

Criminal justice system

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1. Criminal justice system: components, Packer's models, police, courts and correctional administration
2. Criminal procedure under BNSS and BSA, rights of the accused and legal aid

1 Criminal justice system: components, Packer's models, police, courts and correctional administration

The criminal justice system (CJS) is the chain of agencies that deals with crime: police → prosecution → courts → corrections; Herbert Packer described two value models for it, crime control (an "assembly line") and due process (an "obstacle course"); India's system is adversarial, its criminal courts are set up by the BNSS 2023 (which replaced the CrPC from 1 July 2024), and the Malimath Committee (2003) is the main reform report.

Core facts

- **Four components** (pillars) of the CJS: **police** (law enforcement and investigation), **prosecution**, **courts** (judiciary), **corrections** (prisons, probation, parole, juvenile institutions). Many books add **defence lawyers**, **victims** and the **community**.
- **Herbert L. Packer** (Stanford law professor): article *Two Models of the Criminal Process* (**1964**), book *The Limits of the Criminal Sanction* (**1968**). His two models:
 - **Crime control model: "assembly line"**; aim is **efficient repression of crime**; presumption of **guilt** in practice; trusts **police and prosecution**; values **speed and finality**; **factual guilt**.
 - **Due process model: "obstacle course"**; aim is **protecting the individual** against State power; **presumption of innocence**; trusts the **courts**; values **reliability** over speed; **legal guilt**.
- **Third model: John Griffiths**, the **"family model"** (1970), based on reconciliation, not battle.
- **Adversarial (accusatorial) system**: India, UK, USA (common law). The judge is a **neutral umpire**; two sides contest; the **prosecution** must prove guilt **beyond reasonable doubt**. **Inquisitorial system**: France, Germany (civil law); the judge **actively investigates** the truth.
- **Classes of criminal courts** (CrPC 6 → **BNSS 6**): **Courts of Session**, **Judicial Magistrates of the first class**, **Judicial Magistrates of the second class**, **Executive Magistrates**. Besides these: **High Courts** and courts under other laws.
- **BNSS dropped** the **Metropolitan Magistrates** and the **Assistant Sessions Judge**.
- **Sentencing powers** (CrPC 28–29 → **BNSS 22–23**): High Court and **Sessions Judge**: any sentence authorised by law (death needs **High Court confirmation**, CrPC 366 → **BNSS 407**); **Chief Judicial Magistrate**: up to **7 years**; **JM first class**: up to **3 years**, fine up to **₹50,000** or **community service**; **JM second class**: up to **1 year**, fine up to **₹10,000** or community service.
- **Separation of judiciary from executive: Article 50** (DPSP); the **CrPC 1973** (in force **1 April 1974**, on the **41st Law Commission Report**, 1969) split magistrates into **judicial** and **executive**.
- **Police and public order** are **State subjects** (Seventh Schedule, **List II entries 2 and 1**); **prisons, reformatories and Borstal institutions** are **List II entry 4**.
- **Police Act, 1861** (passed after the **1857** revolt) still governs the police in many States.
- **Prosecution**: Public Prosecutor (CrPC 24 → **BNSS 18**), Assistant Public Prosecutor (CrPC 25 → **BNSS 19**), **Directorate of Prosecution** (CrPC 25A → **BNSS 20**).

- **Malimath Committee** on Reforms of the Criminal Justice System: chaired by **Justice V.S. Malimath**, set up by the **MHA** in **2000**, report **2003** (**158** recommendations).
- **Community policing**: police and community as **partners** in preventing crime and solving local problems. Root idea: **Sir Robert Peel** (Metropolitan Police, London, **1829**): "the police are the public and the public are the police".
- **Correctional administration**: the part of the CJS that carries out sentences with the aim of **reformation and rehabilitation**: **institutional** (prisons, Borstals, juvenile homes) and **non-institutional / community-based** (probation, parole, furlough, community service, after-care).

