Political Science

FYUG (NEP) 3rd Semester

PLS: SEC 201: DEMOCRATIC AWARENESS & LEGAL LITERACY

Units	Topics
1.	Constitution – Fundamental Rights, Fundamental Duties, Public Interest Litigation.
2.	Structure and Jurisdiction of Courts/Tribunals and their Jurisdiction in India, Specialized Courts: Juvenile Courts, Mahila Courts.
3.	Laws Relating to Criminal Jurisdiction: Provision Relating to Filing an FIR, Arrest, Bail, Juvenile Justice.
4.	Laws relating to offences against women: Sexual Harassment at Workplace, Dowry, Domestic Violence.
5.	Laws Relating to Consumer Rights, Right to Information (RTI), Cyber Crimes.

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UNIT – 1

ONE MARK:

Q1. What is the Constitution?

Answer: A Constitution is the supreme law of a country that defines the structure, powers and functions of the government and the rights of citizens.

Q2. When was the Indian Constitution adopted?

Answer: The Indian Constitution was adopted on 26 November 1949.

Q3. When did the Indian Constitution come into force?

Answer: The Indian Constitution came into force on 26 January 1950.

Q4. How many Fundamental Rights are currently provided by the Indian Constitution?

Answer: The Indian Constitution provides six categories of Fundamental Rights.

Q5. In which Part of the Indian Constitution are Fundamental Rights mentioned?

Answer: Fundamental Rights are mentioned in Part III (Articles 12–35) of the Indian Constitution.

Q6. Which Article of the Indian Constitution guarantees equality before the law?

Answer: Article 14 guarantees equality before the law and equal protection of the laws.

Q7. Which Article deals with the Right to Freedom of Speech and Expression?

Answer: Article 19(1)(a) guarantees the Right to Freedom of Speech and Expression.

Q8. Which Article of the Indian Constitution provides the Right to Life and Personal Liberty?

Answer: Article 21 provides the Right to Life and Personal Liberty.

Q9. How many Fundamental Duties are mentioned in the Indian Constitution?

Answer: There are 11 Fundamental Duties in the Indian Constitution.

Q10. In which Article are Fundamental Duties mentioned?

Answer: Fundamental Duties are mentioned in Article 51A under Part IVA of the Indian Constitution.

Q11. Which Constitutional Amendment introduced Fundamental Duties in India?

Answer: The 42nd Constitutional Amendment Act, 1976, introduced Fundamental Duties.

Q12. Which Constitutional Amendment added the 11th Fundamental Duty?

Answer: The 86th Constitutional Amendment Act, 2002, added the 11th Fundamental Duty.

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Q13. What is Public Interest Litigation (PIL)?

Answer: Public Interest Litigation is a legal action filed in a court to protect public interest and the rights of disadvantaged people.

Q14. Which Article of the Indian Constitution empowers the Supreme Court to issue writs?

Answer: Article 32 empowers the Supreme Court to issue writs for the enforcement of Fundamental Rights.

Q15. Who is known as the pioneer of Public Interest Litigation in India?

Answer: Justice P. N. Bhagwati is widely regarded as one of the pioneers of Public Interest Litigation in India.

TWO MARK:

Q1. What are Fundamental Rights?

Answer: Fundamental Rights are the basic rights guaranteed by the Indian Constitution to protect the freedom, equality and dignity of individuals. These rights are mentioned in Part III of the Constitution.

Q2. Mention any two features of Fundamental Rights.

Answer:

1. Fundamental Rights are guaranteed by the Indian Constitution.
2. They are enforceable by courts of law.

Q3. Name the six categories of Fundamental Rights in India.

Answer:

1. Right to Equality.
2. Right to Freedom.
3. Right against Exploitation.
4. Right to Freedom of Religion.
5. Cultural and Educational Rights.
6. Right to Constitutional Remedies.

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Q4. What is the Right to Equality?

Answer: The Right to Equality ensures equality before the law and equal protection of laws for all individuals. It is provided under Articles 14 to 18 of the Indian Constitution.

Q5. What is the Right to Freedom?

Answer: The Right to Freedom provides individuals with essential freedoms such as speech and expression, peaceful assembly, association, movement, residence and profession, subject to constitutional restrictions. It is mainly covered under Article 19.

Q6. What is the Right against Exploitation?

Answer: The Right against Exploitation prohibits human trafficking, forced labour and child labour in certain forms. It is provided under Articles 23 and 24 of the Indian Constitution.

Q7. What is the Right to Constitutional Remedies?

Answer: The Right to Constitutional Remedies allows individuals to approach the courts when their Fundamental Rights are violated. Article 32 empowers the Supreme Court to protect these rights through writs.

Q8. What are Fundamental Duties?

Answer: Fundamental Duties are the moral obligations of citizens towards the nation and society. They are mentioned in Article 51A under Part IVA of the Indian Constitution.

Q9. Mention any two Fundamental Duties of Indian citizens.

Answer:

1. To respect the National Flag and National Anthem.
2. To protect and preserve the natural environment.

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Q10. Why were Fundamental Duties added to the Indian Constitution?

Answer: Fundamental Duties were added to promote patriotism, discipline, national unity and responsible citizenship. They remind citizens of their responsibilities towards the country.

Q11. What is the importance of Fundamental Duties?

Answer: Fundamental Duties encourage citizens to respect the Constitution, maintain national unity and contribute to the development of society. They promote responsible citizenship.

Q12. What is Public Interest Litigation (PIL)?

Answer: Public Interest Litigation (PIL) is a legal process through which individuals or organisations can approach the courts to protect public interest and the rights of disadvantaged sections of society.

Q13. What is the main objective of Public Interest Litigation?

Answer: The main objective of PIL is to provide justice to poor and disadvantaged people, protect public rights and ensure social justice.

Q14. Mention any two benefits of Public Interest Litigation.

