

important area. In other words, "... At root [meaning fundamentally], sovereignty, both internal and eternal, is a legal principle [or entitlement] and should not be confused with power [or its exercise]...."³⁸. The 1948 Universal Declaration of Human Rights has made the Sovereignty to diminish or torn down from its pedestal of supremacy as the center piece of all international law. This led to the resolutions of Security Council against the erring countries. The powerful countries like NATO taking this as an advantage particularly the US and its allies misusing the resolution to drive regime change and political assassinations which was reiterated by *Jacob Juma*³⁹. "The Security Council Resolution is flawed, it allows everything and is

reminiscent of a medieval call for a crusade," *Putin* said "In fact, it allows intervention in a sovereign State"⁴⁰. Under the guise of supporting self determination of the people by interfering in the sovereignty of other countries and helping the rebels by way of giving money, arms and ammunition by US and its allies resulting in the deaths of many people culminating to unrest in the remaining parts of the world should be discouraged or else leads to havoc in the world. The emerging trends in sovereignty is changing its colours to suit the changing situations around the World is neither taking away the power of a State completely nor making the power of a State illimitable and indivisible.

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RESPONSIBILITY OF POLICE AND LAWYERS IN SPEEDY CRIMINAL JUSTICE

By

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I have gone through the views expressed by my learned brother on the topic of role of Public Prosecutors in speedy criminal justice, and the remedies suggested for reducing the backlog of criminal cases, published in Law Summary 2011 Part 13 dated 15.7.2011. I have my own conclusions, which I would like to discuss here.

Though the Public Prosecutor has a great role in dispensation of criminal justice system, in a speedy manner, many more things are

contributing for the delay in disposal of cases, involving so many agencies. The system has to work undoubtedly with the co-operation and assistance of the said agencies. Not only the Police, Public Prosecutor and Court, and in-fact, the main pillar for smooth functioning of the work in criminal Courts, is the Counsel defending the accused. Truly speaking, cases are being adjourned, considering the request of the parties, representing through their Counsel. Can we say that, the parties are strictly invoking the provisions of Section 309 Cr.PC while seeking adjournment, and if that could be so,

38. *Richard W. Mansbach and Kirsten L. Rafferty, Introduction to Global Politics*, 2008, p. 66

39. Mail & Guardian, Johannesburg, South Africa- Jun 14, 2011.

40. NBC News and news services, updated March 21, 2011, 18.25 PM.

are they not contributing for the delay ? In the case of *Ambika Prasad and another v. State (Delhi Administration)* reported in JT 2000 (1) SC 273, the Hon'ble Apex Court has observed that matter cannot be adjourned beyond two or three days, for the specific purpose of cross-examination of any witness, on the request of the accused. If the said provision is implemented, by the Courts, in its letter and spirit, I am sure that one can reach the targeted goal of reducing the pendency.

In another case reported in *State of U.P. v. Shambhu Nath Singh and others*, JT 2001 (4) SC 319, it was held by the Hon'ble Apex Court that, miscarriage of justice resulted due to closure of prosecution case, on the ground of absence of witness, on a particular day. It mean that, Courts have to look for best evidence, by giving sufficient opportunity to the parties on both sides, before arriving at a conclusion.

In respect of the practice and procedure is concerned, in majority of the cases, the investigating officers, irrespective of their role, in a particular case, are very casual in filing the final reports under Section 173 Cr.PC on completion of investigation. Though, the reports are being filed within the period of limitation, as contemplated under the Code, they never bothered to look into each and every piece of document, which they are attaching with the report, and in many cases, without enclosing the crucial documents, like PME report, FSL report, MVI report, apart from documents containing scientific evidence, Statements of witnesses examined *etc.*, and delay in production of case properties, and consequently, charge-sheets are being returned with remarks, and the time taken for representation/re-submission, is directly or indirectly effecting the accused, particularly, who are suffering in jail, from the date of remand, and ultimately it causes delay in giving its verdict by the Court.

