INTRODUCTION

The Union Territory of Pondicherry prior to its merger with the Indian Union was a French Colony. The erstwhile territory of Pondicherry along with its hamlets, namely, KARAikkal, MAHE and YANAM was administered by the French Regime. Before it was established by French in 1674 A.D. it was part of Vijayanagara Empire. Prior to this, Pondicherry was a part of the Kingdom of Chola and Pallava Kings.

During French Regime, the laws which were in force in France in relation to administration of civil and criminal justice were extended to the erstwhile territory of Pondicherry. Thus while Pondicherry stood influenced by the Inquisitorial system since the beginning of the 18th century, the neighbouring states forming part of the Indian Union since Independence came under the influence of the British system, viz. accusatorial system.

The territory of Pondicherry, for administrative reasons, came to be merged with the Indian Union in the early 60's. Following the merger, the Indian administration sought to extent its own laws from time to time replacing erstwhile French Laws, however, subject to certain savings. Thus the transitional period witnessed consequential changes in the administration of the territory, including the sphere of judicial system. Since 1963, the Union Territory of Pondicherry was brought under the spell of the Indian Legal System.
The people in Pondicherry thus have had the benefit of experiencing both the systems. Their experiences will be of much help to those who undertake comparative studies in law. The plus and minus points of the respective systems help one to develop a detachment that helps independent evaluation of the systems. The result of these studies could be relevant in revitalising our criminal justice system.

The present system is evaluated in the light of the past system. New dimensions are added by way of an empirical study also.

That the first chapter of this study highlights the historical aspects of the criminal justice system in Pondicherry during and after the French Regime. It also gives a picture about re-organisation of judicial set-up that took place from time to time from the French period to the present period.

The Second Chapter of this study brings into focus the role of functionaries under the French and Indian Criminal Justice Systems. It evaluates the functions and powers of Police, prosecutors, (prosecureur de la Republic), Judicial Officers, Prison Officers, Correctional Staff under both the systems.
The Third Chapter goes with a detailed study about the pre-trial procedures under the French and Indian systems. As the area of pre-trial procedure deals with Arrest, Remand, Bail, Investigation, Search and Seizure, a cross-section of the functionaries working at these stages have been interviewed and their views on different aspects evaluated. An empirical study by examining all the authorities and agencies including Police, Prosecutors, Judicial Officers, Public, Politicians (all experienced under both systems has also been undertaken). The role of Judicial Police, Investigating Magistrate and Public Prosecutor of the French model during investigation has been evaluated.

While the Third Chapter deals with the pre-trial procedures the Forth Chapter details the Trial procedure under both the French and Indian systems. It attempts to scan every facets of the trial jurisdiction on a comparative basis by taking the past pondicherry experience. It also discusses the various relevent legislative mandates adumbrated in Criminal Procedure Code 1973, Indian Penal Code 1860, the Indian Evidence Act. 1872 on comparison with the French piece of legislation that existed during French regime.

In this forth chapter the various types and heirarchy of courts under the French System and their Trial procedures are projected. The tribunal correctionnel, Tribunal de police, Cour d’ Assises, Cour d’ Appel, and court d’ cassation of French model criminal courts are discussed. The powers and
functions are also detailed. These Courts powers and functions are compared in
detail with those obtaining in India.

In the Fourth Chapter the constitutional rights of the accused persons and
the victims of crime are also highlighted with the spell of the High Courts and
Supreme Court. It is also attempted to scan and compare various types of
criminal justice systems so as to have a proper appraisal of the working of the
criminal justice system of the globe and thereby to find out and remodel a better
system of criminal justice system for India in general and for Pondicherry in
particular.

The Fifth Chapter of this study diagnoses the sentencing segment of
criminal justice system. It attempts to compare the mode and scheme of
punishments awarded under both the past and the present systems at Pondicherry.
It also critically evaluates the sentencing policy on a comparative perspective
prior to proceeding for submitting its findings. The modern trend of penal policy
and philosophy of reformative and rehabilitative ideology are also projected with
the pragmatic practices and their results in reshaping a crimeless society.

In the Sixth Chapter, an attempt is made to evaluate the scheme of
correctional process. It also focuses the rehabilitation of offenders as a primary
objective. The role of correctional institutions and the judiciary is also highlighted.

In the Last Chapter, the conclusions drawn are put together and based on those conclusions, a few suggestions are also made which include enactment of necessary Acts for speedy procedure and disposal of criminal cases. This chapter also suggests to have various amendments in the procedural and substantive laws. That apart, it is also attempted by suggesting a scheme of new Board of Concilliation and compounding of offences with lot of arrangements to dispose of lot of petty and simple criminal cases as expeditiously as possible. It is also suggested to have pre-trial Magistrates for Criminal Investigation with the aid and help of Judicial Police Wing. That the Judicial Police Wing - a police force - is suggested for the exclusive work of the criminal judiciary. Curtailing of second appeals are also suggested.

Thus the Researcher attempted a journey of comparative research on the criminal justice delivery system and ultimately reached the destination of conclusions and suggestions which have been incorporated in the last chapter with a ray of hope that the suggested scheme, if adopted in our system, may serve its purpose - the purpose for which this empirical study was carried out.