Answer:

1. It provides access to justice for poor and disadvantaged people.
2. It helps protect public rights and promote social welfare.

Q15. Distinguish between Fundamental Rights and Fundamental Duties.

Answer:

Fundamental Rights	Fundamental Duties
They are the basic rights of citizens and individuals.	They are the moral obligations of citizens.
They are mentioned in Part III.	They are mentioned in Part IVA.

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BROAD ANSWER:

Q1. Discuss the Fundamental Rights provided by the Indian Constitution.

Answer:

Introduction

Fundamental Rights are the basic rights guaranteed by the Indian Constitution to protect the freedom, equality and dignity of individuals. They are essential for the development of democracy and the protection of individual liberty. These rights are mentioned in Part III (Articles 12–35) of the Indian Constitution. They are enforceable by courts of law.

Six Categories of Fundamental Rights

The Indian Constitution provides six categories of Fundamental Rights:

1. Right to Equality (Articles 14–18)

The Right to Equality ensures equal treatment of all individuals before the law. It prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It also provides equal opportunity in public employment and abolishes untouchability and titles.

2. Right to Freedom (Articles 19–22)

The Right to Freedom provides essential freedoms to individuals. These include:

- Freedom of speech and expression.
- Freedom to assemble peacefully.
- Freedom to form associations or unions.
- Freedom to move freely throughout India.
- Freedom to reside and settle in any part of India.
- Freedom to practise any profession or occupation.

Article 21 protects the right to life and personal liberty, while Article 21A provides free and compulsory education to children between 6 and 14 years of age.

3. Right against Exploitation (Articles 23–24)

This right protects individuals from exploitation. It prohibits human trafficking, forced labour and employment of children below 14 years in factories, mines and other hazardous employment.

4. Right to Freedom of Religion (Articles 25–28)

India is a secular country. This right allows individuals to freely profess, practise and propagate their religion, subject to constitutional

limitations. It also protects religious freedom and prevents discrimination on religious grounds.

5. Cultural and Educational Rights (Articles 29–30)

These rights protect the language, script and culture of different communities. Religious and linguistic minorities have the right to establish and administer educational institutions of their choice.

6. Right to Constitutional Remedies (Article 32)

This right allows individuals to approach the Supreme Court when their Fundamental Rights are violated. The Supreme Court can issue five types of writs: Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto.

Importance of Fundamental Rights

Fundamental Rights are important because they:

1. Protect individual freedom and liberty.
2. Promote equality and social justice.
3. Protect minority communities.
4. Prevent exploitation and discrimination.
5. Strengthen democracy and the rule of law.
6. Protect the dignity of individuals.

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Q2. Explain the Fundamental Duties of Indian citizens and discuss their importance.

Answer:

Introduction

Fundamental Duties are the moral responsibilities and obligations of Indian citizens towards the nation and society. They remind citizens that along with enjoying rights, they must also perform their duties

responsibly. Fundamental Duties are mentioned in Part IVA under Article 51A of the Indian Constitution.

The Fundamental Duties were introduced through the 42nd Constitutional Amendment Act, 1976, on the recommendation of the Swaran Singh Committee. Initially, there were ten Fundamental Duties. Later, the 86th Constitutional Amendment Act, 2002, added the eleventh duty related to the education of children.

Eleven Fundamental Duties

According to Article 51A, every citizen of India has the following duties:

1. Respect the Constitution: To abide by the Constitution and respect its ideals, institutions, National Flag and National Anthem.

2. Follow the ideals of freedom struggle: To cherish and follow the noble ideals that inspired India's national freedom movement.

3. Protect national unity: To uphold and protect the sovereignty, unity and integrity of India.

4. Defend the country: To defend the nation and render national service whenever required.

5. Promote harmony: To promote brotherhood and harmony among all citizens beyond religious, linguistic and regional differences.

6. Preserve cultural heritage: To value and protect India's rich cultural heritage.

7. Protect the environment: To protect and improve the natural environment, including forests, rivers, lakes and wildlife.

8. Develop scientific temper: To develop scientific thinking, humanism, inquiry and the spirit of reform.

9. Protect public property: To safeguard public property and avoid violence.

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10. Strive for excellence: To work towards excellence in individual and collective activities.

11. Provide educational opportunities: Parents or guardians must provide educational opportunities to their children or wards between the ages of 6 and 14 years.

Importance of Fundamental Duties

Fundamental Duties play an important role in maintaining a responsible and disciplined society. Their importance can be explained as follows:

1. Promote patriotism: They encourage citizens to respect the nation and its national symbols.
2. Maintain national unity: They promote brotherhood among people belonging to different religions, languages and cultures.
3. Protect the environment: They encourage citizens to protect nature and wildlife.
4. Develop responsible citizenship: They remind citizens that they have responsibilities towards society and the country.
5. Protect public property: They discourage violence and damage to public resources.
6. Promote education: They encourage parents to ensure education for children.

Nature of Fundamental Duties

Fundamental Duties are generally non-justiciable, which means they cannot ordinarily be directly enforced through courts in the same manner as Fundamental Rights. However, Parliament can make laws to support certain duties, and courts may consider them while interpreting constitutional provisions and laws.

Q3. What is Public Interest Litigation (PIL)? Discuss its objectives and importance in India.

Answer:

Introduction

Public Interest Litigation (PIL) is an important judicial mechanism through which individuals or organisations can approach the courts to protect public interest and the rights of disadvantaged sections of society. It is a significant development in the Indian judicial system because it makes justice more accessible to poor, weaker and marginalised people.

Traditionally, only a person directly affected by an issue could approach the court. However, PIL allows a public-spirited individual or organisation to approach the court on behalf of people whose rights have been violated or who cannot approach the court themselves.

Meaning of Public Interest Litigation

Public Interest Litigation refers to legal action taken in a court of law for the protection of public interest rather than for private or personal benefit. It can be filed in the Supreme Court or High Courts.

