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## NCERT Class 8 Political Science Chapter 6: Understanding Our Criminal Justice System YouTube lecture Handouts

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Case study of Shanti (domestic servant) and brother Sushil – blame for stealing jewelry

Shinde lodge FIR against Shanti at police station

Police files a charge sheet in the Magistrate's Court. The court gives a copy of the chargesheet including statements of witnesses to Shanti.

Shanti cannot hire lawyer to defend herself. Magistrate appoints her defence lawyer at the government's expense.

Article 22: Every person has a Fundamental Right to be defended by a lawyer

Article 39A: Duty upon the State to provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.

Defence statement:

- You did not saw her stealing
- You did not found the gold chain
- She has been working for last 3 years & nothing is stolen
- She draws a salary of Rs.1,000/month & can save Rs. 10,000

Finally a gang of boys stole the chain

### Key Players

- Police
- Public Prosecutor
- Defence lawyer
- Judge – decides who is innocent

# Key Players in Criminal Justice System

❖ POLICE

❖ PUBLIC PROSECUTOR

❖ DEFENCE LAWYER

❖ JUDGE

*Image of Key Players in Criminal Justice System*

## Police & Its Role

- Investigate complain about crime
- Record witness and collect evidence
- Police is required to form opinion
- If the police think that evidence points to the guilt of accused person, then they file a chargesheet in the court
- Investigations conducted in accordance with law & respect for human rights
- SC Guidelines for police at time of arrest, detention and interrogation
- No torture during investigation
- Cannot inflict any form of punishment even for petty offence

Article 22 of the Constitution and criminal law guarantee to every arrested person the following Fundamental Rights:

- Right to be informed at the time of arrest of the offence for which the person is being arrested.
- Right to be presented before a magistrate within 24 hours of arrest.
- Right not to be ill-treated or tortured during arrest or in custody.

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- 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.

<b>Article 19</b>	Guarantees the citizens of India the following six fundamentals freedoms:- Freedom of <b>Speech and Expression</b> Freedom of <b>Assembly</b> Freedom of form <b>Associations</b> Freedom of <b>Movement</b> Freedom of <b>Residence and Settlement</b> Freedom of <b>Profession, Occupation, Trade and Business</b>
<b>Article 20</b>	Protection in respect of <b>conviction for offenses</b>
<b>Article 21</b>	Protection of <b>life and personal liberty</b>
<b>Article 22</b>	Protection against <b>arrest and detention</b> in certain cases

*Image of Article 19 to 22 and Its Fundamentals Freedoms*

D.K. Basu Guidelines for the arrest, detention and interrogation of any person:

- Police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations
- A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by at least one witness who could include a family member of the person arrested. The arrest memo should be counter-signed by the person arrested.
- Person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher.
- When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest

## **FIR (First Information Report)**

- Investigation of crime begins
- Officer in charge must write FIR in case of cognizable (for which police may arrest without permission from court) offence
- Includes date, time, place and basic facts with description

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- Includes name and address of the complainant
- Complainant also has a legal right to get a free copy of the FIR from the police

## **Role of Public Prosecutor**

- Criminal offence is a public wrong
- Represents interests of state
- Begins after police investigation and filing of charge sheet
- Officer of the court must act impartially and present the full and material facts, witnesses and evidence before the court

## **Judge**

- Umpire of game
- Conducts trial impartially
- Hears all witnesses
- Decides whether the accused is guilty or innocent
- If accused is convicted, judge pronounces sentence
- Person can be jailed or fined or both (based on what law prescribes)

## **Fair Trial**

Article 21: Guarantees the Right to Life states that a person's life or liberty can be taken away only by following a reasonable and just legal procedure. A fair trial ensures that Article 21 of the Constitution is upheld.

- Trial in open court
- Trial in presence of accused
- Opportunity to cross-examine prosecution witness
- Matter decided on basis of evidence
- No partiality

-Mayank



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