

Comparative study of criminal cases in India and United States of America

Srinibas Nayak¹, Prof. S.A.K. Azad²

¹Asst. Professor, Faculty of Legal Studies, Siksha O Anusandhan

²Professor & Dean, Faculty of Legal Studies, Siksha O Anusandhan

Email - ¹srinibasnayak@soa.ac.in, ²dean.snail@soa.ac.in

ABSTRACT

Social factors form perceptions of criminality, offenders, retribution, and recovery, which vary across nations. Most work has been undertaken among Western Nations people in this field, but crime and reacting to it is a worldwide phenomenon. In their views on crime, criminals, prosecution but punishment it was noted that now the Indian and The us respondent faced significant differences. There were opposing views on discipline and salvation among all student classes. The respondent's nation was really the best predictor for all these view points in an univariate research of class, age, academic level and religious origin. The conflicts of opinion have been partially due to the cultural disparities between the two countries. A police force is made up of people empowered by the State to enforce the rules, protect persons and properties, and deter crime and the civil disorder. In a systematic sense, the state police accept the whole program of Internal regulation, by which the State seeks to preserve not only public order and to avoid, but also to define, offenses against, the State from ciudadan to citizen.

Keywords

Crime, Punishment, India, Opinions.

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Introduction

Crime is an epidemic worldwide. Although crime is prevalent, crime, suspects and the way it can be reacted to are not seen. Although a wealthy and increasing number of literature on criminal preconceptions exist, much of this literature has focused on the opinions of people within a single Western country, usually the USA. "We have examined opinion from jurisdiction to jurisdiction," as Mayhew and van Kesteren said (2002), "with a few exceptions" (p. 63). For both practical and theoretical purposes, it is important to compare and contrast people around the world's views on crime. A cross-cultural lens can be used to achieve a greater general understanding. As Jowell (1998) pointed out, there is no doubt as to the value and importance for the social sciences of solid cross-national interventions. These can not only illustrate fascinating differences between nations and cultures, but also aspects of one's own nation that alone would be difficult or difficult to separate from domestic knowledge. Crime, offenders, discipline and rehabilitation will be prosecuted by the people of other nations (Cao & Cullen, 2001). The study extends views on crime, prisons, prosecution and punishment among people of china and India, to create similarities and contrasts. The literature shows that societal motivations impact individuals' beliefs, behaviors and expectations but that ethnic communities have different values, viewpoints and standards. If the opinions of Indians and U.S. citizens differ is unclear. [1]

Literature Review

A Brief Overview of India and the United States

The United States and India both became neighbouring countries of Britain. Today they are federal republics with directly elected chairmen, bi-camera meetings and high

tribunals. Nevertheless, the United States was an sovereign country for more than India. The United States has nearly triple that of the total land in India, the literature says that social classifications impact people's beliefs, behaviors and expectations and that cultural classes have distinct values, opinions and norms. If the opinions of American and Indian people differ is unclear. Both nations are comparable and have connections. There is no doubt of the importance and significance to human sciences of comprehensive cross-national initiatives. Not only fascinating variations between nations and cultures can be detected, but aspects of our own nation and culture, which is difficult or impossible to distinguish only from domestically data. There has been extensive usage of English (World Book of Evidence, 2006). English remains the most prevalent language in the United States while another language is used by 18 percent of U.S. people.

The court system was based upon this Hindu theory of Dharma preceding British colonization in a number of parts of the world and refers to proper behavior (Raghavan, 2004, p. 2). The Hindu concept of dharma or the rules of appropriate behaviour, as seen in several books which descry the Vedic scriptures, such as vedas and Smritis, has influenced ancient Indian jurisprudence. The king also have no absolute control but got his powers, he was expected to hold, from Dharma. The difference was evident between a civil breach as well as a criminal offence. When the concept of sin was used specifically to define property disputes in civil litigation (Basham, 1967; Jois, 1990). Dynasty of Maurya that was in the 4th century B.C. Had spread to vast areas of northern and southern countries, a rigid legal system and even small offences were subject to mutilation and also the death penalty. During the second or third century A.D., Manu, a prominent Hindu lawyer, wrote the Dharma sastra program called Manu smriti. The code is also notorious for assaults and other body and property offenses such as theft and stolen goods (Griffith, 1971; driving under the influence & Halder, 2004; Pillai, 1983; Raghavan, 2004;

