

29 APR 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, May-2025

Semester: VIII (criminal hon.)

Subject: Human Rights & Criminal Justice System

TIME: Three Hours

Marks: 100

Instructions:

1. Attempt any Five questions.
2. Assume the facts wherever necessary. Brevity will be appreciated.
3. Marks for the Answers are indicated at the end of each question.
4. No bare acts and/or study materials are allowed.
5. No clarification will be sort during examination.
6. Support your answers with suitable case laws.

Q.1. One Ratan Singh, who was a recently enrolled advocate at the Rajasthan Bar, was summoned by the Senior Superintendent of Police (SSP), Rajasthan, for inquiries related to an unspecified case on 7<sup>th</sup> January, 1994. Ratan Singh appeared at the SSP's office around 10:00 AM, accompanied by his four brothers. However, instead of conducting a straightforward inquiry, the SSP detained Ratan Singh. Despite repeated inquiries by his brothers, they were informed that Ratan Singh would be released in the evening after completing the necessary inquiries. This assurance, however, did not materialize. As time passed, Ratan Singh's family became increasingly concerned about his safety. At 12:55 PM, fearing for Ratan Singh's life and suspecting potential foul play, his brother sent a telegram to the Chief Minister of Rajasthan. The telegram expressed concerns that Ratan Singh might be implicated in a criminal case or, worse, become a victim of a fake encounter, but was of no use.

By the evening of 7<sup>th</sup> January, it was clear that Ratan Singh had not been released and his location was still unknown. The following day, information surfaced that Ratan Singh was in the illegal custody of the Station House Officer (SHO) at Mussoorie Police Station. The SHO suggested that Ratan Singh's relatives should approach the SSP, Rajasthan, for his release. On 9<sup>th</sup> January 1994, Ratan Singh's family, growing more desperate, went to Mussoorie Police Station in the evening to check on his well-being. However, they discovered that he had been moved to an undisclosed location. On 12<sup>th</sup> January the dead body of Ratan Singh was found at about 3 kms away from the police station in a very bad state with injury marks on the entire body. In the light of the above facts discuss the rights which Ratan Singh had which are violated and the remedy/dies available with the family of Ratan Singh. (Marks 20)

Q.2. (a) One Raju, was arrested along with several others on 30.11.1998, for the alleged commission of offences under Sections 148, 302, 149, Section 325 read with Section 149 and section 323/149 of the Indian Penal Code. After the case was committed for trial, the Additional Sessions Judge, Didwana, by his order dated 3<sup>rd</sup> November, 2000, in Sessions Case No.54 of 1999 passed an order of three years imprisonment to all. The appeal was filed by the father of Raju on 5<sup>th</sup> January 2001 contesting that Raju was born on 17<sup>th</sup> October, 1982, whereas the offence was alleged to have been committed on 30<sup>th</sup> October, 1998. Discuss. What procedure is described under the Juvenile Justice Act for determining the age of the offender when there is uncertainty?

(b) Where a child is alleged to be in conflict with law is produced before the Board what procedure is followed by the board to conduct the inquiry for the same and what steps are taken by the board to ensure fair and speedy inquiry? (Marks 6+14=20)

Q.3. Explain the following -

i. *Child welfare committee.*

ii. *Ignorantia juris non-excusat. Ignorantia facit doth excusat* (Marks 10+10=20)

Q.4. (a) The Indian criminal justice system is heavily influenced by the societal biases and gender stereotypes that permeate the culture at large. Gender bias is evident in how female offenders are treated throughout the criminal justice process, impacting everything from investigation and arrest to trial, sentencing, and incarceration. In the light of the statement discuss the nature and basis of biased faced by females and how different laws have helped in removing this bias?

(b) Sukhi is a daily wage laborer working at a construction site. Every day at lunch time, Sukhi sits under the shade of the tree to feed her 16-month-old baby. She finds Jaswinder, a worker, staring at her from the distance. Sukhi feels uncomfortable and asks Jaswinder to stay away from her while she's feeding the baby. However, Jaswinder persists and always finds a place near her. The group of fellow construction workers now constantly catcall and whistle at Sukhi every time she walks their way to refill the cement or mortar. When she questions them, they tell her they are only joking amongst themselves. Discuss the liability of Jaswinder and fellow workers if any and punishment for the same with the statutory provision/s. (Marks 15+5=20)

Q.5. (a) One Mr. 'A' who is a law graduate. On 25<sup>th</sup> April 1999 he arrived at Anna International Airport, Chennai from Singapore-by-Singapore Airlines. He was intercepted by customs authorities and on interrogation the authorities realized that he was carrying with him in one of his baggage electronic goods items worth about Rs. 16 lakhs. After recording his statement, he was arrested on the next day. He is preventively detained under Section 3(1)(i) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as 'the COFEPOSA Act'). His detention commenced on 26.4.1999 and was for a period of one year. He moved the Chief Metropolitan Magistrate, Chennai for bail on 28.4.1999 but the same was dismissed by the said Magistrate and again dismissed when the motion was repeated by him. Discuss the remedy/rights available with the detenu and also discuss how this detention is different from punitive detention.

(b) India is a country with a rich cultural heritage, where women have always played a vital role in shaping society. However, women's participation in the workforce has been limited due to various reasons such as social norms, cultural practices, and gender bias. To overcome these challenges, the Indian government has introduced several laws to protect and empower working women. Discuss the rights of women at workplace and the laws passed to empower them.

