

CIVICS

Chapter 9: Understanding Our Criminal Justice System



Important Questions

Multiple Choice Questions-

Question 1. Under which Article of the Constitution every person has the Fundamental Right to be defended by a lawyer.

- (a) Art 35
- (b) Art 35a
- (c) Article 22
- (d) Art 27

Question 2. Who are the players in the criminal justice system?

- (a) Police
- (b) Public Prosecutor
- (c) Judge
- (d) All of the above

Question 3. Who among them represent the interests of the State?

- (a) Judge
- (b) Police
- (c) Lawyer
- (d) Public Prosecutor

Question 4. What is the of FIR?

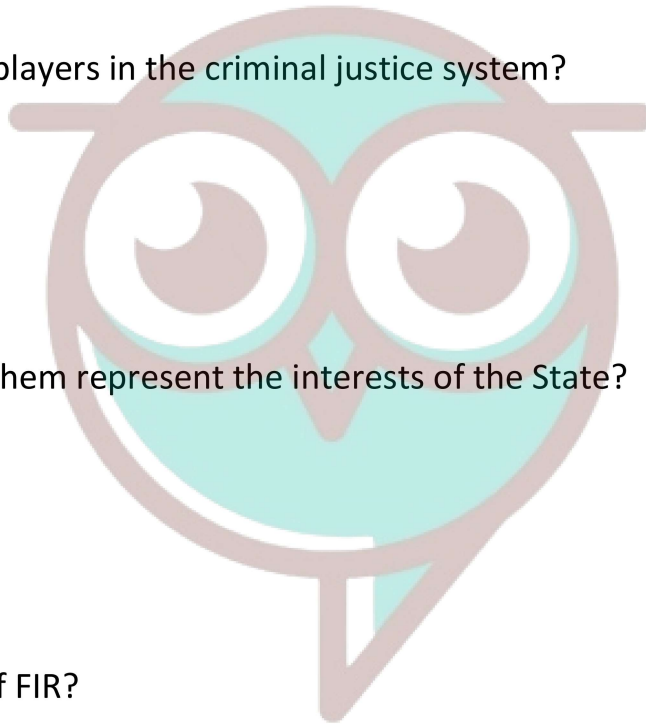
- (a) First Information Report
- (b) First Investigation Report
- (c) First Informing Report
- (d) None of the above

Question 5. A criminal offence is regarded as

- (a) Public wrong
- (b) Public welfare
- (c) Private wrong
- (d) Public safety

Question 6. What are the players in criminal justice system?

- (a) Police
- (b) Public Prosecutor
- (c) Defence Lawyer



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(d) All the above

Question 7. Which is not the responsibility of the public prosecutor?

- (a) To represent the interest of the state.
- (b) Also represents the interest of the witness.
- (c) Has to act impartially
- (d) The prosecutor must conduct the prosecution

Question 8. Which is not applicable in Open court?

- (a) The police cannot be present during the proceedings.
- (b) What is held in the presence of the accused
- (c) People can see the whole proceedings
- (d) Hearing of the case in front of viewers

Question 9. Which of them is not true about the F.I.R.?

- (a) The police begin the investigation after the registration of F.I.R
- (b) The complainant may/may not sign the F.I.R.
- (c) There is a prescribed form to register an F.I.R.
- (d) The F.I.R. mentions the date, time, and place of the offence

Question 10. Why did Sub-inspector Rao kept Sushil in the police custody for two days?

- (a) The police forcibly kept Sushil in custody. He was not presented with a memo.
- (b) Sushil was abused.
- (c) They forcibly tried to extract a confession from him.
- (d) He was beaten.

Question 11. Who was the sub-inspector to arrest shanti?

- (a) Mr. shinde
- (b) Mr. Rao
- (c) Mr. Sushil
- (d) None of these

Question 12. What are the importance of the court of law in our legal system?

- (a) Provide Documents
- (b) Provide Justice
- (c) Provide Wealth
- (d) None of these

Question 13. What is an Offence?

- (a) Act defines as relief
- (b) Act defines as punishment
- (c) Act defines as a Crime
- (d) None of these

Question 14. Which of the following is not mention in the four players in criminal justice system?

- (a) Police
- (b) Villagers
- (c) Judge
- (d) Defence lawyer

Question 15. What are civil cases?

- (a) Cases of private right
- (b) Cases of crime offence
- (c) Cases of Parliament
- (d) None of these

Very Short:

1. What has happened to Mr. Shinde's house?
2. Who is Sushil? How is he treated in the police station?
3. What does the Magistrate do for Shanti?
4. What is mentioned in Article 22 of the Constitution?
5. What duty does Article 39A of the Constitution assign to the State?
6. Name the people who play key role in the criminal justice system.
7. What is an important function of the police?
8. On what basis do the police form an opinion?
9. How is the job of the police limited?
10. Who decides whether a person is guilty or innocent?

Short Questions:

1. Why is the Prosecutor called a Public Prosecutor?
2. What is the role of the judge in the Criminal Justice System?
3. What are the procedures that have to be followed if the criminal trial has to be a Fair Trial?
4. What are the guidelines that the police have to follow during investigation?

5. What role do the police play in investigating a crime?
6. What guidelines have been issued by the Supreme Court on the role of the police in investigating a crime?
7. Write a short note on First Information Report (FIR).

Long Questions:

1. Read Shanti's case which has been described in the storyboard given and then identify the essential elements of a fair trial.
2. What Fundamental Rights have been guaranteed by Article 22 of the Constitution and criminal law to every arrested person?
3. What are known as the D.K. Basu Guidelines issued by the Supreme Court of India? Write in brief.
4. What are D.K. Basu Guidelines?
5. What is a FIR?

