*JURY SYSTEM -
A COMPARATIVE STUDY

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Introduction :-

Henry II set up a system to resolve land disputes using juries. A jury of twelve free men were assigned to arbitrate in these disputes. A jury trial, or trial by jury, is a lawful preceding in which a jury makes a decision or finding of fact. Jury plays a vital role in the criminal justice system in England and Wales and many other countries in the world. But the constitutional position of the English jury is vulnerable because of the unwritten constitution.
Jury :-

It is a Latin word, which means to swear or take an oath.

The jury is composed of people who represents a cross-section of the community. The jury listens to the evidence during a trial, decides what facts the evidence has established, and draws inference from those facts to form the basis for their decision.
Historical Roots:

The modern jury evolved out of the ancient custom of many ancient Germanic tribes whereby a group of men of good character was used to investigate crimes and judge the accused. The same custom evolved into the vehmic court system in medieval Germany. In Anglo-Saxon England, juries investigated crimes. After the Norman conquest, some part of the country preserved juries as the means of investigating crimes. The use of ordinary members of the community to consider crimes was unusual in ancient cultures, but was nonetheless also found in the ancient Greece.
The modern jury trial evolved out of this custom in the mid-12th century during the reign of Henry II. Juries usually 6 to 12 men were an “ancient institution” even then in some parts of England, at the same time as members consisted of representatives of the basic units of local government—hundreds and villages called juries of presentment, these men testified under oath to crimes committed in their neighbourhood. The jury in this period was “self-informing”, meaning it heard very little evidence or testimony in court. Instead, jurors were recruited from the locality of the dispute to know the facts before coming to court. The source of juror knowledge could include first-hand knowledge, investigation, and less reliable sources such as rumors and here say.
The Functions of jury:

VITAL FUNCTIONS OF THE JURY

- Prevent government oppression
- Determine guilt (facts)
- Represent community
- Serve as buffer
- Educate citizens
- Symbolize rule of law
The jury in criminal cases :-

Criminal offences are classified into three categories – “summary” offences are the minor offences and less serious, triable in the magistrate’s courts. Jury can try a case in the crown court and if the defendant pleads not guilty and the trial proceeds further he / she will be tried before a jury.
The jury in civil cases:

The erosion of the use of the juries in civil cases was gradual and appears to have started in the middle of nineteenth century, when judges were given right in certain situations, to refuse to let a case be heard before a jury and to insist that it be heard in front of a sole judge.

The SC Act, 1981 gives a qualified right to jury trial in the following four cases only, such as libel and slander, malicious prosecuting, false imprisonment, and fraud.
Qualification for Jury :-

- Age – 18 to 70 Years
- Resident of UK (at least from 5 years)
- Registered on electoral register and who is not excluded for some specific reason.
The judges discretion to discharge the jury:

The 1974 Act empowers a judge to discharge a person from jury service, where there are doubts about his/her capacity to act as juror, because of language difficulties or physical disability.

A judge may discharge a person who is illiterate.

Person may also be disqualified once a trial has began and he becomes ill or it has become apparent that he may be biased.
The secrecy of the jury room :-

When the jury retires,
They conduct their verdict, they conduct their deliberation in secret, when they return their verdict they are not required to give reasons for the decision to disclose any other form of information on how they reached the conclusion.

In Jury room,
They are not allowed communicate with anyone except judge.
American Jury System :-

In the 20th century, the jury pool from which actual jurors are recruited and selected has become increasingly more representative of the racial, ethnic and gender diversity of America.

Jury today more closely resemble the many faces of America. Whereas women's are rarely served as juries in the early part of the century, but now it has changed.

In ordinary cases, prosecutor are accused of using peremptory challenges to exclude African, Americans from juries, a practice that the U.S. Supreme Court found unconstitutional in (Baston v/s Kentucky) in 1986.
The Modern Jury :-

Today’s jury system is the product of social change that has followed the writing of the constitution, the development of the state and local laws, and SC decision that sought to provide the bill of rights protections to everyone. The Two forms of modern jury, each with a distinct purpose. The grand jury assesses evidence in criminal cause and issues a decision as to whether the prosecution may indict an individual, while the trial jury decides guilty in criminal cases and monetary damages in civil cases.

Grand jury listen to evidence for criminal cases only. (they are 6 to 23 jurors)
References :-

https://www.dnllegalandstyle.com

www.google.com
Thanks!