Thapar, 1990). Manu smriti deals with the positions of a king, caste, caste labor law in time of distress, expiation of sins, and laws governing multiple ways of renaissance. While abstract, Manu smriti concerned with life's practicalities, and mostly with human behavior. Dharma sastras arrived after Manu credited to Annamalai, Vishnu, Nerada, Brihaspati, Katy Ayana, Any (Jayaswal, 1930). The later Dharma sastras were almost mere books of law. The Manu smriti was considered superior to the other Dharma sastras .[2]

The Dharma sastras claimed they were divine, and ancestral wise people, who could not be identified as historic figures, transmitted them. The British reanimated the Manu smriti and used in the construction of the Hindu Civil Code in preindependent India. Manu smriti was nothing more than an antiquarian text, which had been for a long time lost and rarely used to assess the suitability of social practices. The Manu smriti were very useful in society, as the British were mainly to monitor themselves by proxy because of their numerical restricted presence. Also, in the social sphere, it was critical that their agents did not face opposition or revolt. The Manu smriti helped prevent individual and collective resistance to local authorities because of their repressive and highly divisive character. Upper caste were usually, and Brahmins were often.[2]

It didn't matter that the Manu smriti represented an outdated and obsolete social code.

It is well aligned with the British colonial initiative). In 1947 India was a sovereign Republic. India gained independence from British rule. Indian judicial system is now, however, "a consequence of British rule," and constitution of India is focused primarily on English common law. The US system has changed and Americans frequently accept it as one-of-a-kind, but initially based mostly on British legal system. The US is far more dependent on government regulatory mechanisms than that on informal checks. And if the crime rate has fallen for the past 10 years, the United States retains a reasonable degree of fear of crime .[3]

Brief Review of Published Crime Figures

Across India, both the 1950s and the 1990s there was a dramatic increase across murder and in other violent crimes. In 1961, 55,726 violent crimes were reported, 243,574 violent crimes were reported since 1996. In 1986, 27,269 homicides were reported that rose to 37,671 by 1996. 2004. In 2004. The US system has changed and Americans frequently accept it as one-of-a-kind, but initially based on the British legal system. The US is far more dependent on government regulatory mechanisms than on informal checks.[4]

Yet the USA retains a fair degree of fear of crime here as the rate of crime has dropped over the last ten years. Over 64,000 deaths were reported in 2004 as a result of neglect. The homicide rate in India was lower than in the US, higher than the majority of European countries. The murder rate was 3.8 per 100,000 in India in 2004, the murder rate and in United States 5.5 and in French 3.5. The homicide rate in Germany was 1.2 in 2001 and the murder rate in Great Britain was 1.1 in 1996 (Barclay & Tavares, 2003; Langan & Farrington, 1998; National statistics crime stats crime, 2004).

In 2005, a convenient and easy student survey was conducted at an Indian university and an American university. The Indian college, with about 100,000 students enrolled in the Bachelor, Master and Terminal Degrees, was a major public regional public university in Southern India (that is, Andhra Pradesh State).[4]

Evidence

Proof plays the most significant role in judicial administration. Proof generally is the pillar of justice. The parties generate the facts so that they can justify their case and persuade the court that they are justified in getting the verdict in their favour. During criminal courts, the prosecutor must prove every item and every hint possible to support the case beyond a reasonable doubt. The entire case of indictment is based on proof, and the courts of law decide the cases mainly on facts, without proof, and the tribunal cannot convict any accused on the basis of arguments alone. And the collection and presentation of evidence in any criminal case has a very critical, relevant and valuable role. Throughout the Pakistani justice system, the right to investigate and collect evidence in the event of indictment lies with the police as the main investigation agency, this police authority guaranteed by the supreme law of the country, collecting evidence means that the source of evidence is called collecting evidence during a criminal crime to prosecute the criminal act and obtaining all relevant pieces of evidence relating to the criminal offence. The police have no right to find any suspect guilty or innocent person as an investigating body that can only investigate, gather and bring facts to the court. The burden of evidence in a criminal case is on the side of prosecution.

