I. GENERAL INTRODUCTION

A very significant aspect of the Criminal Justice is the functioning of its law enforcement agencies. These agencies together with a few other institutions of law making make up the criminal justice system of the country. The main agencies involved in this function are: the Police, the Prosecution, the Courts and the Prisons. But this list of institutions is not exhaustive. In certain jurisdictions there are institutions, particularly private institutions, which are employed to assist the official agencies in carrying out the task of enforcing the laws.

In the matter of enforcing the law different kinds of responsibilities are assigned to different agencies. For example, the work of investigating into the crimes is entrusted to the police. But apart from the departmental officers of Police the work is assigned to certain additional administrative agencies and also to private agencies. The responsibility of keeping the prisoners is entrusted to prison authorities but apart from the prison authorities certain private agencies also are engaged to manage the prisons. There are also security agencies of a private kind which assist the governmental officers in keeping the prisoners, the accused and the suspects in custody.

Whatever might be the agencies having the responsibility to perform the function of enforcing the law there are certain principles which guide the authorities of the State in managing the whole system of criminal justice. Though these principles are many and they are growing day by day, the two important principles which are of basic value and which govern the system of criminal justice in very wide terms are the Theories of Due Process and the Theory of Crime Control. These two theories are not the same in fact; they are rather contrasting theories and have originated and developed at different times in different contexts.

The theory of due process of law was the earliest and had the object of protecting the rights of the individuals against the authority of the State, whereas the crime control theory arose due to peculiar conditions of the time, and it was employed to pursue the interests of the State. The theory gave primacy to the authority of the State against the rights of the individuals.
Though the Crime Control theory is later in time it has somehow become a common method of administering justice and is being followed by the modern States in administering criminal justice to the people. At this stage the researcher considers it necessary to highlight the features of these two theories to show that one contradicts the purpose of the other and is causing a setback to the popularity and social usefulness of the other.