

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Criminal Justice and Human Rights**  
Semester- II (Batch: 2023-24)

**End Semester Examination: April 2024 (LL M)**

**Date: 25<sup>th</sup> April, 2024**

**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.

**Part: A**

**Marks**

(Attempt **any two** of the following)

- Q.1 The following facts are from an appeal pending at the Apex court of India, under respective provisions of the Probation of Offenders Act, 1958. (12.5)

Respondents 2 to 10 were prosecuted for the offences punishable under Sections 498-A and 323 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Respondents 2 and 3 were convicted under Section 498-A IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs 1000 (Rupees one thousand only) each with the default clause. The other accused i.e respondents 4 to 10 were convicted for the offence punishable under Section 498-A IPC and sentenced to undergo simple imprisonment of six months and pay a fine of Rs 1000 (Rupees one thousand only) each with the default clause.

All the accused persons were convicted under Section 323 IPC and Section 4 of the Dowry Prohibition Act, 1961. They were sentenced to undergo rigorous imprisonment for six months for the first offence and for a period of one year for the second.

After some time, the respondents have moved appeal to get benefit of the Probation of Offenders Act, 1958. They were permitted by the High Court and the state preferred an appeal which is the present appeal before the Apex court.

Citing the suitable decided case laws and the provisions of law in this matter, advise the Supreme Court, whether an appeal is maintainable or not.

- Q.2 Discuss and cite suitable case laws explaining the pros and cons of POCSO Act. Do you think this act has achieved its goal? (12.5)
- Q.3 Write short note on following: (6+6.5 =12.5)
- a) "Correctional philosophy" for inmates in India
  - b) Role of 'parole' and 'furlough' in rehabilitation of inmates

**Part: B**(Attempt **any two** of the following)

- Q.4 In 2012, a Public Interest Litigation (PIL) was filed before the Supreme Court of India (SC), requesting the hon'ble court to safeguard "Good Samaritans". Elaborate and state the guidelines issued by the central government for the protection of "Good Samaritans". (10)
- Q.5 'Bail the Exception, Jail the Rule' states the SC in *Gurwinder Singh v. State of Punjab & Another* (2024). Elaborate upon the bail provisions under UAPA (The Unlawful Activities (Prevention) Act, 1967 and the key points relevant to adjudication of a bail application. Support your answers with the relevant decided case law(s). (10)
- Q.6 Discuss the goals and purposes of sentencing and the different types of sentencing schemes. (10)

**Part: C**(Attempt **any one** of the following)

- Q.7 Discuss the arrest guidelines laid down by the Supreme Court in the case of *Satender Kumar Antil Vs. Central Bureau of Investigation and Anr.* in the year 2022. (5)
- Q.8 What are the National Human Rights Institutions (NHRI)? What is the role and mandate of the Indian NHRI? (5)

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