



BAL BHARATI PUBLIC SCHOOL, PITAMPURA, DELHI 110034

SOCIAL AND POLITICAL LIFE

CHAPTER 6: UNDERSTANDING OUR CRIMINAL JUSTICE SYSTEM

DATE: 21/12/20-25/12/20

NO OF BLOCKS: 02

GENERAL GUIDELINES: (E-MODULE)

- Watch the videos related to the topic. (Link attached in the module)
- Read the content carefully. (Not to be copied in the notebook)
- Attempt all the given questions and assignment in the Social Science notebook.
- Do refer to the NCERT History textbook.

NCERT TEXTBOOK LINK: <http://ncert.nic.in/textbook/textbook.htm>

Chapter link: <https://ncert.nic.in/textbook.php?hess3=6-10>

SUB TOPIC:

What is the role of police in investigating a crime?
F.I.R or first information report
Role of the police in investigating a crime/ important functions of the police.
Guidelines laid by the supreme court for police investigations
Role of the judge in the Indian judicial criminal system
Fair trial
Role of the public prosecutor
Case study of shanti hembram
Article 22 of the constitution and criminal law guarantee to every arrested person following fundamental rights

LEARNING OUTCOMES

Each student will be able to:

- Explain the role of the court and the police in imparting justice.
- Analyze the structure of Indian judicial system.
- Examine the relationship between courts and police.

BLOCK I

IMPORTANCE OF THE COURT OF LAW IN OUR LEGAL SYSTEM

Courts play an important role in our legal system as they are the ones who provide justice and see to it that the person who has committed crime is guilty or not.

FOUR KEY PLAYERS IN OUR CRIMINAL JUSTICE SYSTEM

- **Police** [investigates the crime, collects evidence, arrests the accused and files the charge sheet in court]
- **Public Prosecutor** [a lawyer representing the State or the people of the State in a criminal trial]
- **Defence Lawyer** [a lawyer who defends the accused in the court]
- **Judge**[presides the court, hears the arguments of the lawyers, examines the testimony, gives verdict/punishment]

Key Players in Criminal Justice System

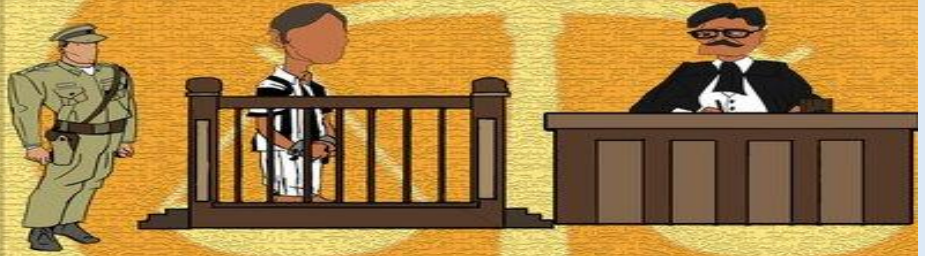
❖ POLICE

❖ PUBLIC PROSECUTOR

❖ DEFENCE LAWYER

❖ JUDGE

The four stakeholders in the criminal justice system are the police, the public prosecutor, the defence lawyer and the judge.



F.I.R OR FIRST INFORMATION REPORT

- Police begins the investigation of the crime after the registration or reporting of F.I.R in a prescribed form.
- It is filed whenever a cognizable offence is reported by any person orally or in writing to the police.
- It includes date, time, place and description of the offence. Name of accused or witness also may be mentioned in F.I.R if it is known.
- Name and address of the complainant is written with his signature on the F.I.R.
- Complainant has a legal right to get a free copy of it from the police.

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): फैजाबाद P.S. (थाना): कोतवाली नगर Year (वर्ष): 2020
FIR No. (प्र.सू.नि. 0268 Date & Time of FIR (प्र.सू.नि. की दिनांक/समय): 01/04/2020 19:03 बजे

2. S.No. (क्र.सं.) Acts (अभिनियम) Sections (धाराएं)

1	भा द सं 1860	188
2	भा द सं 1860	505(2)

