APPENDICES
1. The Director of Public Prosecutions in every state should be posted on Deputation from and among the members of the serving Sub-Judges. They may have supervision and overall control of the prosecuting machinery.

2. The D.D.P. to be posted in every District who would be having immediate supervision and control of all the Public Prosecutors and the Assistant Public Prosecutors and Special Public Prosecutors. On the advice of the D.O.P., they must be deputed from the Cadre of serving Sub-Judge.

3. Pre-Trial Magistrate shall be entrusted with the Prosecutorial discretion and also to do the same with the advice of the D.O.P. and D.D.P. He must be a deputed Judicial Officer of First Class Magistrate Cadre.

4. Investigating Police to act only under the direction and supervision of the Pre-Trial Magistrate. A Superintendent of Police must be heading the Unit.
Machinery of Criminal Investigation and Trial

Pre-Trial Magistrates ↔ Investigating Police

Court of Magistrates

Court of Sessions

High Courts

Special Judicial Magistrates

Conciliation Boards and Legal Aid

Supreme Court

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1. Information as to all commission of crimes irrespective of their nature to be made to the Pre-Trial Magistrates - No police to receive informations. He must be a deputationist from Judicial Department of the cadre of Judicial First Class Magistrate.

2. After receiving complaints, the Pre-Trial Magistrate to direct and assign the investigation police who will have all powers and duties as available at present in the existing system except the recording of statement of witnesses and confessions of the accused which must be done and recorded by the Pre-Trial Magistrates. The 161 Cr.P.C. statement, 164 statement, Dying Declarations to be made only to Pre-Trial Magistrate. Remand and Bails in bailable cases to be looked after by the pre-trial magistrates. After investigation and Enquiry to send for conciliation or to courts for trial - prosecute oral discretion have to be with the Pre-Trial Magistrates.

3. If there is no possibility of setting the matters through the Board of Conciliation, the matters will have to be referred to the court of Magistrates or Court of Sessions as the case may be for disposal according to law.

4. The Board of Conciliation - extended with the conciliatory jurisdiction have to be entrusted with the duty of disposing of criminal cases which are all fit for conciliation. This would not only deter the criminal behaviour but also lead for a reformatory and rehabilitative rebirth of the accused.

5. The High Courts and the Supreme Court should be made to hear the first appeals from the courts of Magistrates and Sessions respectively by giving a go by to the existing procedure. Thus the second appeals are curtailed and the Constitutional Courts burden is reduced.
QUESTIONNAIRE FOR JUDICIAL OFFICERS/PUBLIC PROSECUTORS/POLICE OFFICER/ADVOCATES

1. Name

2. Address

3. (a) Education Qualifications
   (b) Research Experience, if any -

4. Official Status, if any -
   (a) Past
   (b) Present

5. If you had worked under the French System, (especially criminal justice system) kindly indicate the total period of service and designations.

6. How are you selected?

7. Did you have any opportunity to work both the French and Indian Systems?

8. If so, kindly indicate the duties you were charged with under the respective systems.

9. Kindly give an outline of the hierarchy of courts and prosecutorial machinery then existing under the French System.

10. Were the offences classified?
    If so, indicate the different classes of offences and the mode of investigation and trial of different classes.

11. Was there any division in the police force as judicial police and non-judicial police?

12. If so kindly indicate the duties assigned to these divisions.

13. Do you think that this division of Labour had any impact on the quality of the Investigation?

14. What do you feel about the role of the prosecutors in the then existing French System?
15. Kindly give an outline of the procedure that followed when an accusation was made against a person.

16. What were the rights of the arrested accused persons under the French System?

17. Were the accused persons permitted to be represented by a lawyer at the time of Investigation?

18. Was there right to counsel during trial.

19. Were the Defence Attorneys effective in safeguarding the interest of the Accused?

20. What was the evidentiary value of statements given to the police?


22. People have the general impression that under the French System, protection against self incrimination has no place - some feel that the burden of proof is on the Accused. But these are denied by others. What do you think about the impressions kindly give reasons for your answers.


24. Was the scheme for civil remedies effective.

25. Do you think that judgments delivered by the French Judges were convincing?

26. Did you feel any difficulty in carrying out your duties during the period of transition? If so, kindly indicate the difficulties experienced by you?

27. Could you perceive the feelings of different functionaries when the French System was ceased out? If so what according to you was the feelings of the ordinary public on the change over?

28. Could you find any remenants of the French System now in the Judicial Administration If so, please indicate.

29. What is your impression about the percentage of convictions under the French System?

30. What do you feel about the efficacy of the respective systems?

31. Have you had any chance to be involved in any criminal case as an accused/witness.
32. If so, do you feel that you were dealt with rightly under the French System?

33. Were you punished under French System? If so do you think that you were rightly punished?

34. Have you had any chance to be involved in any criminal case as accused/witness under the present system?

35. If so, do you feel that you were dealt with rightly under the Indian System?

36. If you were involved as an accused/witness in both the system, kindly indicate your impressions on the efficacy of the respective systems in ensuring punishments/protecting the rights of the accused.

37. Do you feel that the police and prosecutor under the present system should undergo change? If so indicate your suggestions.

38. As a person who worked as police officer/prosecutor/judge/advocate under the French system, what do you feel about the introduction of the present system of criminal justice administration?

39. Do you canvass for any change? If so, what change?
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