



## **THIRUTHANGAL NADAR COLLEGE**

**(Belongs to the Chennaivazh Thiruthangal Hindu Nadar Uravinmurai Dharma Fund)**

**Selavayal, Chennai-51.**

**A Self-Financing Co-educational College of Arts & Science**

**Affiliated to the University of Madras**

**Accredited with 'B' Grade by NAAC**

**An ISO 9001: 2015 Certified Institution**

**NAME OF THE DEPARTMENT: Criminology & Police administration**

**SUBJECT : Criminal justice system**

**TOPIC : Accusatorial and inquisitorial system of CJS**

**STAFF NAME : Mini N**

# DEFINITION OF ACCUSATORIAL SYSTEM

- IT IS A SYSTEM OF CRIMINAL TRIAL WHERE A JUDGE IS AN UMPIRE WHO MUST NOT TAKE SIDES WITH EITHER THE PROSECUTION OR THE DEFENSE. THE JUDGE ALLOWS THE TWO SIDES TO PRESENT THEIR CASE AS THEY WANT. THIS SYSTEM DOES NOT ALLOW A SINGLE PERSON OR BODY TO BE THE JUDGE AND THE PROSECUTOR AT THE SAME TIME.

# DEFINITION OF INQUISITORIAL SYSTEM

- AN INQUISITORIAL SYSTEM IS A LEGAL SYSTEM IN WHICH THE COURT, OR A PART OF THE COURT, IS ACTIVELY INVOLVED IN INVESTIGATING THE FACTS OF THE CASE
- ACCORDING TO BLACK'S LAW DICTIONARY, THE INQUISITORIAL SYSTEM IS, "PROOF TAKING USED IN CIVIL LAW, WHEREBY THE JUDGE CONDUCTS THE TRIAL, DETERMINES WHAT QUESTIONS TO ASK, AND DEFINES THE SCOPE AND EXTENT OF THE INQUIRY".

# ADVERSARY OR ACCUSATORIAL SYSTEM

- IN THIS SYSTEM, THERE IS A HEAD TO HEAD COMBAT OF TWO SKILLED ADVOCATES. THEY PREPARE WITH THE INTENTION TO CONVINCING THE JUDGE THROUGH PERSUASIVE ARGUMENTS. IF AN ATTORNEY IS MORE SKILLED HE CAN MOVE THE CASE, THERE IS NO BALANCE FOR THAT. THE PREVAILING PRESUMPTION OF THE ADVERSARY SYSTEM IS THAT BATTLE BETWEEN THE ATTORNEYS WILL REVEAL THE TRUTH WITHOUT ANY EXTRA PARTICIPATION BY THE JUDGE.

# INQUISITORIAL SYSTEM

- IN THIS SYSTEM, JUDGES INVESTIGATE AND RAISE QUESTIONS.
- INTERROGATION OF WITNESSES AND COLLECTION OF EVIDENCE IS DONE BY EXAMINING JUDGE.

# COMPARISON

- THE FATE OF THE CULPRIT IS AT RISK IN THE ADVERSARIAL SYSTEM BECAUSE OF THE EFFECTIVENESS AND PERSUASIVENESS OF THE COUNCILS. IN AS EVIDENCES ARE PRESENTED BY ADVOCATE SO THEY CAN HIDE UNFAVORABLE INFORMATION, WHICH IS MISLEADING IN CHARACTER. IT MAY LEAD TO THE CONVICTION OF INNOCENT, MORE EMPHASIS IS GIVEN TO THE RIGHTS OF THE DEFENDANT WHEREAS IN HIS RIGHTS OF THE DEFENDANT IS GIVEN LESS EMPHASIS. INQUISITORIAL SYSTEM IS STRUCTURED TO FOCUS ON TRUTH SEEKING WITHOUT RISKING.

# MODELS OF CRIMINAL JUSTICE PROCESS

- CRIME CONTROL MODEL
- DUE PROCESS MODEL
- CREATED BY HERBERT L. PACKER IN 1960

- BOTH MODELS TRY TO TACKLE CRIME AND PUNISH THE PEOPLE WHO HAVE COMMITTED A DEVIANT ACT. ... FOR EXAMPLE, THE CRIME CONTROL MODEL WOULD SAY A PERSON IS GUILTY UNTIL PROVEN INNOCENT BY THE COURTS, WHEREAS THE DUE PROCESS MODEL WOULD SAY THAT AN INDIVIDUAL IS INNOCENT UNTIL PROVEN GUILTY.



## CRIME CONTROL MODEL

- THE CRIME CONTROL MODEL IS CONSIDERED TO BE A CONSERVATIVE APPROACH TO CRIME THAT FOCUSES ON PROTECTING SOCIETY FROM CRIMINALS BY REGULATING CRIMINAL CONDUCT AND JUSTICE. MOREOVER, THIS MODEL STRESSES STRICT AND SWIFT PUNISHMENT FOR CRIMES; IN RETURN, THIS STRICT ADHERENCE BENEFITS SOCIETY BY STRIKING FEAR IN CRIMINALS BECAUSE THEY WILL BE HARSHLY PUNISHED. THE CRIME CONTROL MODEL ALSO SEEKS TO MOVE CRIMINAL CASES THROUGH THE CRIMINAL SYSTEM AS QUICKLY AS POSSIBLE. THE GOAL OF THE MODEL IS TO GET THE CASES THROUGH THE SYSTEMS SWIFTLY, EVEN IF THAT MEANS EXPANDING THE POWERS OF THE COURTS. IN FACT, THIS MODEL SUPPORTS

## DUE PROCESS MODEL

- DUE PROCESS MODEL IS CONSIDERED TO BE A LIBERAL APPROACH TO CRIMINAL JUSTICE THAT FAVORS CRIMINAL RIGHTS. THIS MODEL FUNCTIONS UNDER THE TENET THAT DEFENDANTS ARE INNOCENT UNTIL PROVEN GUILTY. THE MODEL ALSO FAVORS STRATEGIES THAT MIGHT REHABILITATE OFFENDERS RATHER THAN SIMPLY PUNISH THEM. THE GOAL FOR THIS MODEL IS TO GET OFFENDERS FUNCTIONING BACK INTO SOCIETY AND OUT OF PRISON, IF POSSIBLE. IT IS THEREFORE IN DIRECT CONTRAST TO THE CRIME CONTROL MODEL. OPPONENTS TO THIS MODEL OFTEN ARGUE THAT THE DUE PROCESS MODEL SETS TOO MANY OBSTACLES IN THE WAY OF SERVING JUSTICE AND PUNISHING SERIOUS CRIMINALS.