

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Police Law and Administration**
Semester- I (Batch: 2022-23)

End Semester Examination: November 2022 (LL M)

Date: 30th Nov, 2022

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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.
- Do not use highlighters. Mention correct section & statute referred with sections. Do not use abbreviations. Mention appropriate authorities with every answer. Original answers & opinions are expected.

Marks

- Q.1 Discuss in short the importance of the police investigation in Criminal cases, citing suitable provision of CrPC and case laws. (10)
- Q.2 Analyze the following situation and write your opinion as to the role of police as an organization of investigating crime. Cite suitable provision of law and case laws in support of your answer. (5x2=10)

- a) A person in India has received the given information through a letter:

“My dear friend,

Let me introduce myself. I am ABC. I am the wife of XYZ from the Republic of Ghana. My husband died recently in a plane crash. While cleaning his documents, I found that my husband has 10,000,000 US \$ in a secret account. I would like to transfer this money to my family that is living in the US. Unfortunately, I am not able to transfer the money directly. I would like to transfer 10,000,000 US \$ to your account and ask if you could transfer 9,000,000 US \$ to my family. The remaining 1,000,000 US \$ will be for you. If you agree, I would like to ask you to transfer first of all 10\$ to my account so that I can verify your bank account information”. Please send me details:

FULL NAME :

PHONE NUMBER :

ADDRESS :

COUNTRY :

AGE :

SEX :

MARITAL STATUE :

OCCUPATION :

- b) Munna was arrested from Chawni, main market, Gwalior, (M.P). He was told by police that he is the suspect in one of the crimes committed in the city two days before. He could not understand, wanted to call his brother, but was not permitted. In the evening his brother inquired about his whereabouts and came to know from the local vendors that his brother was taken by police. He has to move from one police station to another in order to find where Munna is taken.

- Q.3 Police administration involves setting agency policy and making operational decisions that best achieve the aforementioned goals without violating the law or the public trust. This includes knowing the law, adopting lawful and ethical departmental policies, enforcing those policies, and setting a clear professional example for subordinates to follow. From a human resources perspective, police administration involves making ethical and lawful decisions relating to the hiring, management, retention, discipline, and termination of law enforcement personnel. All of this requires accountability, both internal and external. (10)

In view of this, discuss the recommendations of National Police Commission on police Reform along with the directions of Hon'ble Supreme court in **Prakash Singh vs Union of India** (2006) 8 SCC 1.

OR

The incident took place on 14 September 2020, when the victim, a 19-year-old Dalit woman went to a farm to collect cattle fodder. Four men — Sandeep, Ramu, Lavkush and Ravi — allegedly dragged her away by dupatta around her neck injuring her spinal cord in the process. The four men accused of rape belong to the upper caste. The violence left her paralyzed with a severe spinal cord injury. Her tongue was cut off. The perpetrators had tried to strangle the girl as she resisted their rape attempt. She ended up biting her tongue while being strangled. Her cries were heard by her mother, who came to the spot to find her lying down in the farm. She was at first taken to the Chand Pa police station, where the police rejected her claims and, according to the family, humiliated them. The police registered a complaint only on 20 September. The police were able to record the victim's statement on 22 September. In her three recorded statements she mentioned that "she was raped" and was strangled when she attempted to resist. The victim was initially admitted to the Jawaharlal Nehru Medical College and Hospital in Aligarh on 14 September 2020, with her spinal cord severely damaged. She was later moved to the Safdarjung Hospital in Delhi after her condition worsened. According to the police, the victim had been strangled with her dupatta. She died on 29 September 2020.

The mother of the victim said that Sandeep and Luvkush had been harassing her and the victim for months. The autopsy registered the cause of death as "injury to the cervical spine by blunt-force trauma," and refers to "rape and strangulation" in the medical history.

The victim was cremated on the night at about 2:30 am on 29 September 2020 by Uttar Pradesh Police without the consent or knowledge of the victim's family. The brother of the victim alleged that it was done without the family's consent and that they were locked up in their house. He also alleged that petrol was used for cremation. However, ADG (law and order), said that the family's consent was obtained.

The forced cremation led the Allahabad High Court to take *suo moto* cognizance. The bench also asked the victim's family, the District Magistrate and the Superintendent of Police to appear before it. The bench added, "The incidents which took place after the death of the victim on 29.09.2020 leading up to her cremation, as alleged, have shocked our conscience".

On 4 October, the Chief Minister of the state recommended a CBI probe. The victim's family was not in favour of the CBI investigation and wanted a judicial probe to be conducted in the case. However, the CBI began its investigation on 10 October, amid nationwide outrage, after notification from central government, The State government, and district administration announced a compensation of ₹2.5 million (US\$31,000) to the victim's family and a junior assistant job for a family member. Apart from this, the family will also be allotted a house in Kashipur under the State Urban Development Agency (SUDA) scheme. On 19 December 2020, CBI filed a chargesheet in a special court in Kashipur, invoking gangrape and murder charges along with charges under SC/ST Prevention of Atrocities Act, against the four accused. CBI also mentioned lapses on part of UP Police that include delay in recording the victim's statement in writing and her subsequent medical examination. (3+3.5+3.5=10 Marks)

In view of the above stated facts answer the following:

- a) Discuss the recent guidelines of MHA on Investigation on safety of Women.
- b) Elucidate the relevant penal provisions prescribed for Custodial Rape Cases in India.
- c) Discuss the National Human Right Commissions guidelines on investigation in offences against women and the Victim Rehabilitation and Compensation Scheme in India.

Q.4 Write a short note on the followings:

- a) Central Armed Forces
- b) Crime Scene Investigation

(5x2=
10)

Q.5 *Monists theory in international law believe that both municipal and international law are members of a single universal legal framework that serves the interests of the human race in many ways. As a result, the law of nations is indistinguishable from state internal or municipal law, and it is only relevant as part of the universal legal order. As a result, they are both genus-law organisms.*

(10)

In view of the above statement analyse the interaction and interplay between international law and coastal Policing mechanism in India with respect to territorial jurisdiction under United Nations Convention on the Law of the Sea.

OR

Discuss the role and responsibilities of Central Armed Police Forces to protect the land borders of India. What are the major challenges Central Armed Police Forces face in protecting the borders of the country.
