

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Criminal Justice and Human Rights
Semester- II (Batch: 2020-21)**

End Semester Online Examination: June 2021 (LLM)

Date: 24th June, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 450-500 Words, 5 Marks: 250-300 Words.

Attempt Any Five

Marks

- Q.1 The Law Commission of India (Chair: Justice B.S. Chauhan) submitted its report in the topic 'Wrongful Prosecution (Miscarriage of Justice): Legal Remedies' on August 30, 2018. The report follows a Delhi High Court directive in 2016, where the Commission was asked to examine the remedies for wrongful detention. The Commission noted that currently there is no legislative framework to provide relief to those, who are wrongfully prosecuted. Although, Cr.P.C has all the essential elements of fair trial in it, yet in some cases accused felt that his rights are not protected. (10)
- The Hon'ble Supreme Court has made remarks repeatedly on the violation of human right of the person, who are accused, because of the faulty investigations and wrongful appraisal of evidence.
- Explain the components of fair trial with the help of suitable case laws and provisions of Cr.P.C.
- Q.2 Write short notes on the following: (10)
- a) Probation & parole
 - b) Open prisons & National Prison policy
- Q.3 An independent, impartial and, skilled media is an essential component of any democratic country. It not only plays the role of the information provider but also, it keeps the check, as the watch dog for the rights of the human from every part of the society. So at one hand it keeps the public aware, it also tries to keep the officials perform their duties. Media is very active in reporting criminal cases. Sometime there is excessive ingression into the criminal justice system, making it a media trial. There are positive as well negative impact of media on our justice delivery system. (10)
- Discuss the role played by media in criminal justice system with the support of suitable case laws in support of your answer.

- Q.4 According to a news article in March 2021, there were 5128 cases filed under UAPA (10) during a span of the last 5 years from 2015. These figures show that the act is very frequent in its use. Discuss the pros & cons of the act (UAPA), citing suitable case laws in support of your answer.
- Q.5 The Indian legislature has meticulously devised a scheme under which both the (10) Investigative agency and the Magistrates have been given adequate role in the investigation into the crimes in the backdrop of human rights and rule of law. If one looks into the statutory scheme provided for in the Cr PC for investigation into crimes it becomes clear that the Magistrate is definitely expected to have supervision of the investigation process. And investigative agency has also an important role in investigation and the maximum amount of freedom is given to them to see that for want of power they do not fail in preventing crimes. Discuss the *human rights* in criminal justice system in India with decided case laws.
- Q.6 “*Narco analysis* is one among the different technologies that are being used by law (10) enforcement authorities. However, this analysis in criminal investigation raises questions of law, science, policy and professional ethics. There is a challenging problem of the invasion of basic human rights more particularly the 'right to human dignity' and 'inviolability of human body.’” Do you agree? Critically analyse the statement with decided case laws.
- Q.7 *The use of Civil, Political, Economic, Social and Cultural rights protection mechanisms engages the (10) rights of prisoners and identifies the minimum legal obligations of the State in order to remain compliant with international human rights norms as defined within the international case law.* Discuss and give an overview in brief the *rights of prisoners*