Explained

1. What the CJS does. Its goals are to **prevent and control crime**, **detect and punish** offenders, **protect the innocent** and the **victim**, and **reform** offenders so they return to society. The path of a case:

Stage	Main agency	Key step
Report and investigation	police	FIR, arrest, evidence, police report (charge-sheet)
Prosecution	Public Prosecutor	decides charges, conducts the case
Adjudication	courts	cognizance, charge, trial, judgment, sentence, appeal
Corrections	prisons, probation, parole	custody, reformation, release, after-care

2. One system or a "non-system"? The four wings are run by **different departments** (Home for police and prisons, Law for prosecution, the High Court for courts) and often work **in isolation**: police are judged by arrests, courts by disposals, prisons by safe custody. Critics therefore call it a **non-system** or a **fragmented** system. Signs: delayed trials, **undertrials** making up about **three-fourths** of prisoners (NCRB *Prison Statistics India 2022*: about **76%**), overcrowding (occupancy above **130%** in 2022), low conviction rates. **Attrition** (the "**crime funnel**"): of all crimes committed, fewer are reported, fewer recorded, fewer charge-sheeted, fewer convicted and still fewer imprisoned.

3. Coordination tools.

- **CCTNS** (Crime and Criminal Tracking Network and Systems, **MHA**, approved **2009**): links every police station online; run by **NCRB**.
- **ICJS** (**Inter-operable Criminal Justice System**): connects the five pillars' databases: **CCTNS (police)**, **e-Courts**, **e-Prisons**, **e-Forensics**, **e-Prosecution**.
- **Undertrial Review Committees** in each district (chaired by the District Judge) review undertrial cases for release.
- District-level coordination meetings of the District Judge, Collector, SP and jail superintendent.

4. Packer's models compared.

Point	Crime control	Due process
Image	assembly line (conveyor belt)	obstacle course
Main value	efficiency, speed, finality	reliability, fairness, rights

Point	Crime control	Due process
Trusts	police and prosecution fact-finding	court process and lawyers
Guilt	factual guilt; presumption of guilt in practice	legal guilt; presumption of innocence
Favours	plea bargaining, quick disposal	exclusion of illegal evidence, appeals

Packer said both are **ideal types**: no real system is purely one. The models are about **values**, not institutions. Neither is "the" right model; a real system moves between them. Distractors in exams: "collective approach model", "conflict model", "consensus model" are **not** Packer's.

5. Adversarial vs inquisitorial.

Point	Adversarial (India)	Inquisitorial
Judge's role	neutral umpire	active investigator of truth
Evidence gathered by	the parties	the judge / investigating magistrate
Trial	oral, cross-examination central	mostly written dossier
Burden	prosecution, beyond reasonable doubt	court's duty to find truth

India's system has a few inquisitorial features: the court may **summon any person** or recall a witness (CrPC 311 → BNSS **348**), and the judge may **put any question** to a witness (Evidence Act 165 → BSA **168**).

6. Criminal courts.

- **Supreme Court**: criminal appeals under **Article 134** (for example when a High Court reverses an acquittal and sentences to death) and by special leave (Article 136).
- **High Court**: appeals, revision, confirmation of death sentences, inherent powers (CrPC 482 → BNSS **528**).
- **Court of Session** (one per **sessions division**, which the State Government sets up; **Sessions Judge** and **Additional Sessions Judges** appointed by the High Court): tries serious offences committed to it by a magistrate. The district judge is the Sessions Judge on the criminal side (see POL-JU-04).
- **Judicial Magistrates**: **Chief Judicial Magistrate** (one per district), **JM first class**, **JM second class**; **Special Judicial Magistrates**. They try most offences and handle remand and bail.
- **Executive Magistrates** (District Magistrate, Additional DM, Sub-Divisional Magistrate): **preventive** work: security for keeping the peace and good behaviour (CrPC 107-110 → BNSS **126-129**), urgent orders in nuisance or apprehended danger (CrPC 144 → BNSS **163**). They do **not** try offences.
- **Special courts** under other laws: **Children's Court** (JJ Act, CPC Act), **Special Court** under POCSO, NDPS, SC/ST (Prevention of Atrocities) Act; **Fast Track Special Courts** for rape and POCSO cases (scheme from **2019**).