Under Article 32, the Supreme Court can entertain matters concerning the enforcement of Fundamental Rights. Under Article 226, High Courts have the power to issue writs for the enforcement of Fundamental Rights and for other legal purposes.

Development of PIL in India

Public Interest Litigation developed significantly in India during the late 1970s and 1980s. Justice P. N. Bhagwati and Justice V. R. Krishna Iyer played important roles in its development.

The courts adopted a flexible approach to allow public-spirited individuals to raise issues affecting disadvantaged people. In certain cases, even letters and postcards addressed to the courts were treated as petitions.

Some important examples of PIL-related cases are:

1. Hussainara Khatoon v. State of Bihar (1979): This case highlighted the condition of undertrial prisoners and the importance of speedy trials.
2. S. P. Gupta v. Union of India (1981): This case contributed significantly to the development of liberal rules of standing in public interest cases.
3. M. C. Mehta v. Union of India: A series of cases concerning environmental protection and industrial pollution.

Objectives of Public Interest Litigation

The main objectives of PIL are:

1. To provide justice to poor and disadvantaged people.
2. To protect the Fundamental Rights of individuals.
3. To promote social and economic justice.
4. To protect the environment and public resources.
5. To prevent exploitation and discrimination.
6. To make government authorities accountable.
7. To provide access to justice to people who cannot approach courts themselves.

Importance of PIL in India

1. Access to Justice: PIL helps poor and weaker sections of society obtain justice without facing the traditional difficulties of litigation.

2. Protection of Human Rights: It helps protect the rights and dignity of prisoners, workers, women, children and marginalised communities.

3. Environmental Protection: PIL has played an important role in raising issues related to pollution, forests, rivers and environmental conservation.

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4. Government Accountability: It encourages public authorities to perform their legal and constitutional responsibilities.

5. Social Justice: It provides a legal platform to raise issues affecting society as a whole.

Limitations of PIL

PIL also has certain limitations. Sometimes, people misuse it for personal, political or publicity purposes. Unnecessary petitions may increase the workload of courts and delay other cases. Therefore, courts examine whether a petition genuinely involves public interest.

Q4. Discuss the relationship between Fundamental Rights and Fundamental Duties.

Answer:

Introduction

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Fundamental Rights and Fundamental Duties are two important features of the Indian Constitution. Fundamental Rights provide basic freedoms and protections to individuals, whereas Fundamental Duties remind citizens of their responsibilities towards the nation and society.

Fundamental Rights are mentioned in Part III (Articles 12–35), while Fundamental Duties are mentioned in Part IVA under Article 51A. Both are important for the proper functioning of Indian democracy.

Meaning of Fundamental Rights

Fundamental Rights are the basic rights guaranteed by the Constitution to protect individual freedom, equality and dignity. They protect citizens against arbitrary actions and discrimination.

The six categories of Fundamental Rights are:

1. Right to Equality.
2. Right to Freedom.
3. Right against Exploitation.

4. Right to Freedom of Religion.
5. Cultural and Educational Rights.
6. Right to Constitutional Remedies.

These rights are enforceable through courts of law.

Meaning of Fundamental Duties

Fundamental Duties are the moral obligations of citizens towards the country. They encourage citizens to respect the Constitution, maintain national unity, protect the environment and promote social harmony.

There are eleven Fundamental Duties under Article 51A. They were introduced by the 42nd Constitutional Amendment Act, 1976, and the eleventh duty was added by the 86th Constitutional Amendment Act, 2002.

Relationship between Fundamental Rights and Fundamental Duties

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Fundamental Rights and Fundamental Duties are closely connected. Their relationship can be explained through the following points:

1. Rights and Responsibilities: Fundamental Rights provide freedom to individuals, while Fundamental Duties remind them to use that freedom responsibly.

2. Development of Democracy: Rights protect democratic freedom, whereas duties encourage citizens to participate responsibly in democratic society.

3. National Unity: Fundamental Rights protect equality and religious freedom, while Fundamental Duties promote brotherhood and national integration.

4. Protection of the Environment: Citizens enjoy the protection of a healthy environment as part of the interpretation of Article 21. At the same time, Article 51A(g) makes environmental protection a Fundamental Duty.

5. Respect for the Constitution: Fundamental Rights protect constitutional freedoms, while Fundamental Duties require citizens to respect the Constitution and its institutions.

6. Social Justice: Fundamental Rights protect individuals against discrimination and exploitation, whereas Fundamental Duties encourage citizens to promote harmony and respect the dignity of others.

Differences between Fundamental Rights and Fundamental Duties

Fundamental Rights	Fundamental Duties
They provide basic rights and freedoms.	They provide moral responsibilities.
Mentioned in Part III.	Mentioned in Part IVA.
Covered under Articles 12–35.	Covered under Article 51A.
Most are enforceable through courts.	Generally non-justiciable.
They protect individual liberty.	They promote responsible citizenship.

Importance of Both in Democracy

Both Fundamental Rights and Fundamental Duties are necessary for a successful democracy. Rights ensure that individuals can live with dignity and freedom. Duties encourage them to respect other people's rights and contribute to society.

For example, citizens have the right to freedom of speech and expression, but they should also act responsibly and respect the unity and integrity of the country.

Q5. Explain the role and significance of Public Interest Litigation in protecting the rights of citizens.

Answer:

Introduction

Public Interest Litigation (PIL) is an important instrument of the Indian judicial system that helps protect the rights and interests of the general public. It allows public-spirited individuals and organisations to approach the courts to raise issues affecting society, particularly poor and disadvantaged sections.

PIL has made the Indian judicial system more accessible by relaxing traditional rules regarding who can approach the court. It has strengthened the role of the judiciary in protecting constitutional rights and promoting social justice.

