited from the Times of India Magazine published by Harish Narasappa (May 2,2016 19.59 IST)



The price of justice is so high that it can't handle by the poor people. Hence Abraham Lincoln quotes easily replaced by 'justice is for the rich, by the rich and of the rich'. Let's have a look on the price of justice...



❖ This image cited from the Times of India Magazine published by Harish Narasappa (May 2, 2016 19.59 IST)

Today's hospital is very much like court, as we find there is a huge line in front of a doctor's chamber. This suggests that the doctor is very good but may be the line caused by lack of doctors. According to the Indian medical association there is not enough doctor (8000 out of 50000 approx.). Similarly there are not enough judges to handle the situation.

After the study we realize that it is true "those who are poor for them, there exist no chance of speedy justice. If we see on ground level the working condition of district court we realize that the word "justice" is remain only idol in book not in individuality. Justice system really need a large infrastructure and good management otherwise it always remain dormant. Actually now a day's Indian judiciary facing some inherent problems. I will try to point out these below:-

- A. First and foremost lack of judges
- B. Huge numbers of pending cases

- C. Miscarriage of justice
- D. Infrustrure of Indian judiciary
- E. Primitive methods
- F. Poor Management

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