

CHAPTER – 6

Understanding Our Criminals Justice System

❖ EXERCISES

Question 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 40km away have damaged the ground on which the Final between both team 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 are 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. Defense lawyer
4. Judge

The column on the right provides a list of functions. Match these with the roles that are listed on the left. Have group pick the functions that it 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?



Rules	Functions
Police	Hear the witnesses
	Record the statements of witnesses
Police Prosecutor	Cross examine the witnesses
	Take photographs of burnt homes
Defense 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 judgement
	Get the assaulted women medically examined
	Conduct a fair trial
	Meet the accused persons

Answer:

Correct match of the above given points is as follows:

Police	Judge	Defense Lawyer	Police Prosecutor
Take photographs of the burnt houses.	Hear the witness.	Meet the accused persons.	Argue to case for victims.
Record the statement of the witness	Writes the judgment.	Cross examines the witnesses.	Examine the witness in the court.



Get the assaulted women medically examined.	Decide for how many years the accused will be put in jail.		
Record the evidence.	Pass the judgement.		
Arrest the Fiesta fans.	Conduct a fair trial		

Question 2:

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?

Answer:

If a single person starts performing all the functions of the criminal justice system, then it becomes impossible to give justice to the victims because of the following points:

- (a) Every function requires special skill to perform the task and if only one person performs all the functions then there is least possibility of cross-checking the solution of the problem.
- (b) There is a systematic way to give justice.



e.g.: The police receive a complaint, the defense lawyer tries to define the accused, the judge gives decision in the court and decides the punishment for the culprit.

If only one person performed all these functions of the criminal justice system, then it will lead to disruption.

Question 3:

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

Answer:

Two reasons for the above given statement is as follows:

(a) First and most important point is that in a criminal justice system the police and the judges are on one side and the public prosecutor and the defense lawyers on the other.

This method helps in keeping the balance between two sides of the judicial edifice. Also this ensures an impartial and fair justice.

(b) If all the duties are given to a single person then this leads to disruption in the criminal justice system.

❖ Intext Question Pg-71

Question 1:

Why do you think there is a rule that confessions made during police custody cannot be used as evidence against the accused?

Answer:

Confessions that are made during police custody cannot be used as an evidence against the accused because the confession may have been made due to pressure, ill treatment or torture.

❖ Intext Question Pg-72

Question 1

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?

Answer:

- (a) No, it was not legal to detain him as he didn't commit any crime and police cannot punish someone who is innocent.
- (b) No, Inspector S.I. Rao did not question the witness much and neither he collected enough evidences before arresting Shanti and filing case against her.

He could have questioned the owner of the chain regarding its absence like where was the chain last seen, who has seen that



chain etc. which would help him not only getting the chain back but also right culprit.

Question 2:

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 Rs 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.

Answer:

No, the police officer wouldn't have lodged an FIR against Mr. Shinde's son because as Shanti was poor therefore, police men wouldn't have trusted on her.

The factors that may suggest whether to register or not to register FIR are as follows:

- (a) One must question the victim thoroughly in order to get the surety then the case is valid.
- (b) He must try to introspect the culprit and the victim to know the white and black of the whole case.

❖ Intext Question Pg-73

Question 1:

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

Answer:

After hearing the testimony of all the witnesses the judge comes to the conclusion that Shanti is innocent and lets her free with respect. Along with this he also returns her 10,000 sealed money and highlights the bad investigation of S.I. Rao.