7. Police.

- Organisation: State police under the **DGP**; district under the **SP**; police station under the **SHO**. Central bodies: **BPR&D** (Bureau of Police Research and Development, **1970**), **NCRB** (**1986**), CBI, NIA.
- **National Police Commission** (**1977-81**, chaired by **Dharma Vira**, eight reports) proposed a new Police Act and a State Security Commission.

- **Prakash Singh v Union of India (2006)**: the Supreme Court gave **seven directives**: a **State Security Commission**; **DGP** chosen from a UPSC-empanelled list with a **minimum two-year** tenure; two-year tenure for IG, SP and SHO; **separate investigation from law and order**; a **Police Establishment Board** for transfers; **Police Complaints Authorities** at State and district level; a **National Security Commission** for central police forces.
- **Model Police Act, 2006**: drafted by the **Soli Sorabjee** committee.

8. Community policing.

- **Meaning**: a philosophy in which police and residents **share responsibility** for safety: regular contact, beat officers known by name, joint problem-solving, and attention to fear of crime and disorder, not only to reported crime.
- **Related ideas**: **problem-oriented policing** (**Herman Goldstein, 1979**: study the underlying problem behind repeated calls); **broken windows** (**James Q. Wilson and George Kelling, 1982**: unchecked minor disorder invites serious crime).
- **Indian examples**: **Friends of Police** (Tamil Nadu, 1990s), **Janamaithri Suraksha** (Kerala, **2008**), **Mohalla Committees** (Bhiwandi and Mumbai, Maharashtra), beat and village police officer systems.
- **Benefits**: trust, information flow, crime prevention, less fear. **Limits**: police culture, staff shortage, risk of local elites capturing it.

9. Malimath Committee (2003): main recommendations.

- Borrow good features of the **inquisitorial** system: the court's **duty to search for the truth**.
- Lower the standard of proof from "beyond reasonable doubt" to "**clear and convincing**" evidence.
- Allow the court to draw an **adverse inference** from the accused's **silence**.
- Make a **confession to a senior police officer (SP rank)**, recorded on audio-video, admissible.
- **Separate investigation** wing from law and order; a **National / State Security Commission**.
- **Victims**: right to take part in the trial, a **victim compensation fund**.
- Reclassify offences: a separate **code of social welfare offences** with lighter procedure (the 2023 paper asked this).
- **Sentencing guidelines**, plea bargaining, witness protection, more judges, fewer adjournments.

Several were **criticised** as tilting towards crime control (lower proof standard, silence, police confessions) and were **not** adopted; others (plea bargaining 2005, victim compensation 2009) became law.

10. Correctional administration.

- **Purpose**: carry out the sentence **humanely** and use the time for **reformation**, then help the offender **resettle**.
- **Institutional corrections**: central, district and sub-jails, women's jails, **open prisons**, special jails, **Borstal schools**, juvenile observation and special homes.
- **Non-institutional corrections**: **probation** (instead of prison), **parole** and **furlough** (temporary release), **remission** and premature release, **community service**, **after-care**.
- **Administration**: prisons are a **State** subject run by the **DG / IG of Prisons and Correctional Services**. The **MHA** advises and funds: **Model Prison Manual 2016** and the **Model Prisons and Correctional Services Act 2023**, which is meant to replace the **Prisons Act 1894**. **BPR&D** has a correctional

administration division. Probation officers work under the State's prisons / correctional services or social welfare department.

- Prisons, probation and parole are treated in their own notes in this subject; this note only places them in the system.

Common traps

✗ "Packer's models are due process and conflict." ✓ **Due process** and **crime control**. The **family model** is **Griffiths'**.

✗ "Crime control = obstacle course." ✓ Crime control = **assembly line**; due process = **obstacle course**.

✗ "Crime control relies on legal guilt." ✓ Crime control: **factual** guilt; due process: **legal** guilt.

✗ "India follows the inquisitorial system." ✓ **Adversarial**, with a few inquisitorial powers (BNSS 348, BSA 168).

✗ "BNSS still has Metropolitan Magistrates." ✓ They were **dropped**; classes are Sessions, JM-I, JM-II, Executive Magistrates.

✗ "A JM first class can sentence up to 7 years." ✓ **3 years** (fine up to ₹50,000); **7 years** is the **CJM**.

