

## Lesson at a Glance

- There are four people who play a key role in our **criminal justice system**. These are: **the police, the Public Prosecutor, the defence lawyer and the judge**.
- The role of the police begins with the lodging of an **FIR** in the **police station**. After the registration of the FIR, the police start **investigation**. On the basis of the investigation, they form an opinion.
- If the police think that the **evidence** points to the guilt of the **accused** person, then they file a **chargesheet** in the **court**.
- Police investigations always have to be conducted in accordance with **law** and with full respect for **human rights**.
- The police are not allowed to torture or beat or shoot anyone during investigation.
- In court, the Public Prosecutor represents the interests of the State. His role begins once the police has conducted the investigation and filed the chargesheet in the court.
- The Public Prosecutor is expected to act impartially and present the full and material facts, witnesses and evidence before the court.
- The defence lawyer acts on behalf of the accused. He also produces witnesses and evidence before the court in favour of his client.
- The judge then hears all the witnesses and any other evidence presented by the prosecution and the defence.
- Afterwards he **decides** whether the accused person is guilty or innocent.
- If the accused is guilty, then the judge pronounces the **sentence**.

## ■ IN-TEXT QUESTIONS SOLVED ■

1. *Why do you think there is a rule that confessions made during police custody cannot be used as evidence against the accused?* [NCERT Textbook, page 71]

**Ans.** It is because there is possibility that the police may create a terror around the accused in order to make confessions.

2. Now let us return to the story of Shanti and answer the following questions:

(a) When Shanti was arrested for theft, S.I. Rao also kept her brother Sushil in the police lock up for two days. Was it legal for the police to detain him? Does it violate the D.K. Basu guidelines?

(b) Did S.I. Rao do enough to question witnesses and compile evidence before arresting Shanti and filing a case against her? In keeping with the duties of the police as stated above, what else do you think S.I. Rao could have done as part of his investigation?

[NCERT Textbook, page 72]

**Ans.** (a) No, it was not legal. It violates the D.K. Basu's Guidelines.

(b) No, S.I. Rao did not do enough to question witnesses and compile evidence before arresting Shanti and filing a case against her.

S.I. Rao should not have done anything in hurry. He should make broad investigations involving several persons in the locality. He arrested Shanti on the basis of what Mr. Shinde told him. His decision was one-sided and therefore wrong.

3. Now let us take a slightly different scenario. Shanti and her brother Sushil go to the Police Station to complain that Mr Shinde's 20-year old son had stolen ₹ 15,000 that they had been saving up. Do you think that the officer in charge of the Police Station will promptly lodge an FIR? List a few factors that in your opinion may influence the decision of the police to register or not register an FIR.

**Ans.** I don't think that the officer-in-charge will promptly lodge an FIR in such a situation. Political and social status are a few factors that in my opinion may influence the decision of the police to register or not register an FIR.

4. What did the judge say in Shanti's case after hearing the testimony of all the witnesses?

[NCERT Textbook, Page 73]

**Ans.** The judge said that the police did not investigate Shanti's case in a fair manner prosecution failed to prove that Shanti was guilty. This made Shanti innocent the judge showed enough evidence in favour of Shanti and finally acquitted her.

5. All of the processes, written in bold on page 74, are crucial to a fair trial. Write in your own words what you understand of the following based on the above description of Shanti's case.

(a) Open Court.

(b) Basis of Evidence.

(c) Cross-examination of Prosecution Witnesses:

**Ans.** (a) **Open Court.** The trial is held in public view.

(b) **Basis of evidence.** Witnesses are produced and discussed in the court, which become the basis of judgement.

(c) **Cross-examination of Prosecution Witnesses.** The Public Prosecutor and the defence lawyer are allowed to ask questions to witnesses.

6. Discuss in class what might have happened in Shanti's case if the following procedures had not been observed.

(a) If she were not defended by a lawyer

(b) If the court had not assumed her to be innocent.

[NCERT Textbook, Page 75]

**Ans.** In both the cases, she would not have got justice.

## TEXTBOOK QUESTIONS SOLVED

### Let's Recall

9. 1. In a town called Peace Land, the supporters of the Fiesta football team learn that the supporters of the Jubilee football team in the nearby city about 40 km away have damaged the ground on which the Final between both teams is to be held the following day. A crowd of Fiesta fans armed with deadly weapons attacks the homes of the supporters of the Jubilee football team in the town.

In the attack, 10 men are killed, 5 women are gravely hurt, many homes are destroyed and over 50 people injured.

Imagine that you and your classmates are now part of the criminal justice system. First divide the class into the following four groups of persons:

1. Police
2. Public Prosecutor
3. Defence Lawyer
4. Judge

The column on the right provides a list of functions. Match with the roles that are listed on the left. Have each group pick the functions that is needs to perform to bring justice to those who were affected by the violence of the Fiesta fans. In what order, will these functions be performed?

Roles	Functions
Police	hear the witnesses
	record the statements of witnesses
Public Prosecutor	cross examine the witnesses
	take photographs of burnt homes
Defence Lawyer	record the evidence
	arrest the Fiesta fans
Judge	writes the judgement
	argue the case for the victims
	decide for how many years the accused will be put in jail
	examine the witnesses in court
	pass the judgment
	get the assaulted women medically examined
	conduct a fair trial
	meet the accused persons

Now take the same situation but ask one student who is a supporter of the Fiesta Club to perform all the functions listed above. Do you think the victims would get justice if only one person performed all of the functions of the criminal justice system? Why not?

State two reasons why you believe that different persons need to play different roles as part of the criminal justice system.

Ans.

Roles	Functions
Police	● take photographs of burnt homes
	● arrest the Fiesta fans
Public Prosecutor	● get the assaulted women medically examined
	● record the evidence
	● record the statements of witnesses
Defence Lawyer	● examine the witnesses in court
	● cross examine the witnesses
	● argue the case for the victims
Judge	● meet the accused persons
	● writes the judgement
	● decide for how many years the accused will be put in jail
	● examine the witnesses in court
	● pass the judgment
	● conduct a fair trial

I think if the same person performs all the above functions there is no chance of a fair trial. Judgement can never be done because one person may be biased or prejudiced or against the accused or he may get confused. He can be overpowered by anyone which may affect the process of investigation and influence the judgement.

