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CRIMINAL JUSTICE AND CHANGE OF SOCIAL
ORDER

By

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SUMMARY OF THE PAPER

There has been a historical lag between the organic growth of the dynamics of social order newly set in since independence and the growth of Law. The lead-character of the statute that had to be exploited in this regard was not utilized. A change in the COLONIAL FREE ORDER to a MIXED ORDER in the socio-economic and political System was conceived without a prior legal cover for which reason the rationality of the change was questioned by many hang-over actions. The argument of the low-order priority of administration of justice in a development economy was entirely misconceived one. The educational, research and the institutional agencies have failed utterly in designing a new legal system and motivating the people to the new order so that the new socio-economic Order could have a firm base. The administration of justice remained in the same colonial base.

The phantom of 'divine justice' as existed in the colonial period has been blown off with references to statistical figuration. Instead of the present 'diabetic judiciary' Judicial activism has been supported with special reference to make the Judicial process proactive instead of the present reactive system. In this connection the recent activist stance of the Supreme Court has been supported.

The legal profession is at a mess, remaining at the objective point of the imperialist order. Certain basic questions were raised as to why a witness would come forward

to help the administration of justice when the whole process is hostile against him, how a complicated system as it is, would still provide the cover to the protection of legal change-over and secure the rights of millions of ignorant and illinformed customer!. The paper suggested the introduction of a dialectic approach in the process of finding the truth through discovering all contradiction and as such, the whole evidental processes have to be thoroughly overhauled. Complainant, accused and other people's bodies have to equally participate under the active guidance of the court to achieve the truth.

The whole process of administration of judiciary must have to come nearer to the people. Naya Panchayat with adequate power and determined strength is a step in the right direction. People's confidence can be reaffirmed with people's participation. The process has to be more responsive to the social cause and changing social order by plugging all hang-over actions. A few suggestions were given in this respect.