Answer Key:

MCQ:

1. (c) Article 22
2. (d) All of the above
3. (d) Public Prosecutor
4. (a) First Information Report
5. (a) Public wrong
6. (d) All the above
7. (b) Also represents the interest of the witness.
8. (a) The police cannot be present during the proceedings.
9. (b) The complainant may/may not sign the F.I.R.
- 10.(c) They forcibly tried to extract a confession from him.
- 11.(b) Mr. Rao
- 12.(b) Provide Justice
- 13.(c) Act defines as a Crime
- 14.(b) Villagers
- 15.(a) Cases of private right

Very Short Answer:

1. There has been a theft in Mr. Shinde's house. His wife's necklace has been stolen.

2. Sushil is Shanti's brother. He is abused and beaten by Sub-Inspector Rao in the police station
3. The Magistrate appoints Advocate Kamla Roy as Shanti's defence lawyer at the expense of the government
4. It is mentioned in Article 22 of the Constitution that every person has a Fundamental Right to be defended by a lawyer.
5. The State shall provide a lawyer to any citizen who is unable to engage one due to poverty or other disability.
6. The police, the Public Prosecutor, the defence lawyer and the judge.
7. An important function of the police is to investigate any complaint about the commission of a crime.
8. The police form an opinion on the basis of investigation.
9. It is not the job of the police to decide whether a person is guilty or innocent.
10. The judge decides whether a person is guilty or innocent.

Short Answer:

Ans: 1. The Prosecutor who represents the State is called a Public Prosecutor as a criminal offence regarded as a public wrong, which has been committed not only against the victim, but also against the society as a whole.

Ans: 2. The judge 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. He may send the person to jail or impose a fine or both, depending on what the law prescribes.

Ans: 3. A copy of the charge sheet and all other evidence has to be given to the accused. The trial has to be held in an open court, in public view and should be in the presence of the accused. The accused has to be given a lawyer to defend himself in case he cannot afford to employ a lawyer. The Prosecution has to prove beyond doubt the guilt of the accused and the Judge has to pass the judgement only on the basis of the evidence before the court

Ans: 4. Police investigations have 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 investigation. They cannot inflict any form of punishment on a person even for petty offences.

Ans: 5. Whenever there is any complaint about the commission of a crime, the police start an investigation into it. The investigation includes recording statements of witnesses and collecting different kinds of evidence. The police form an opinion on the basis of this investigation. If they think that the evidence points to the guilt of the accused person, then they file a chargesheet in the court. Thus, it is not the job of the police to decide whether a

person is guilty or innocent. It is the judge who decides this point.

Ans: 6. Police investigations always have to be conducted in accordance with law and with full respect for human rights. In this connection the Supreme Court has issued some guidelines that the police must follow at the time of arrest, detention and interrogation.

- The police are not allowed to torture or beat or shoot anyone during investigation.
- They cannot inflict any form of punishment on a person even for petty offences.

Ans: 7. The police begin their investigations into a crime after an FIR is lodged. The law states that it is compulsory for an officer in charge of a police station to register an FIR whenever a person gives information about a cognizable offence. This information can be either oral or written. The FIR mentions the date, time and place of the offence, details the basic facts of the offence, including a description of the events. The FIR also mentions the name and address of the complainant. The police registers an FIR in a prescribed form which is signed by the complainant. He gives the complainant a free copy of the FIR in the last.

Long Answer:

Ans: 1. Shanti was given a copy of the chargesheet and all other evidence that the prosecution presented against her. Shanti was charged with the offence of theft that was defined as a crime in the law. The trial was held in an open court, in public view. Her brother, Sushil was allowed to attend the court hearings. The trial was held in the presence of the accused. Shanti was defended by a lawyer. Her lawyer, Advocate Roy was given an opportunity to cross-examine all the prosecution witnesses. Advocate Roy was given an opportunity to present witnesses in Shanti's defence. The police filed a case of theft against Shanti, but the judge assumed her to be innocent. He decided the matter on the basis of the evidence before the court. He did not jump to the conclusion that Shanti was the thief just because she was poor. Instead, he remained impartial. The evidence showed that some young men and not Shanti was the thief. Finally, the judge acquits her. In this way, Shanti got a fair trial.

Ans: 2. The following Fundamental Rights have been guaranteed by Article 22 of the Constitution and Criminal law to every arrested person.

- (a) The Right to be informed at the time of arrest of the offence for which the person is being arrested.
- (b) The Right to be presented before a magistrate within 24 hours of arrest.
- (c) The Right not to be ill-treated or tortured during arrest or in custody.
- (d) Confessions made in police custody cannot be used as evidence against the accused.
- (e) A boy under 15 years of age and women cannot be called to the police station only for questioning.

Ans: 3. The Supreme Court of India has issued specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are known as the D.K. Basu Guidelines which include the following points.

- (a) The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations.
- (b) 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 countersigned by the person arrested.
- (c) The person arrested, detained or being interrogated has a right to inform a relative, friend or wellwisher.
- (d) 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.

Ans: 4. D.K. Basu Guidelines are as follows

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- The 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.

Ans: 5 . FIR stands for First Information Report. The police have to file a FIR whenever a person gives information about a known offence. This information can be given to the police either orally or in writing. A FIR is necessary for the police to begin their investigations into a crime.

The FIR should mention the date, time and place of the offence, details about the offence, including a description of the events. The FIR should also state the name and address of the complainant.

There is a prescribed form in which the police register an FIR and it is signed by the complainant. The complainant also has a legal right to get a free copy of the FIR from the police.