(Marks 5+15=20)

Q.6. The Indian Constitution provides equal rights to every citizen. In a country like India, citizens' rights are sometimes denied by the government servants by the way of extra judicial killings. Discuss the reasons for extra-judicial killings, is it justified? Also discuss the rights recognised nationally as well as Internationally and the remedies available to the families of such victims.

(Marks 20)

P.T.O.



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Q.1. (a) An FIR is lodged against Arin who is a X standard student of 'X' school Jodhpur. In the FIR Arin is accused of offenses under sections 376 (i), 342 of the Indian Penal Code, and sections 4, 5, 6, 7, and 8 of the Protection of Children from Sexual Offenses Act, 2012. Following the investigation, a charge sheet was submitted charging Arin of heinous offence. Discuss the process to be followed by the board in case of heinous offence committed by Arin.

(b) One Arvind who was born on 1<sup>st</sup> January 2012 studied in VII standard was of very jolly nature and was friendly to all. One day he met Ravish his senior who studied in XII standard and was of 17 years they both became friends and use to spend hours together after school. Ravish was in habit of drinking and taking other psychotropic substances. One day he was out of money hence decided to use Arvind for satisfying his needs. The bar owner required some sales boy so Ravish convinced Arvind to work there. Bar owner used Arvind for vending, peddling liquor, narcotic drug and other psychotropic substances. On the basis of the above-mentioned facts discuss and decide the liability of Ravish, Arvind and bar owner on the basis of Juvenile Justice Act,2015. (Marks 12+8=20)

Q.2. On 1<sup>st</sup> February 2018 Ravi and five of his friends threatened a Public Works Department employee to revoke Ravi's transfer orders, against which an FIR was lodged on 2<sup>nd</sup> February 2018. Ravi and his friends were held liable under section 506 of the Indian Penal Code 1960 and were taken to custody on 2<sup>nd</sup> February 2018 during midnight. As a result of his poverty, Ravi and his friends were unable to afford legal representation and could not cross-examine the prosecution witnesses. Nevertheless, Ravi and his friends were sentenced to two years of simple imprisonment. Ravi was short tempered due to which there were frequent fights amongst him (Ravi) and other inmates in the prison. One day, tired of their fight police poured acid in their eyes due to which some of the prisoners became blind.

In the light of the above facts, discuss the liability/ties if any of the police and the rights if inmates had which are violated and the remedy/dies available with them. (Marks 20)

Q.3. Explain following in the context of human rights-

- i. *Autro fois convict & Autro fois acquit.*
- ii. *Role of juvenile justice board.*

(Marks 10+10=20)

P.T.O.



Q.4(a) Renuka is employed as a domestic worker at Mrs. Naina's house where she is expected to take care of all the household activities, other than cooking. Most of the days, Naina being a journalist leaves early and sometimes stays away from home continuously for week for covering the story. Renuka is therefore left alone in the house with a male member of the household i.e. Naina's husband Aks. Renuka finds that Aks constantly leers at her when he is at home and often walks around the house wrapped in nothing but a towel which makes her very uncomfortable. On one occasion, while she was sweeping, he pinched her bottom. When she protested that she will complain to Naina, he threatened to accuse her of stealing, and that he will ensure that she loses her job. Discuss the liability of Aks if any and punishment for the same with the statutory provision/s.

(b) Women often relate to criminal justice systems as victims of crime, recent trends indicate that a growing number of women are featuring as suspects, accused and prisoners. The percentage of women in prison is growing globally and at a faster rate than the male prison population. Discuss the reasons for the same and the efforts taken nationally and internationally with respect to the rights of the female prisoner. (Marks 5+15=20)

Q.5. One Mr. 'B' obtained Export Promotion Capital Goods Scheme (E.P.C.G.) licenses as Service Provider in respect of four firms/companies which were floated by him from time to time and imported vehicles at concessional rates for personal use in flagrant misuse of the said licenses. The said vehicles were never used for tourist purposes as declared for obtaining the E.P.C.G. licenses and the Foreign Inward Remittance Certificate shown by him did not relate to his earnings from the use of the imported cars. In addition to the above, all the vehicles which were imported under the aforesaid licenses were registered as private vehicles. 'B' was found to have violated various provisions/conditions of the Exim Policy, Foreign Trade Policy and Customs exemptions notifications and during the investigations conducted by the Directorate of Revenue Intelligence, 51 out of 61 vehicles were seized, though most of them were released provisionally on payment of differential duty and execution of Bonds and Bank Guarantees. B's said activities were held to amount to smuggling as defined in Section 2(39) of the Customs Act as adopted in Section 2(e) of the COFEPOSA Act, 1974. Considering the nature and gravity of B's activities over a period of time and his high potentiality and propensity to indulge in such prejudicial activities in future, the order of detention was issued against him on 15th December, 2005, under Section 3(1) of the COFEPOSA Act, 1974. Certain relevant documents which had been considered by the Detaining Authority while issuing the detention order had not been supplied to the detenu to make an effective representation against his continued detention. Discuss the law and process on preventive detention and how it is different from punitive detention?

(b) Women in Indian politics have come a long way, but they still face many challenges. Despite laws and policies aimed at promoting gender equality there still exists hinderances for women's full participation in politics. Discuss the barriers to women's political participation and how it has been addressed. What measures are taken by the government for increasing women political participation in India? (Marks 10+10=20)

Q.6. Custodial violence and abuse of power of law by the enforcing agencies like police is not only peculiar but is also universal especially in the democratic country like India. Discuss the national and international efforts to control such violence with the decided case laws.

(Marks 20)