3. (a) Occurrence of offence (अपराध की घटना):
1. Day (दिन): Date From (दिनांक से) Date To (दिनांक तक):
Time Period (समय अवधि): Time From (समय से): Time To (समय तक):
(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई):
Date (दिनांक): 01/04/2020 Time (समय): 19:03 बजे
(c) General Diary Reference (रोजनामचा संदर्भ):
Entry No. (प्रविष्टि सं.): 058 Date & Time (दिनांक और समय): 01/04/2020 19:03 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):
1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): अन्य Beat No. (बीट सं.):
(b) Address (पता): अदम लहौर
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
Name of P.S. (थाना का नाम): District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): NITISH KUMAR SHRIVASTAV
(b) Father's/Husband's Name (पिता / पति का नाम):
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 03/02/1976 (d) Nationality (राष्ट्रीयता): भारत
(e) UID No. (यू.आई.डी. सं.):
(f) Passport No. (पासपोर्ट सं.): Date of Issue (बारी करने की तिथि):
Place of Issue (बारी करने का स्थान):
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)
S.No. (क्र.सं.) Id Type (पहचान पत्र का प्रकार) Id Number (पहचान संख्या)

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(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	प्रभारी निरीक्षक, कोतवाली नगर, फैजाबाद, उजर प्रदेश, भारत
2	स्थायी पता	BARDAHIA BAZAR, खनीसबाद, सत कबीर नगर, उजर प्रदेश, भारत

ROLE OF THE POLICE IN INVESTIGATING A CRIME/ IMPORTANT FUNCTIONS OF THE POLICE ARE:-

- One important function of the police is to investigate any complaint about the commission of a crime.
- An investigation includes recording statements of witnesses and collecting different kinds of evidence.
- On the basis of investigation, the police is required to form an opinion.
- If the police think that the evidence points to the guilt of the accused person, then they file a charge sheet

in the court.

- Ultimately the judge takes the decision whether a person is guilty or innocent.



GUIDELINES LAID BY THE SUPREME COURT FOR POLICE INVESTIGATIONS

These guidelines must be followed at the time of arrest, detention and interrogation by the police:-

- Police investigation always has to be conducted in accordance with law and with full respect for human rights.
- The police are not allowed to torture or beat or shoot anyone during any investigation.
- The police cannot impose any form of punishment on a person even for petty offences.

ROLE OF THE JUDGE IN THE INDIAN JUDICIAL CRIMINAL SYSTEM

- The judge is like an umpire in a game and conducts the trial impartially and in an open court.
- The judge hears all the witnesses and any other evidence presented by the prosecution and the defence.
- The judge decides whether the accused person is guilty or innocent on the basis of the evidence presented and in accordance with the law.
- If the accused is convicted, then the judge pronounces the sentence(punishment).
- He/she may send the person to jail or impose a fine or both, depending on what the law prescribes.



Note: The wooden hammer like object or the mallet used by a judge in a court is called a gravel. It is used at the beginning or at the end of the proceedings to gather the attention of everyone present in the courtroom.

BLOCK II

FAIR TRIAL

- ✚ A fair trial is when the trial is held in an open court, in public view.
- ✚ Any relative can attend the trial in the court. The trial is also held in the presence of the accused.
- ✚ The accused is defended by a lawyer. The advocate of the accused is given an opportunity to present witnesses in the accused's defence.
- ✚ Although the police file the charge sheet (case), the judge should assume the accused to be innocent.
- ✚ The judge should decide the matter only on the basis of evidence before the court.
- ✚ The judge should be impartial. He/she should ensure that all the citizens irrespective of their class, caste, gender, religious and ideological background get a fair trial as an accused.

ROLE OF THE PUBLIC PROSECUTOR

- ✓ The public prosecutor represents the interests of the State in the court.
- ✓ The prosecutor must conduct the prosecution only on behalf of the State.
- ✓ The role of the Prosecutor begins once the police conducts the investigation and files the charge sheet in the court.
- ✓ PP has no role to play in the investigation.
- ✓ As an officer of the court, it is his/ her duty to act impartially and present the full and material facts, witnesses and evidence before the court to enable the court to decide the case.

CASE STUDY OF SHANTI HEMBRAM

- Shanti, a domestic helper was suspected of stealing a gold chain from the house of Mr. and Mrs. Shinde.
- Mr. Shinde found Rs. 10,000 in Shanti's trunk which she and her brother had saved from their salaries.
- Her employer, Mr. Shinde, went to the police station and got the FIR recorded by the Sub Inspector Rao.
- Shanti was arrested for the theft; SI Rao took the sealed envelope of Rs 10,000 as evidence.
- Shanti and her brother were kept in the police custody and were forced to confess that they had stolen the jewellery.
- Although Shanti was granted bail after a month, she continued to be in jail as she did not have money or any guarantor to support her.
- As Shanti was poor and unable to hire a lawyer to fight the case for her, the Magistrate appointed Adv. Kamla Roy as Shanti's defence lawyer at government's expenses.