✗ "Police is in the Union List." ✓ Police and public order: **State List** (List II entries 2 and 1); prisons: List II entry 4.

✗ "Malimath Committee reported in 2000." ✓ Set up **2000**, report **2003**.

✗ "Executive Magistrates try petty offences." ✓ They do **preventive** work (BNSS 126–129, 163); trials are by **judicial** magistrates.

✗ "Community policing began with the Police Act 1861." ✓ The idea traces to **Robert Peel (1829)**; the 1861 Act built a colonial, control-oriented force.

Quick revision

- CJS pillars: police, prosecution, courts, corrections; criticised as a "non-system".
- Packer (1964, 1968): crime control (assembly line, factual guilt) vs due process (obstacle course, legal guilt).
- Griffiths (1970): family model.
- India: adversarial; judge as umpire; prosecution proves guilt beyond reasonable doubt.
- BNSS 6: Sessions, JM-I, JM-II, Executive Magistrates; no Metropolitan Magistrates.
- Powers (BNSS 23): CJM 7 years; JM-I 3 years / ₹50,000; JM-II 1 year / ₹10,000; community service.

- Prosecutors: BNSS 18, 19, 20 (Directorate of Prosecution).
- Prakash Singh (2006): seven directives; Model Police Act 2006 (Sorabjee).
- Community policing: Peel 1829; Goldstein POP 1979; broken windows 1982; Janamaithri (Kerala).
- Malimath 2003: truth-seeking court, "clear and convincing", silence inference, social welfare offences code.

2 Criminal procedure under BNSS and BSA, rights of the accused and legal aid

Criminal procedure is now governed by the BNSS (procedure, replacing the CrPC 1973) and the BSA (evidence, replacing the Evidence Act 1872) from 1 July 2024: an arrested person must be told the grounds, produced before a magistrate within 24 hours, can be remanded to police custody for at most 15 days within a 60- or 90-day limit (CrPC 167 → BNSS 187), may confess only before a magistrate (CrPC 164 → BNSS 183), and has a right to bail, a fair trial and free legal aid (Article 39A, CrPC 304 → BNSS 341, NALSA).

Core facts

- **Old to new numbers the paper asks** (CrPC → BNSS; Evidence Act → BSA):

Subject	CrPC / IEA	BNSS / BSA
FIR (information in cognizable cases)	154	173
Arrest without warrant	41	35
Notice of appearance (instead of arrest)	41A	35(3)
Grounds of arrest, right to bail	50	47
Inform relative or friend of arrest	50A	48
Medical examination of arrested person	54	53
No detention beyond 24 hours	57	58
Statement to police	161	180
Confession / statement before magistrate	164	183
Remand (investigation beyond 24 hours)	167	187
Police report (charge-sheet)	173	193
Legal aid to accused at State expense	304	341
Trial in camera (rape cases)	327	366
Victim compensation scheme	357A	396
Probation or admonition; reasons when not given	360; 361	401; 402
Bail in bailable offences	436	478
Maximum detention of undertrial	436A	479
Bail in non-bailable offences	437	480
Anticipatory bail	438	482
Confession to police inadmissible	IEA 25, 26	BSA 23

- **Totals:** BNSS **531** sections (CrPC **484**); BSA **170** (IEA **167**).
- **Production before magistrate within 24 hours, excluding travel time:** Article **22(2)** and CrPC 57 → **BNSS 58**.
- **Police custody:** at most **15 days** in all. **Total detention** during investigation: **90 days** (offences punishable with **death, life or 10 years or more**) or **60 days** (other offences). After that: **default (statutory) bail**.
- **Confession to a police officer** is **not admissible** (IEA 25 → BSA 23); a confession must be recorded by a **magistrate** (BNSS 183) after warning that it is **not compulsory** and **may be used as evidence**.
- **In camera trial:** compulsory for **rape** and related sexual offences (CrPC 327(2) → **BNSS 366(2)**), as far as practicable by a **woman judge**.
- **Victim compensation scheme:** CrPC **357A**, inserted in **2009** → **BNSS 396**. The **Law Commission's 154th Report (1996)** urged victim compensation.
- **Anticipatory bail** (CrPC 438 → BNSS 482): introduced in the **1973** Code on the **41st Law Commission Report**.
- **UAPA** (after the **2008** amendment), Section **43D**: detention during investigation **90 days**, extendable to **180 days**; police custody up to **30 days**.
- **Article 20**: no ex post facto conviction, no double jeopardy, no self-incrimination (see POL-FR-07). **Article 22**: rights on arrest and preventive detention (see POL-FR-09). **Article 32**: the remedy in the Supreme Court; **habeas corpus** for illegal detention (see POL-FR-13).
- **Free legal aid:** **Article 39A (42nd Amendment, 1976)**; **Legal Services Authorities Act 1987**; **NALSA** is the apex body (see POL-JU-07).
- **Landmark cases:** **Hussainara Khatoon (1979)**: speedy trial and legal aid are part of Article 21; **Sheela Barse (1983)**: protection of women in police lock-ups and legal aid to poor prisoners; **D.K. Basu (1997)**: arrest and detention guidelines.