Constitutional Basis of PIL

Public Interest Litigation is not separately mentioned as a specific provision in the Indian Constitution. However, it operates mainly through the following constitutional provisions:

1. Article 32: It empowers the Supreme Court to issue writs for the enforcement of Fundamental Rights.

2. Article 226: It empowers High Courts to issue writs for the enforcement of Fundamental Rights and for other legal purposes.

These provisions provide an important constitutional foundation for PIL in India.

Role of PIL in Protecting Citizens' Rights

1. Protection of Human Rights

PIL helps protect the human rights and dignity of individuals, especially poor, weaker and marginalised sections of society. It provides an opportunity to raise issues of exploitation, discrimination and injustice.

2. Protection of Prisoners' Rights

PIL has helped highlight the problems faced by prisoners and undertrial persons. In the case of Hussainara Khatoon v. State of Bihar (1979), the Supreme Court addressed the condition of undertrial prisoners and emphasised the importance of speedy trials.

3. Environmental Protection

PIL plays an important role in protecting the environment. Through cases such as M. C. Mehta v. Union of India, the courts have addressed issues related to pollution, industrial activities and environmental safety.

4. Protection of Women and Children

PIL can be used to raise issues concerning child labour, exploitation of women, human trafficking and other forms of injustice. It helps bring these issues before the judiciary.

5. Government Accountability

PIL allows citizens to question unlawful actions and failures of public authorities. It encourages transparency, accountability and proper implementation of laws.

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6. Promotion of Social Justice

PIL provides a legal platform for raising issues affecting disadvantaged communities. It helps promote equality, justice and human dignity in society.

7. Access to Justice

One of the most important contributions of PIL is that a public-spirited person or organisation can approach the court on behalf of people who cannot represent themselves due to poverty, lack of awareness or other difficulties.

Limitations of PIL

Despite its importance, PIL has certain limitations:

1. It may sometimes be misused for personal or political interests.

2. Unnecessary petitions may increase the workload of courts.
3. Some cases may take a long time to reach a final decision.
4. PIL cannot replace the regular judicial process or solve every social problem.

Therefore, courts carefully examine whether a petition genuinely concerns public interest.

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UNIT – 2

ONE MARK:

Q1. What is the judiciary?

Answer: The judiciary is the branch of government responsible for interpreting laws, delivering justice and protecting the rights of citizens.

Q2. What is the highest court in India?

Answer: The Supreme Court of India is the highest judicial authority in the country.

Q3. When was the Supreme Court of India established?

Answer: The Supreme Court of India was inaugurated on 28 January 1950.

Q4. Where is the Suprem4e Court of India located?

Answer: The Supreme Court of India is located in New Delhi.

Q5. Which Article of the Indian Constitution provides for the establishment of the Supreme Court?

Answer: Article 124 provides for the establishment and constitution of the Supreme Court of India.

Q6. What is the highest court at the state level?

Answer: The High Court is the highest court at the state level.

Q7. Which Article of the Indian Constitution deals with High Courts?

Answer: Article 214 provides for a High Court for each state.

Q8. What is the meaning of judicial jurisdiction?

Answer: Judicial jurisdiction refers to the legal authority of a court to hear and decide cases.

Q9. What is a tribunal?

Answer: A tribunal is a quasi-judicial body established to decide specific types of disputes, such as service, tax or administrative matters.

Q10. What is the main function of tribunals?

Answer: The main function of tribunals is to provide specialised and speedy justice in specific areas of law.

Q11. What is a Juvenile Court?

Answer: A Juvenile Court is a specialised judicial forum that deals with cases involving children in conflict with the law.

Q12. Which Act governs the juvenile justice system in India?

Answer: The Juvenile Justice (Care and Protection of Children) Act, 2015, governs the juvenile justice system in India.

Q13. What is a Mahila Court?

Answer: A Mahila Court is a specialised court or designated judicial arrangement that deals with cases involving women-related issues and offences against women.

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14. What is the main objective of Mahila Courts?

Answer: The main objective of Mahila Courts is to provide accessible, sensitive and timely justice to women.

Q15. What is the difference between a civil court and a criminal court?

Answer: Civil courts deal with disputes relating to rights, property and contracts, whereas criminal courts deal with offences and punishments under criminal law.

TWO MARK:

Q1. What is the structure of the Indian judicial system?

Answer: The Indian judicial system follows a hierarchical structure. It consists of the Supreme Court at the national level, High Courts at the state level and subordinate courts at the district and lower levels.

Q2. Mention any two functions of the Supreme Court of India.

Answer:

1. It protects the Fundamental Rights of citizens.
2. It acts as the highest court of appeal in India.

Q3. What is the original jurisdiction of the Supreme Court?

Answer: Original jurisdiction refers to the power of the Supreme Court to hear certain cases directly. Under Article 131, it deals with disputes between the Union and states or between states, subject to constitutional conditions.

Q4. What is the appellate jurisdiction of the Supreme Court?

Answer: Appellate jurisdiction is the power of the Supreme Court to hear appeals against judgments of High Courts and other courts in constitutional, civil and criminal matters.

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Q5. Mention any two important functions of High Courts.

Answer:

1. High Courts supervise subordinate courts within their jurisdiction.
2. They issue writs for the enforcement of Fundamental Rights and for other legal purposes under Article 226.

Q6. What is the jurisdiction of District Courts?

Answer: District Courts deal with civil and criminal cases within their territorial jurisdiction. They also hear appeals from subordinate courts as provided by law.

Q7. What is meant by judicial jurisdiction?

Answer: Judicial jurisdiction refers to the legal authority of a court to hear, examine and decide cases. It determines the types of cases a court can handle and the geographical area within which it can exercise its powers.

Q8. What are tribunals?

Answer: Tribunals are specialised quasi-judicial bodies established to deal with specific disputes. They provide specialised and relatively speedy justice in areas such as taxation, administrative matters and service disputes.