Therefore, it is police's duty and obligation to collect the facts and bring it to a court of law to make his case and persuade the judge that the accused is guilty beyond reasonable doubt. If the government does not provide ample evidence, then the accused must be found innocent in court's eyes. In general, the burden of evidence in a criminal case rests with the complainant who claims the specific facts.

The plaintiff's responsibility is to create his own case without any shadow of doubt, unless he does so, the case against him will be retained. In general, the burden of proof in a criminal case lies with the complainant who claims the particular facts.

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And to avoid, but also to define, offenses against, the State from citizen to citizen. The word 'police' has its roots in the Greek term 'Politeia' or Its Latin counterpart 'politia,' meaning 'civil administration'.¹ Connotes a body of servants whose primary responsibilities are to preserve order; Crime prevention and detection, and law enforcement. Police mainly have responsibility for protecting life, Citizens liberty and land. It is to safeguard these Rights which were constitutive of the criminal justice system Assigning essential police duties. They've got Specific duties to do the most of them are Maintaining law and order, and solving crimes. Therefore, the police play the

role of the criminal justice system Significant position to invest.

Misconduct or Illegal Action by The Police

Custodial torture has become a common occurrence nowadays Phenomenon and routine police interrogation practices These are the days. Though there is no separate and precise Protection from Torture. The accused was battered or starving, or Tortured in various forms by investigators

Policemen. Human rights policy issue this is a Work harmful and should be removed. There's a big deal Gap between the pace at which the crime happens and F. I. R. Are published, public grievances are not dealt with adequately Yet FIR still has delay. Performance of inquiry Standards also make workload degradation one of the big Reason for Police inefficiency.

Methods

In 2005, a convenient and comfortable student survey was conducted at an Indian university and an American university. The Indian college, with about 100,000 students enrolled in the Bachelor, Master and Terminal Degrees, was a major public regional public university in Southern India (that is, Andhra Pradesh State).[5]

In the 20 university classes, the surveys were conducted. The courses chosen included a wide range of options in all major universities which included classes. The University of the United States was a public university in the Midwest, with just about 20 000 registrations and bachelor's degree programs, doctor's service. In the United States. Bachelor students in 18 schools were tested. The students at both academic schools were told of the study, while the participation was illustrated oral and written forms. During the course, students took the questionnaire and if they did that in another class, students were told not to do so. The sample was measured at more than 90% of the student population. 50 % of the total sample of subjects were males and 50% were females. Many leaders than U.S. party had were in the Indian party (57% vs. 44%).[6]

The median age of respondents was 21 and the average age of respondents was 21.52, although the normal difference was 4.61. Indian survey respondents were somewhat way younger than United States respondents. Indian students would be interns far more likely and older students would be American.

The respondents were also asked 15 questions about crime, treatment, penalty and criminal opinions. A 5-point Likert reply ranged through strongly divergent to firmly accepted. All questions provided answers. Furthermore, the inferential statistics employed sex, age, academic level, religious significance and nationality of a individual. Both of these is attributable to America's crime perceptions.[7]

The dichotomous variable was determined as: (i.e.) whether it was a respondent, male (coded 1) or female (coded 0). In years, age has also been measured. Fifteen% of those interviewed indicated so not at all (coded 1), 32% did not mention anything (coded 2), 26% proposed a respectable amount (coded 3) and 27% (coded 4). US respondents were

more likely than Indian respondents to state that religion in general played a significant role in both their own lives.[8]

Findings

The percentages of responses to the 15 questions are set out. There were differences in opinion between Indian and U.S. respondents on several of the issues. Even more U.S. respondents thought their country had a lot more violence than the Indian respondents did (89% vs. 64%). It is important to notice that more Indian respondents thought that criminality was an urgent social problem (89% vs. 62%) and that the courts. The perpetrators were not strict enough (66 percent vs. 43 percent). Students in India appeared to be more supportive of treating offenders than students in the United States. For example, 76 percent of Indian students felt that treatment and rehabilitation should be the main goals of dealing with criminals compared to 54 percent of US students. Indian respondents were more critical of executing criminals, with the exception of support for capital punishment.[9]