Explained

1. FIR and investigation.

- **FIR** (BNSS 173): information about a **cognizable** offence must be recorded. **Lalita Kumari (2013)**: registration is **compulsory** when the information discloses a cognizable offence.
- BNSS adds **zero FIR** (recorded whatever the police station's area, then transferred) and **e-FIR** (to be signed within **3 days**). For offences punishable with **3 to 7 years**, a **preliminary enquiry** of up to **14 days** is allowed with a senior officer's permission.
- The informant gets a **free copy** of the FIR; victims are to be told of the progress of investigation within **90 days** (BNSS 193).
- **Non-cognizable** information: entered in the station diary; police investigate only with a **magistrate's order** (CrPC 155 → BNSS 174).

2. Arrest.

- **Without warrant** (BNSS 35): for cognizable offences. For offences punishable with **up to 7 years**, the officer must be **satisfied that arrest is necessary** (to prevent another offence, for proper investigation,

to stop tampering with evidence or threats to witnesses, to secure attendance) and **record reasons**; otherwise he issues a **notice of appearance** (BNSS 35(3)).

- **Arnesh Kumar v State of Bihar (2014)**: no **automatic** arrest in offences up to 7 years; police must follow the checklist and magistrates must check it before remand. **Joginder Kumar (1994)**: the power to arrest is not the same as the justification to arrest.
- **BNSS 35(7)**, new: no arrest without the permission of an officer of at least **DSP** rank for an offence punishable with **less than 3 years** if the person is **infirm or over 60**.
- **Women**: arrest only by or in the presence of a **woman** officer; **no arrest after sunset and before sunrise** except in exceptional cases with the prior permission of a **JM first class** (CrPC 46(4) → BNSS 43(5)).
- **Handcuffs: Prem Shankar Shukla (1980)**: handcuffing is the exception, only where there is real danger of escape. **BNSS 43(3)** now allows handcuffs for **habitual or repeat offenders**, escapees, and persons accused of **organised crime, terrorism** and some other grave offences.
- **D.K. Basu (1997)** guidelines, mostly written into the Code in **2008** (CrPC 41B–41D, 50A → BNSS **36–38, 48**): police wear **name tags**; a **memo of arrest** signed by a witness and the arrested person; a relative or friend **informed**; the arrestee told of this right; **medical examination** (every 48 hours in custody, as per the guidelines); the right to **meet an advocate during interrogation**, though not throughout; arrest details displayed at the district **police control room**.

3. Rights of the arrested person (beyond Article 22, see POL-FR-09).

Right	BNSS	Earlier CrPC
Told grounds of arrest; told of right to bail in bailable offence	47	50
A named person informed of arrest	48	50A
Meet an advocate during interrogation	38	41D
Medical examination	53	54
Not detained over 24 hours without a magistrate's order	58	57

4. Remand (CrPC 167 → BNSS 187).

- When investigation **cannot finish in 24 hours**, the police send the accused to the nearest **Judicial Magistrate** with the case diary.
- The magistrate may order **police custody** or **judicial custody** (jail).
- **Police custody: 15 days at most** in all. Under the CrPC this had to be within the **first 15 days** (CBI v Anupam Kulkarni, 1992). Under the BNSS the 15 days may be taken **in parts** at any time within the first **40 days** (60-day cases) or **60 days** (90-day cases).
- **Overall limit: 90 days** where the offence is punishable with **death, life imprisonment or at least 10 years**; **60 days** for other offences. If the charge-sheet is not filed in time, the accused gets **default bail** on furnishing bail (an "indefeasible" right).
- An **Executive Magistrate** may authorise up to **7 days** when no judicial magistrate is available.
- **Remand is not routine**: the magistrate must check that the arrest was legal and the grounds sufficient.

