

## **Revision Notes**

### **Class-8 Social Science - Civics**

#### **Chapter 6 – Understanding Our Criminal Justice System**

##### **INTRODUCTION:**

When a person violates the rules or the law made by the government, you instantly think of informing the matter about the police. Owing to the part played by the police officers in arresting lawbreakers and criminals, we usually think that it is the police department that concludes whether an individual is guilty or not. However, that's not the case. After an individual is arrested, it is a court of law that decides if the accused individual is guilty or not. As per the Constitution, everyone charged for a crime needs to give a fair trial.

##### **MAIN PLAYERS IN THE CRIMINAL JUSTICE SYSTEM:**

There are four main players in the criminal justice system:

1. The police
2. The public prosecutor
3. The defense lawyer
4. The judge

##### **ROLE OF A POLICE WHILE INVESTIGATING A CRIME:**

- The first and foremost duty of the police is to investigate any complaint lodged as an FIR.
- The investigation process includes the recording of statements by the witnesses and collecting evidence related to the crime. On that basis, the investigation and an opinion about the crime are formed.
- Police file a charge sheet in front of the court if the accused person is found guilty after the primary investigation.
- It is not the police who decide whether a person is innocent or guilty; it's the judge who decides it.

- The investigations of the police are conducted according to the law and concerning human rights:
  1. The person who gets arrested has the following fundamental rights, according to article 22 of the constitution and criminal law.
  2. The person should be informed, and he needs to know the time of the arrest.
  3. The person should not get ill-treatment or torture during custody.
  4. Within 24 hours a person has to be presented before the magistrate.
  5. Any criminal (boy or girl) under the age of 15 or women cannot be called for questioning at the police station.
  6. Confessions during police custody should not be used as evidence against the criminal.

### **ROLE OF THE PUBLIC PROSECUTOR:**

- After the police investigation and the filing of the charge sheet in front of the court, the role of the prosecutor begins.
- The public prosecutor has no role in the investigation.
- The public prosecutor represents and conducts the prosecution on the state's behalf.
- The prosecutor's duty is not to do any personality tests and present materialistic facts, evidence, and witnesses before the court which will authorize the court to decide on the case.

### **ROLE OF THE JUDGE:**

- The judge watches and listens to all the witnesses and evidence that are presented by the prosecution and the defense lawyer.
- The duty of the judges is to decide whether the criminal is guilty or innocent based on the evidence provided to him according to the law.
- Depending on the law, the judge can impose a fine or send the criminal to jail or both.

### **FAIR TRIAL:**

Article 21 of the Constitution and the Criminal Law states the right to life that defines a person's Liberty or life can only be taken away by following a legal procedure.

Important elements of a fair trial are:

- The trial is made in the presence of the culprit.
- An attorney should defend the culprit.
- The trial should be held in a court in front of the public.
- The prosecution's responsibility is to prove the doubts of the accused being guilty.
- The defense lawyer should cross-examine all the witnesses provided by the prosecution.
- The defense lawyer should get an opportunity to present the witness in front of the accuser's defense.
- The judge needs to decide the matter based on evidence provided in the court, and he or she should not do any kind of partiality.

### **Important Questions and Answers:**

#### **1. What are the requirements and the process that the police should follow for detention, arrest, and interrogation of a person?**

**Ans:** The supreme court of India had provided some guidelines to the police for arresting, detaining, or integrating any person. They are as follows:

- The memo of arrest must be prepared at the time of arrest which includes the date and time of the arrest.
- A memo of arrest must be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made.
- The police officer should wear the proper uniform while carrying an investigation or interrogation.
- If any relative of the accused is living outside the district, the place of arrest time and venue of the custody should be notified by the police within 12 hours of arrest.

## **2. Why should there be a rule that the confession made during custody can't be used as evidence against the accused?**

**Ans:** There should be a rule that the confession made during the custody should not be used as evidence against the accused as the accused may have faced torture or any pressure or change of confessions during the custody. So, they must directly face the court where they need to tell the truth in front of the judge.

## **3. What is FIR?**

**Ans:** FIR (first information report) is the report registered in the police station before the investigation begins. According to the law, the police officer in charge of the crime must register an FIR whenever a person provides information about the offense. This information is given orally or in written format which consists of mentioning the name, complaint address, time, date, and place of the crime, details of the crime, and description of the offense. There is a form where the police register FIR and duly signed by the complainant. The complainant also gets an FIR copy from the police.

## **4. Why do different persons play different roles in the criminal justice system?**

**Ans:** Different persons play different roles in the criminal justice system because

- All the trial and investigation processes cannot be done by a single person as it contains different kinds of work including arresting, statement recording, defense of accused and victim, passing affair, and law full judgment.
- If all the powers are given to a single person then it might get impartial, misuse and the laws might be violated.

## **5. Define the role of a judge in the criminal justice system.**

**Ans:** The role of the judge is as follows:

- hear the witnesses
- record the evidence
- write down the judgment
- decides to define the amount or number of years the culprit will be put into the jail
- pass the judgment
- Make a fair trial.

#### **6. Define the role of the police in the criminal justice system?**

**Ans:** The role of the police is as follows:

- Record the statements of the eyewitnesses.
- Text photographs, fingerprints, and other proof at the crime site.
- Arrest the culprit
- Get the culprit medical examined
- Bringing the culprit in front of the court.

#### **7. Differentiate between a public prosecutor and a defense lawyer?**

**Ans:** A public prosecutor and a defense lawyer work for the criminal judiciary system. The role of the public prosecutor is to represent the state of an offense or culprit who is committed against the victim and the whole society and the role of a defense advocate is to do everything for the accused to clear the charges of the defendant within the law.

#### **8. What is a criminal justice system and note down the four important players in it?**

**Ans:** The criminal justice system is a part of the government that applies the law, settles the crime, and punishes criminal conduct. The role of the criminal justice system is to control and punish the culprit.

The four main players in the criminal justice system are

- the police

- the public prosecutor
- the defense lawyer
- judge