Q9. Mention any two types of tribunals in India.

Answer:

1. Central Administrative Tribunal (CAT).
2. National Green Tribunal (NGT).

Q10. What is the main difference between courts and tribunals?

Answer: Courts are part of the regular judicial system and deal with a wide range of legal disputes. Tribunals are specialised bodies that mainly deal with specific types of disputes and matters assigned to them by law.

Q11. What is a Juvenile Justice Board (JJB)?

Answer: A Juvenile Justice Board is a specialised body established under the Juvenile Justice Act, 2015, to deal with children in conflict with the law. It focuses on rehabilitation and the welfare of children.

Q12. What is the main objective of Juvenile Courts or the juvenile justice system?

Answer: The main objective is to provide fair treatment, protection and rehabilitation to children in conflict with the law. It focuses on reform rather than punishment.

Q13. What is a Mahila Court?

Answer: A Mahila Court is a specialised court or designated judicial arrangement that deals with cases concerning women, particularly offences against women. It aims to provide sensitive and accessible justice.

Q14. Mention any two objectives of Mahila Courts.

Answer:

1. To provide speedy and accessible justice to women.
2. To deal sensitively with cases involving violence and offences against women.

Q15. Distinguish between Juvenile Courts and Mahila Courts.

Answer:

Juvenile Courts / JJB	**Mahila Courts**
Deal with cases involving children in conflict with the law.	Deal with cases concerning women and offences against women.
Focus on child protection and rehabilitation.	Focus on women's rights and access to justice.

BROAD ANSWER:

Q1. Explain the structure and hierarchy of the Indian judicial system.

Answer:

Introduction

The judiciary is one of the three important organs of the government, along with the legislature and the executive. It is responsible for interpreting laws, delivering justice, protecting the Constitution and safeguarding the Fundamental Rights of citizens.

India has an integrated and hierarchical judicial system. It consists of the Supreme Court, High Courts and subordinate courts. These courts function at different levels but are connected through a common judicial structure.

Structure of the Indian Judicial System

The Indian judicial system can be divided into the following levels:

1. Supreme Court of India

The Supreme Court is the highest judicial authority in India. It was inaugurated on 28 January 1950 and is located in New Delhi.

- It is established under Article 124 of the Constitution.
- It is the final court of appeal in the country.
- It protects Fundamental Rights under Article 32.
- It settles certain disputes between the Union and states.
- Its decisions are binding on all courts in India under Article 141.

2. High Courts

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High Courts are the highest courts at the state level. Article 214 provides for a High Court for each state, although one High Court may serve two or more states or union territories.

Their main functions are:

- To hear appeals from subordinate courts.
- To protect Fundamental Rights through writs under Article 226.
- To supervise subordinate courts under Article 227.
- To interpret laws and deliver justice within their jurisdiction.

3. District and Subordinate Courts

District and subordinate courts function at the district and lower levels. They deal with civil and criminal cases.

They include:

- District Courts.
- Sessions Courts.
- Civil Courts.
- Judicial Magistrate Courts.
- Other courts established under relevant laws.

District Courts deal mainly with civil disputes, while Sessions Courts deal with serious criminal cases. Other subordinate courts handle matters according to their legal powers.

Specialised Courts and Tribunals

Apart from the regular judicial hierarchy, India has specialised courts and tribunals to deal with particular types of cases.

Examples include:

1. Family Courts – Deal with family-related disputes.
2. Juvenile Justice Boards – Deal with children in conflict with the law.
3. Commercial Courts – Deal with specified commercial disputes.
4. National Green Tribunal – Deals with environmental matters.
5. Central Administrative Tribunal – Deals with specified service-related disputes.

Importance of the Indian Judicial System

The Indian judicial system plays an important role in maintaining democracy.

1. Protection of Rights: It protects the Fundamental Rights of citizens.
2. Rule of Law: It ensures that everyone is subject to the law.
3. Dispute Settlement: It resolves disputes between individuals, organisations and governments.

4. Constitutional Protection: It protects the supremacy of the Constitution.
5. Independent Judiciary: It functions independently of the legislature and executive in deciding cases.
6. Social Justice: It provides legal remedies to people facing injustice.

Q2. Discuss the jurisdiction and powers of the Supreme Court and High Courts in India.

Answer:

Introduction

The Supreme Court and High Courts are the two most important levels of the Indian judicial system. They play a significant role in protecting the Constitution, maintaining the rule of law and delivering justice. The Constitution provides different powers and jurisdictions to these courts to ensure the proper functioning of the judicial system.

Jurisdiction of the Supreme Court

The Supreme Court is the highest court in India. Its powers and jurisdiction are mainly provided under Articles 124–147 of the Constitution.

The major types of jurisdiction are:

1. Original Jurisdiction

Under Article 131, the Supreme Court has original jurisdiction in certain disputes between:

- The Government of India and one or more states.
- The Government of India and states on one side and other states on the other.
- Two or more states.

These disputes must involve a legal right, subject to constitutional conditions.

2. Appellate Jurisdiction

The Supreme Court hears appeals against judgments of High Courts and other courts in constitutional, civil and criminal matters, subject to the conditions provided in the Constitution and laws.

3. Advisory Jurisdiction

Under Article 143, the President of India may refer important questions of law or fact to the Supreme Court for its advisory opinion.

4. Writ Jurisdiction

Under Article 32, the Supreme Court can issue five types of writs to protect Fundamental Rights:

- Habeas Corpus.
- Mandamus.
- Prohibition.
- Certiorari.
- Quo Warranto.

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5. Review Jurisdiction

Under Article 137, the Supreme Court has the power to review its own judgments and orders, subject to applicable rules.