This legal help was provided to Shanti because:-

- a] Every person has the fundamental right to be defended by a lawyer.[Article 22]
 - b] It is the duty of the State to provide a lawyer to any citizen who is unable to engage one due to Poverty or any other disability [Article 39]
- Defence lawyer, through her examination and arguments proved that Shanti had saved the money from her salary and no one had seen her stealing the gold chain, it was just an assumption that she had stolen it.
 - During the course of proceedings, the real thieves were caught by the police and the gold chain was also recovered from them.
 - On the basis of the evidence and the testimony of the witnesses, Judge acquitted Shanti of the charges of theft and her hard earned money was also given back to her.

VIDEO: <https://www.youtube.com/watch?v=fE8to11mqTw>

SHANTI WAS ENSURED A FAIR TRIAL UNDER ARTICLE 21 OF THE INDIAN CONSTITUTION

- Shanti was given a copy of the charge sheet and FIR and all other evidence that the prosecution presented against her.
- Shanti was charged with the offence of theft which is defined as a crime in law of India.
- The trial was held in an open court and public view and in the presence of the accused i.e. Shanti.
- Shanti was defended by a qualified lawyer and the lawyer was given an opportunity to cross examine all prosecution witnesses.
Her advocate was also given an opportunity to present witness in Shanti's defence.
- The judge assumed her to be innocent and decided the matter only on the basis of evidence before the court.
The judge remained impartial throughout the hearing of the case.
- Justice was finally given to Shanti as she was given a fair trial.

ARTICLE 22 OF THE CONSTITUTION AND CRIMINAL LAW GUARANTEES 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 to be presented before a magistrate within 24 hours of arrest.
- 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 questioning.

D.K.BASU GUIDELINES

Police has to follow some rules with regards to arrest, detention and interrogation mentioned by the Supreme Court. These are known as D.K Basu guidelines.

- ✓ According to these guidelines, **clear, accurate and visible name tags** of their designations should be worn by the police.
- ✓ An **arrest memo** should be prepared during the arresting process which should include time and date of the arrest. This memo should include details of at least one witness or the family member of the arrested person.
- ✓ Also, the arrested person has the right to inform his family members or well-wishers.
- ✓ It is the responsibility of the police to inform the relative or family member of the arrested person if they stay outside the district, for this they should provide proper details like time, location of arrest and the venue of custody.

ASSESSMENT

Q) Rearrange the following sentences in the correct order to explain the process of the Criminal Justice System.

- a. On receiving the charge sheet, the court initiates the trial of the case.
- b. The charges are framed. The procedure requires the prosecution to prove the charges against the accused.
- c. After the investigation, the officer in charge of the police station sends a charge sheet to the area magistrate.
- d. The investigating police officer reaches the scene of crime and investigates the facts of the case.
- e. If the accused is proved guilty, the court announces punishment as prescribed under the law.
- f. A person has to file an FIR if a crime is committed.

Q) Answer the following questions:

- a) Name the four key players in the trial of a criminal case.
- b) Mention any three rights of an arrested person.
- c) Discuss the role of public prosecutor in a trial.
- d) Who can file an F.I.R?

e) What is the role of a judge in the Indian judicial system?

Q) State whether the following statements are true or false.

- a) The police have the authority to punish the offenders.
- b) A person accused of a crime is considered innocent until proven guilty in a court.
- c) Public Prosecutors are appointed by state government.
- d) The Supreme Court acts as the guardian of the Constitution.
- e) An FIR can be filed in any police station.

Q) Tick the correct boxes.

	POLICE	COURTS	DEFENCE LAWYER	PUBLIC PROSECUTOR	OFFENCE	WARRANT	TRIAL
Represents the government in the court.							
Arrest the persons suspected of committing offences.							
Issues warrants.							
Submit charge sheets.							
Takes responsibility to make a suspect appear in court.							
Frame charges							
Fights for the accused person during a trial							
Written permission to arrest a suspect							
Judicial process to determine whether an accused person is guilty or not							
An illegal act of a person							