5. Confessions and self-incrimination.

- **Confession to police: inadmissible** (IEA 25 → BSA 23(1)). **Confession in police custody:** inadmissible unless made **before a magistrate** (IEA 26 → BSA 23(2)).
- **Exception (discovery):** the part of a statement in custody that leads to the **discovery of a fact** can be proved (IEA 27 → **proviso to BSA 23(2)**).
- A confession caused by **inducement, threat or promise** is irrelevant (IEA 24 → BSA 22).
- **Recording** (BNSS 183): by a **Magistrate** of the district where the information was registered (CrPC 164 said a Metropolitan or Judicial Magistrate), never by a police officer, even one given a magistrate's powers. The magistrate warns the person that he need not confess and that it may be used against him, and records it only if **voluntary**; if the person says before recording that he will **not** confess, the magistrate may **not** send him to **police custody**. BNSS allows **audio-video** recording in the presence of the accused's advocate.
- **Article 20(3): Nandini Satpathy (1978):** the right to silence applies **at police interrogation** too. **Kathi Kalu Oghad (1961):** giving **fingerprints, handwriting, signature specimens** is **not** testimonial compulsion. **Selvi (2010): narco-analysis, polygraph and brain-mapping** without consent violate Articles 20(3) and 21. BNSS 349 lets a magistrate order specimen signatures, handwriting, **finger impressions and voice samples**.

6. Trial in camera.

- **BNSS 366(2):** inquiry and trial of **rape** and related sexual offences **in camera**, by a **woman judge or magistrate** as far as practicable; publication of proceedings only with the court's permission, keeping the victim's **identity** secret (IPC 228A → BNS 72).
- Also in camera: **POCSO** trials (Section 37). Under civil laws, family and matrimonial matters **may** be heard in camera, but the criminal-procedure rule the paper asks about is the **rape** rule.

7. Bail.

- **Bailable offence** (BNSS 478): bail is a **right**; police or court must release on bail.
- **Non-bailable** (BNSS 480): bail is the court's **discretion**. Women, children under 16, and the sick or infirm get special consideration even in serious offences.
- **Anticipatory bail** (BNSS 482): only the **High Court or Court of Session**, before arrest. **Gurbaksh Singh Sibbia (1980):** a wide, liberal power.
- **Undertrial limit** (CrPC 436A, 2005 → **BNSS 479**): an undertrial who has served **half** the maximum sentence must be released on bond; a **first-time offender** after **one-third**. Not for offences punishable with death or life. The **jail superintendent** must apply.
- **Principle: "bail is the rule, jail the exception": State of Rajasthan v Balchand (1977)** (Justice **V.R. Krishna Iyer**); restated in **Satender Kumar Antil v CBI (2022)**.

8. Detention under special laws (crime-control laws with longer pre-trial custody and stricter bail).

Law	Detention before charge-sheet	Note
BNSS 187 (ordinary law)	60 / 90 days	police custody up to 15 days
UAPA 1967, Section 43D	90 → up to 180 days	police custody up to 30 days
NDPS 1985, Section 36A(4)	180 days → up to 1 year	commercial quantity offences
Preventive detention (Art. 22(4))	3 months, then advisory board	NSA 1980: up to 12 months

9. Plea bargaining and victims.

- **Plea bargaining:** CrPC Chapter XXIA (**265A–265L**), added in **2005** (in force 2006) → **BNSS 289–300**. Allowed for offences punishable with **less than 7 years**; **not** for offences affecting the **socio-economic condition** of the country or committed against a **woman or a child under 14**. The BNSS sets a **30-day** window after framing of charge to apply.
- **Victims:** compensation by the convicting court (CrPC 357 → BNSS 395) and the State **victim compensation scheme** (CrPC 357A → BNSS 396); free first aid and treatment of victims by all hospitals (CrPC 357C → BNSS 397).