Jurisdiction of High Courts

High Courts are the highest judicial authorities at the state level. Their major powers and jurisdictions include:

1. Original Jurisdiction

High Courts can directly hear certain cases according to constitutional provisions and applicable laws. The extent of this jurisdiction varies among different High Courts.

2. Appellate Jurisdiction

High Courts hear appeals against judgments and decisions of subordinate civil and criminal courts within their jurisdiction.

3. Writ Jurisdiction

Under Article 226, High Courts can issue writs for the enforcement of Fundamental Rights and for other legal purposes.

4. Supervisory Jurisdiction

Article 227 gives High Courts the power of superintendence over courts and tribunals within their territorial jurisdiction, except certain excluded bodies.

5. Administrative Powers

High Courts exercise administrative control over the subordinate judiciary under relevant constitutional provisions.

Difference between Supreme Court and High Courts

Supreme Court	High Courts
Highest court in India.	Highest court at the state level.
Established under Article 124.	Provided under Article 214.
Its jurisdiction extends throughout India.	Its jurisdiction covers the concerned state or states/territories.
Article 32 provides writ jurisdiction.	Article 226 provides writ jurisdiction.
Decisions are binding on all courts in India under Article 141.	Decisions bind subordinate courts within their jurisdiction, subject to the judicial hierarchy.

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Q3. What are Tribunals? Discuss the structure, jurisdiction and functions of Tribunals in India.

Answer:

Introduction

Tribunals are specialised quasi-judicial bodies established to deal with particular types of disputes. They play an important role in the Indian judicial system by providing specialised knowledge, simplified procedures and relatively speedy justice.

The main purpose of establishing tribunals is to reduce the workload of regular courts and provide effective justice in specialised matters such as administrative services, taxation, environmental protection and industrial disputes.

Constitutional Provisions Relating to Tribunals

The 42nd Constitutional Amendment Act, 1976, added Part XIV-A to the Indian Constitution, which deals with tribunals.

There are two important Articles:

1. Article 323A – Administrative Tribunals

Article 323A empowers Parliament to establish administrative tribunals to deal with disputes relating to recruitment and service conditions of public servants.

2. Article 323B – Tribunals for Other Matters

Article 323B allows the appropriate legislature to establish tribunals for matters such as taxation, foreign exchange, industrial disputes, land reforms and other specified subjects.

Structure of Tribunals in India

Tribunals are organised according to the subject and legal provisions under which they are established. Some important tribunals are:

1. Central Administrative Tribunal (CAT)

It was established under the Administrative Tribunals Act, 1985. It deals with service-related disputes involving central government employees and other persons covered by the Act.

2. National Green Tribunal (NGT)

It was established under the National Green Tribunal Act, 2010. It deals with environmental disputes and matters relating to environmental protection.

3. Income Tax Appellate Tribunal (ITAT)

It deals with appeals relating to income tax matters and provides specialised decisions on taxation disputes.

4. Armed Forces Tribunal (AFT)

It was established under the Armed Forces Tribunal Act, 2007. It deals with service matters and appeals arising from court-martial proceedings concerning members of the armed forces.

5. National Company Law Tribunal (NCLT)

It deals with company law matters, corporate disputes and insolvency-related proceedings under applicable laws.

Jurisdiction of Tribunals

Jurisdiction means the legal authority of a tribunal to hear and decide particular disputes.

The jurisdiction of tribunals depends on the law under which they are established.

Their major areas of jurisdiction include:

1. Administrative Matters: Service-related disputes of government employees.
2. Taxation Matters: Disputes relating to income tax and other taxes.
3. Environmental Matters: Cases involving environmental damage and pollution.

4. Industrial Matters: Certain employment and industrial disputes.
5. Corporate Matters: Company disputes and insolvency proceedings.
6. Defence Matters: Service-related disputes involving armed forces personnel.

Functions and Importance of Tribunals

1. Specialised Justice: Tribunals deal with specific subjects and develop expertise in their respective areas.

2. Speedy Disposal: They aim to provide relatively quick decisions through specialised procedures.

3. Reduction of Court Burden: They help reduce the workload of regular courts by handling specific categories of disputes.

4. Simple Procedures: Their procedures may be more flexible than those of ordinary courts, subject to the relevant laws.

5. Expert Knowledge: Tribunals may include judicial and technical members who possess specialised knowledge.

6. Affordable Justice: They can make dispute resolution more accessible by providing specialised forums.

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Q4. Explain the meaning, structure, functions and importance of Juvenile Justice Boards in India.

Answer:

Introduction

The juvenile justice system is an important part of the Indian judicial system. It deals with children who are in conflict with the law and provides them with special protection and opportunities for rehabilitation.

In India, the Juvenile Justice Act provides a separate legal framework for dealing with children involved in offences. The main purpose is

not merely to punish children but to reform them and help them become responsible members of society.

Meaning of Juvenile Justice

Juvenile justice refers to the legal system designed to deal with children who are accused of committing offences. It recognises that children require different treatment from adults because of their age, development and circumstances.

The main law governing this system is the Juvenile Justice (Care and Protection of Children) Act, 2015, which came into force on 15 January 2016.

Under this Act, a child means a person who has not completed eighteen years of age.

Structure of the Juvenile Justice Board (JJB)

Under Section 4 of the Juvenile Justice Act, 2015, the State Government must constitute one or more Juvenile Justice Boards for every district.

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A Juvenile Justice Board consists of:

1. A Principal Magistrate, who is a Metropolitan Magistrate or Judicial Magistrate of First Class with the required experience.
2. Two social workers who have experience in working with children.
3. At least one of the two social workers must be a woman.

The Board combines judicial knowledge with social and child welfare experience.

Functions of Juvenile Justice Boards

The major functions of the Juvenile Justice Board are:

1. Dealing with Children in Conflict with Law

The Board conducts inquiries into cases involving children accused of committing offences.

