

## Political Science Chapter – 06

### Understanding Our Criminal Justice System

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**Criminal justice** is the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, or sanctioning those who violate laws with criminal penalties and rehabilitation efforts.

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.**

According to the Constitution, every individual charged of a crime has to be given a fair trial.

#### **What is the Role of Police in Investigating a Crime:**

- (i) To investigate any complaint about the commission of a crime.
- (ii) An investigation includes recording statements of witnesses 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 charge-sheet in the court. But whether a person is guilty or innocent, is decided by the judge and not the police.
- (iv) As everyone is subjected to law of land, including police. Therefore, police investigations always have to be conducted in accordance with law and with full respect for human rights.
- (v) Article 22 of the Constitution and criminal law guarantee to every arrested person the following Fundamental Rights.:
  - The Right to be informed at the time of arrest of the offence for which the person is being arrested.
  - The Right not to be ill treated or tortured during arrest or in custody.
  - Confessions made in police custody cannot be used as evidence against the accused.
  - A boy under 15 years of age and women cannot be called to the police station only for

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questioning.

### **First Information Report (FIR) :**

- (i) Police can begin investigation into a crime only with the registration of an FIR.
- (ii) The law states that it is compulsory for an officer in charge of a police station to register an FIR when person gives information about a cognizable offence.
- (iii) FIR usually consists of the date, time, place of the offence, details of the offence which includes the description of the event. It also states the name & address of the complainant.
- (iv) Complainant have got the legal right to keep a free copy of the FIR from the police

### **Public Prosecutor:**

**Meaning of public prosecutor:** A law officer who conducts criminal proceedings on behalf of the state or in the public interest.

**Meaning of prosecution :** Carrying of legal proceedings against a person.

### **What is the role of 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) He must conduct the prosecution on behalf of the State.
- (iv) He 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.

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(iii) If the accused is convicted, the judge pronounces the sentence which can be sending the person to jail or imposing a heavy fine or both, depending on what the law prescribes.

**What is a Fair Trial:**

(i) According to the Article 21 of the Constitution that guarantees the right to life which 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. That means a judge cannot jump to the conclusion, instead he have to remain impartial and then decide on the basis of the evidences.

(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.