Results

More Indian respondents found it odd that crime was a big psychological disorder (89% vs. 62%) and it was a very court of law. The offender was insufficiently courageous (66% against 43%). Indian students seemed to support offenders more than US students in their treatment. 76 percent of Indian students, for example, claimed that treatment and rehabilitation is the key purpose of dealing with criminals compared with 54 percent of US students. Indian respondents became more supportive by incorporating support for the death penalty. The convicted murderer is punished. For example, 52% of respondents agreed to make a criminal law only if the penalty was serious, while only 15% agreed. The prisoner is prosecuted. For example, 52% of Indian respondents agreed to make a criminal law only when the penalty was realistic, while only 15% agreed. Comparisons were also established between the two pupil classes. The sides agreed that their crimes should be prosecuted as the victim. Just over half of Indian and American students felt that criminals had no fear of being captured and paroled. Very few (about 20%) thought that a woman that committed crimes (i.e. once a criminal, always a criminal) would also continue to do this.

Conclusion

This research provides two significant conclusions. Firstly, there are gaps regarding their opinions between the two classes of respondents. Second, the opinions of both groups were nuanced. There had been a statistically meaningful gap between the two categories on all but 2 of the 15 products. The U.S. respondents were more inclined than the Indians to believe there was a lot of violence in their country. It is an apt view of the crime figures, which clearly indicate that the recorded crime rate in the United States is significantly higher than in India. What is noteworthy is that the Indian respondents were more likely than the U.S. respondents to believe that violence was a significant societal issue. U.S.

respondents may have been used to violence and may not believe like it is a serious social issue. This research provides two significant conclusions. Firstly, there are gaps regarding their opinions between the two classes of respondents. Second, the opinions of both groups were nuanced. There had been a statistically meaningful gap between the two categories on all but 2 of the 15 products. The U.S. respondents were more inclined than the Indians to believe there was a lot of violence in their country. Theft is more unlikely than an obstacle for a society in a culture which values authoritarianism to be considered the entirety of intentional behavior. In India, therefore, crime may be called more a issue due to the value of the party.[10]

Indian students more likely felt that youth courts were not robust enough. This may be because Indian students felt more probably that crime was indeed a urgent social issue. This variability may also be the result of differences here between legal systems in different nations. Hence, jail terms in India will not be as serious as in the USA. In India, for example, a woman serving life can be set free after 14 years without the need for a paragraph of parole. Lastly, India is nearly twenty-five times that of the US.

Indian students more likely felt that youth courts were not robust enough. This may be because Indian students felt more likely that crime was a pressing social issue. This genetic variation may also be the result of differences between the legal systems of various nations. Indian students may believe it is an aim to change and restore them to social system to punish offenders, while US survey participants may truly feel that they should be punished for choosing the actions. Many in India claim that people can be socialized to alter and adhere to societal standards with the assistance of relatives, friends and families. Because if the action takes place. And if the infringement takes place or when the violation is still a serious violation, it is appropriate to sanction the state. Ironically, US respondents were more likely to condemn the crime of individuals being either incompetent or mentally unwell. Since it's just one sample of Indian and US students, it's tight. Students at the school were picked for comfort, but this was a test. Exploratory studies concern less with common findings and more with determining whether correlations occur in areas which are not studied regularly. It will help in assessing when our findings are applicable in the common person. You may add several factors and rather than single-point controls, we can use indices.

In addition, some concerns about abuse, victims, punishment and rehabilitation can be posed. The reasons given for the results of this study have not been confirmed. It must be noted. Since this was just an Indian-U.S. student combination, it is close. Students were selected for confidence and this was a report on exploration. Exploratory research concentrate less on the generalization of findings and more on how associations do not exist routinely in fields. Since it's just one sample of Indian and US students, it's tight. Teachers and students were picked for comfort, and this was a test. Exploratory studies concern less with common findings and more with determining whether correlations occur in areas which are not studied regularly. The views of the various communities are the key to the convictions of the proctored exams, consider Angel and

Thoits (1987). Further cross-border research will improve comprehension of the views and also why s of violence.

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