2. Ensuring Fair Treatment

It ensures that children are treated fairly and are not subjected to unnecessary harassment or ill-treatment during legal proceedings.

3. Providing a Child-Friendly Environment

The Board ensures that proceedings take place in a child-friendly atmosphere so that children can participate without unnecessary fear.

4. Deciding Bail Matters

The Board considers bail applications of children according to the provisions of the Juvenile Justice Act.

5. Rehabilitation and Reformation

It focuses on counselling, education, vocational training and other rehabilitation measures.

6. Passing Appropriate Orders

The Board may pass suitable orders for the care, protection, rehabilitation and social reintegration of children.

7. Individual Care Plan

It may ensure that an individual care plan is prepared to support the child's rehabilitation and future development.

Importance of Juvenile Justice Boards

1. Protection of Children's Rights: They protect the legal rights and dignity of children.
2. Rehabilitation: They focus on reforming children rather than treating them like adult criminals.
3. Social Reintegration: They help children return to society through education and counselling.
4. Fair Justice: They provide a separate legal process suitable for children.

5. Prevention of Future Offences: Guidance and rehabilitation may help prevent children from becoming involved in criminal activities again.
6. Child Welfare: They consider the best interests and overall development of children.

Q5. What are Mahila Courts? Discuss their objectives, functions and importance in protecting women's rights in India.

Answer:

Introduction

Mahila Courts are specialised courts or designated judicial arrangements established to deal with cases involving women, particularly offences and violence against women. Their main purpose is to provide accessible, sensitive and timely justice to women who face discrimination, harassment, domestic violence and other forms of injustice.

These courts are an important part of the efforts to strengthen women's rights and promote gender justice in Indian society.

Meaning of Mahila Courts

The term Mahila Court refers to a court arrangement specially designated to handle cases relating to women. In some states, separate Mahila Courts or Fast Track Mahila Courts have been established to deal with offences against women.

It is important to note that Mahila Courts are not a uniform, separate constitutional level of the Indian judiciary. Their establishment and jurisdiction depend on the relevant state arrangements and applicable laws.

Objectives of Mahila Courts

The main objectives of Mahila Courts are:

1. Protection of Women's Rights

Their main objective is to protect women's legal and constitutional rights against discrimination, exploitation and violence.

2. Providing Speedy Justice

They aim to ensure timely disposal of cases involving offences against women and reduce unnecessary delays in legal proceedings.

3. Promoting Gender Equality

They help promote equality and justice by addressing issues related to gender discrimination and violence against women.

4. Providing a Supportive Environment

They aim to provide a sensitive environment where women can present their complaints without unnecessary fear or pressure.

5. Preventing Violence against Women

They help strengthen legal action against domestic violence, dowry-related offences, sexual harassment and other forms of violence.

Functions of Mahila Courts

1. Dealing with Domestic Violence Cases

They may deal with cases involving physical, emotional, verbal, sexual and economic abuse, depending on the jurisdiction and applicable legal arrangements.

2. Handling Dowry-related Offences

They help address cases involving dowry harassment, cruelty and other related offences against women.

3. Dealing with Sexual Offences

Specialised courts and designated courts may handle cases involving sexual violence and other offences against women under applicable laws.

4. Providing Legal Protection

Courts provide legal remedies to women whose rights have been violated. Under the Protection of Women from Domestic Violence Act, 2005, competent Magistrate Courts can grant protection, residence, monetary and other orders.

5. Promoting Awareness

They help increase awareness about women's legal rights and the importance of seeking justice through proper legal channels.

6. Ensuring Sensitive Proceedings

They aim to ensure that cases involving women are handled with dignity, privacy and sensitivity according to applicable legal procedures.

Legal Provisions for the Protection of Women in India

Several laws provide legal protection to women in India:

1. Article 14: Guarantees equality before the law.
2. Article 15: Prohibits discrimination on grounds including sex.
3. Article 15(3): Allows the State to make special provisions for women and children.
4. Protection of Women from Domestic Violence Act, 2005: Provides protection and legal remedies against domestic violence.
5. Dowry Prohibition Act, 1961: Prohibits the giving and taking of dowry.
6. Sexual Harassment of Women at Workplace Act, 2013: Provides protection against sexual harassment at workplaces.

Importance of Mahila Courts

1. Access to Justice: They help women obtain legal assistance and justice.
2. Women's Empowerment: They encourage women to stand up for their legal rights.

3. Gender Justice: They help address discrimination and violence against women.
4. Speedy Trials: Specialised and fast-track arrangements aim to reduce delays in sensitive cases.
5. Social Awareness: They encourage society to recognise and respect women's rights.
6. Protection of Dignity: They promote the dignity, safety and security of women.

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UNIT – 3

ONE MARK:

Q1. What is criminal jurisdiction?

Answer: Criminal jurisdiction refers to the legal authority of a court to hear and decide cases involving criminal offences.

Q2. What is an FIR?

Answer: FIR stands for First Information Report. It is a written record prepared by the police regarding information about the commission of a cognizable offence.

Q3. Which section of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, deals with the registration of an FIR?

Answer: Section 173 of the BNSS, 2023, deals with information relating to the commission of a cognizable offence.

Q4. What is a Zero FIR?

Answer: A Zero FIR is an FIR that can be registered at any police station, irrespective of territorial jurisdiction, and later transferred to the appropriate police station.

Q5. Who can file an FIR?

Answer: Any person who has information about the commission of a cognizable offence can give information to the police for registration of an FIR.

Q6. What is an arrest?

Answer: Arrest is the legal process of taking a person into custody by a lawful authority on suspicion of committing an offence or under legal authority.

Q7. Which section of the BNSS, 2023, deals with arrest without a warrant?

Answer: Section 35 of the BNSS, 2023, deals with arrest without a warrant by police.

Q8. What is a bailable offence?

Answer: A bailable offence is an offence in which bail is a matter of right, subject to the provisions of law.