10. Legal aid.

- **Article 39A** (DPSP): equal justice and **free legal aid**. **M.H. Hoskot (1978)** and **Hussainara Khatoon (1979)** read free legal aid into **Article 21**.
- **Khatri v State of Bihar (1981)** (Bhagalpur blindings): the State's duty begins when the accused is **first produced before the magistrate**, who must tell him of the right. **Suk Das (1986)**: a trial without informing the accused of legal aid is **vitiated**, even if he did not ask.
- **Sheela Barse v State of Maharashtra (1983)**: women suspects in **separate lock-ups** guarded by **women constables**; the nearest **legal aid committee** to be informed of arrests; legal aid for poor prisoners.
- **BNSS 341** (CrPC 304): legal aid at **State expense** to an accused without means, in **Sessions** trials (the State may extend it to other courts).
- **Legal Services Authorities Act, 1987, Section 12**: those entitled include **SC / ST** members; victims of **trafficking** or **begar**; **women and children**; persons with **disabilities**; victims of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; **industrial workmen**; persons **in custody** (including protective homes, juvenile homes and psychiatric hospitals); and persons below the notified **income limit**.
- **NALSA** is the supreme authority under the Act (structure in POL-JU-07). Its **Legal Aid Defense Counsel System (2022)** sets up full-time, public-defender-style offices for criminal cases in districts.

Common traps

X "Police custody can last 60 or 90 days." ✓ **Police custody: 15 days** max; 60 / 90 days is **total** detention before the charge-sheet.

X "Produce within 24 hours, including travel time." ✓ **Excluding** the time of journey (Article 22(2)).

X "CrPC 164 is BNSS 164." ✓ CrPC 164 → **BNSS 183**; CrPC 167 → **BNSS 187**; CrPC 360 → **BNSS 401**.

X "A confession to a senior police officer is admissible." ✓ **Inadmissible** (IEA 25 → BSA 23); only a **magistrate** records confessions. (Malimath proposed otherwise; it was not adopted.)

X "Victim compensation scheme is in the IPC or a separate 1987 Act." ✓ It was **CrPC 357A** (2009), now **BNSS 396**.

X "UAPA detention without charge-sheet is 90 days only." ✓ **90, extendable to 180** days.

✗ "Anticipatory bail can be given by any magistrate." ✓ Only the **High Court or Court of Session**.

✗ "Fingerprints and handwriting samples violate Article 20(3)." ✓ **No** (Kathi Kalu Oghad); involuntary **narco-analysis** does (Selvi).

✗ "Legal aid is a Fundamental Right under Article 39A." ✓ 39A is a **DPSP**; the right is enforced through **Article 21** (Hoskot, Hussainara).

✗ "Sheela Barse case is about the death penalty." ✓ It is about **women in custody and legal aid**; death penalty: **Bachan Singh**.

Quick revision

- BNSS (531 s.) and BSA (170 s.) in force 1 July 2024, replacing CrPC 1973 and IEA 1872.
- FIR 154 → 173 (zero FIR, e-FIR); arrest 41 → 35; grounds 50 → 47; 24 hours 57 → 58.
- Remand 167 → 187: police custody 15 days; total 60 / 90 days; then default bail.
- Confession: 164 → 183, only before a magistrate; police confession inadmissible (IEA 25 → BSA 23).
- In camera rape trials: 327 → 366; victim compensation 357A (2009) → 396.
- Bail: 436 → 478, 437 → 480, anticipatory 438 → 482, undertrial 436A → 479.
- Bail is the rule: Balchand (1977), Krishna Iyer.
- UAPA 43D: 90 → 180 days; NDPS 36A: 180 days → 1 year.
- Arrest cases: Joginder Kumar 1994, D.K. Basu 1997, Arnesh Kumar 2014.
- Legal aid: Art. 39A (1976), 304 → 341, LSA Act s.12; Hoskot, Hussainara, Khatri, Suk Das, Sheela Barse.