

Chapter – 06 Civics

Understandign Our Criminal Justice System

- There are four people who play a key role in our criminal justice system. They are Police, Public Prosecutor, the Defence Lawyer and the Judge.
- **What is the Role of Police in Investing a Crime:**
 - (i) The important function of the police is to investigate any complaint about the combination of a crime.
 - (ii) An investigation includes recording statements of witness and collecting different kinds of evidence.
 - (iii) If the police think that the evidence points to the guilt of the accused person, then they file a chargesheet in the court.
 - (iv) The police investigations always have to be conducted in accordance with law and full respect for human rights.
 - (v) Article 22 of the Constitution and criminal law guarantee to every arrested person the following Fundamental Rights.
 - (vi) The Right to be informed at the time of arrest of the offence for which the person is being arrested.
 - (vii) The Right not to be ill treated or tortured during arrest or in custody.
 - (viii) Confessions made in police custody cannot be used as evidence against the accused.
 - (ix) A boy under 15 years of age and women cannot be called to the police station only for questioning.
- **What is the Role of the Public Prosecutor:**
 - (i) In court, Public Prosecutor represents the interests of the State.
 - (ii) The role of the Public Prosecutor begins once the police has conducted the investigation and filed the chargesheet in the court.
 - (iii) The Public Prosecutor must conduct the prosecution on behalf of the State.
 - (iv) The Public Prosecutor is expected to act impartially and present the full and material facts, witnesses and evidence before the court.
- **What is the Role of the Judge:**
 - (i) The judge hears all the witnesses and any other evidence presented by the prosecution and the defence.
 - (ii) The judge decides whether the accused person is guilty or innocent on the basis of the evidence presented and in accordance with the law.
 - (iii) If the accused is convicted, the judge pronounces the sentence.
- **What is a Fair Trial:**
 - (i) According to Article 21 of the Constitution that guarantees the right to life states that a person's life or liberty can be taken away only by following a reasonable and just legal procedure.
 - (ii) A fair trial ensures that Article 21 of the Constitution is upheld.
 - (iii) Every citizen, irrespective of his class, caste, gender, religious and ideological backgrounds should get a fair trial when accused.
 - (iv) The rule of law says that everyone is equal before the law would not make much sense if every citizen were not guaranteed a fair trial by the constitution.