Not only on the Public Prosecutors, but also on the police officers, infact, Courts

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have no control. Very unfortunately, particularly in major towns like Hyderabad, Visakhapatnam, Vijayawada *etc.*, many of the investigating officers, never turn upto the Court, for giving evidence, the moment they have received summons. The Court constables, who are much inferior to the SHOs in the rank, would not venture to execute the Bailable Warrants issued by the Courts, against the concerned, who failed to attend the Court, and even if the Court addresses his Superior Officer, in rank, for execution of either summons/BWs, for various reasons, the said efforts are not being materialized. In the case of *P. Anil Babu v. Asst. Sessions Judge, Bapatla, Guntur District*, reported in 2006 (2) APLJ 342, it was observed by the Hon'ble High Court of A.P. that, service of summons on witnesses and prompt attendance thereof is an essential facet of criminal justice delivery system.

The object of speedy justice is that, the parties to the case should leave the Court premises, with lot of satisfaction, respect and confidence towards the Court, either it is a case of conviction or acquittal, as the case may be, and they should feel that they can get justice, if they approach the Court.

Inquiry commences the moment, First Information Report has been registered by police, and it ends only when the verdict given after hearing both sides, by the Court, has become final.

Conclusion :

While agreeing with the opinion of my learned brother, as to the responsibility of Public Prosecutors, I feel that the investigating officers, should be conscious enough while undertaking the journey of enquiries, preparation of final reports with necessary documentation. They cannot wash of their hands by merely filing final reports, it is also equally their duty to monitor, about the stage of case, production of witnesses, in time, and assist the public prosecutor, in matters where

their personal attendance is required, and also attend the Court as a witness, the moment they received summons, and they should be made accountable, in case if the prosecution loses its case. similarly, advocacy is a noble profession, instead of seeking adjournments on flimsy grounds, they have to keep up the dignity of their profession, by cooperating with the Court, in disposal of matters, on priority basis, namely, oldest matters, jail matters, senior citizens, and matters, where

directions were given by the Hon'ble Apex Courts. The Superintendent of Police concerned should strictly advise the investigating officers to attend the Courts, for evidence, by giving top priority, so that it would help a lot, for early disposal of matters.

I strongly hope and believe that, pendency of Courts can be reduced by referring as many matters as possible towards lokadalats, in which the offences are made compoundable.

SOCIAL TRANSFORMATION AND WOMEN'S RIGHTS IN THE CHANGING LEGAL SYSTEM

By

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"You can tell the condition of a nation by looking at the status of its women."

—Jawaharlal Nehru

In the words of Dr. *Rajendra Prasad* "Our women have a great part to play in the progress of our country, as the mental and physical contact of women with life is much more lasting and comprehensive than that of men. For nothing was it said, "The hand that rocks the cradle rules the world". In the apron string of women is hidden the revolutionary energy, which can establish paradise on this earth." The women in India have played an significant role in moulding our country into a fast developing country in the world.

The women as freedom fighters such as *Annie Besant, Sarojini Naidu, Vijayalakshmi Pandit, Meera Ben, Aruna Asaf Ali, Sucheta Kriplani, Kasturba Gandhi* have played an important role in achieving independence. In politics

Indira Gandhi as a Prime Minister ruled for about 15 years as a long serving Prime Minister till date. Where as *Vijayalakshmi Pandit* became the first woman President of the United Nations General Assembly. The present and first woman President of India is *Pratibha Patil*. The women in the modern India such as *Mother Teresa, P.T. Usha, M.S. Subbalakshmi, Kiran Bedi, Medha Patkar, Aundati Roy, etc.*, have proved immense success in several fields of sports, politics, performing arts, police administration, medicine, engineering, legal field, pilots, scientists, diplomats and legislators. The women playing different roles in different areas have been transforming themselves as well as society around them. Now the women in India are marching towards progress by dint of their determination, devotion and dedication. According to *Sushmita Sen* the former Ms. Universe, Women in India have now become more aware of their rights as individuals and they are now opting for higher position at