Q9. What is a non-bailable offence?

Answer: A non-bailable offence is an offence in which bail is granted at the discretion of the competent court, subject to legal conditions.

Q10. What is bail?

Answer: Bail is the conditional release of an accused person from custody while ensuring their appearance before the court when required.

Q11. What is anticipatory bail?

Answer: Anticipatory bail is a direction for the release of a person on bail in anticipation of arrest, granted by a competent court under Section 482 of the BNSS, 2023.

Q12. What is juvenile justice?

Answer: Juvenile justice refers to the legal system that deals with children in conflict with the law and children in need of care and protection.

Q13. Which Act governs juvenile justice in India?

Answer: The Juvenile Justice (Care and Protection of Children) Act, 2015, governs juvenile justice in India.

Q14. Who is considered a child under the Juvenile Justice Act, 2015?

Answer: A person who has not completed eighteen years of age is considered a child under the Juvenile Justice Act, 2015.

Q15. What is the main objective of the Juvenile Justice Act, 2015?

Answer: The main objective is to provide care, protection, rehabilitation and social reintegration to children in conflict with the law and children in need of care and protection.

TWO MARK:

Q1. What is criminal jurisdiction?

Criminal jurisdiction refers to the legal authority of a court to hear and decide cases involving criminal offences. It includes the power to conduct trials, punish offenders and ensure justice according to law.

Q2. What is an FIR?

FIR stands for First Information Report. It is the information recorded by the police regarding the commission of a cognizable offence. It is the first step in the criminal investigation process.

Q3. What is the importance of filing an FIR?

Filing an FIR officially informs the police about a cognizable offence and enables them to begin an investigation. It also creates an official record of the incident and helps protect the rights of the victim.

Q4. What is a Zero FIR?

Zero FIR is an FIR that can be registered at any police station, regardless of territorial jurisdiction. The concerned police station later transfers it to the police station having proper jurisdiction for investigation.

Q5. Who can file an FIR?

Any person who has knowledge of a cognizable offence can provide information to the police and request registration of an FIR. The informant may be the victim, a witness or any other person aware of the offence.

Q6. What is an arrest?

Arrest means taking a person into lawful custody by the police or another authorised authority on suspicion or accusation of committing an offence. It must follow the procedures established by law.

Q7. Under which section of the BNSS can police arrest a person without a warrant?

Section 35 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides the circumstances in which police officers may arrest a person without a warrant. Such arrest must satisfy the legal conditions prescribed under the section.

Q8. What are the rights of an arrested person?

An arrested person has the right to know the grounds of arrest, consult a lawyer and inform a relative or friend. The person must also be produced before a Magistrate within 24 hours, excluding journey time.

Q9. What is bail?

Bail is the temporary release of an accused person from custody, subject to certain conditions imposed by the court or authorised officer. It ensures that the accused can remain free while the legal proceedings continue.

Q10. What is the difference between bailable and non-bailable offences?

In bailable offences, bail is generally a matter of right under the law. In non-bailable offences, bail is not automatic and depends on the decision of the court, subject to legal provisions.

Q11. What is anticipatory bail?

Anticipatory bail is a legal protection granted by the High Court or Court of Session to a person who apprehends arrest for a non-bailable offence. It is provided under Section 482 of the BNSS, 2023.

Q12. What is juvenile justice?

Juvenile justice refers to the legal system that deals with children involved in offences or those who need care and protection. It focuses on rehabilitation, education, protection and social reintegration rather than punishment.

Q13. What is the Juvenile Justice (Care and Protection of Children) Act, 2015?

The Juvenile Justice Act, 2015 is an Indian law that provides care, protection, development and rehabilitation for children. It also establishes procedures for dealing with children in conflict with law.

Q14. Who is considered a child under the Juvenile Justice Act, 2015?

Under the Juvenile Justice Act, 2015, a child is a person who has not completed 18 years of age. The law provides special protection and procedures for such children.

Q15. What is the main objective of the Juvenile Justice Act, 2015?

The main objective is to protect children and promote their care, education, rehabilitation and social reintegration. It aims to provide a child-friendly approach instead of treating children like adult criminals.

BROAD ANSWER:

Q1. Explain the procedure for filing an FIR and discuss its importance in the criminal justice system.

Answer:

Introduction

FIR stands for First Information Report. It is the first official information recorded by the police regarding the commission of a cognizable offence. It plays an important role in the criminal justice system because it informs the police about an offence and allows them to begin an investigation. The procedure for filing an FIR is mainly governed by Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

1. Meaning of FIR

An FIR is a written record of information given to the police about a cognizable offence, such as theft, robbery, murder or assault. A cognizable offence is one in which the police may arrest without a warrant and investigate according to law.

2. Who Can File an FIR?

- The victim of the offence can file an FIR.
- A witness who has knowledge of the offence can report it.
- Any other person who knows about the commission of a cognizable offence can provide information to the police.

3. Procedure for Filing an FIR

The following steps are generally followed:

1. Approach the Police Station: The informant should approach the nearest police station and report the incident.
2. Provide Information: The person should explain the details of the offence, including the place, date, time and persons involved, if known.
3. Recording of Information: The police officer records the information in writing.
4. Reading and Verification: The recorded information must be read over to the informant.
5. Signature: The informant must sign the recorded statement.
6. Free Copy: A copy of the FIR must be provided to the informant free of cost.

4. Electronic Filing of FIR

Under Section 173 of the BNSS, information relating to a cognizable offence may also be given through electronic communication. Such information must be signed by the informant within three days of giving it electronically.

5. Meaning of Zero FIR

Zero FIR can be registered at any police station, irrespective of territorial jurisdiction. The police station that registers it must transfer it to the police station having proper jurisdiction for investigation.

6. Importance of FIR

- It officially informs the police about a cognizable offence.
- It helps the police begin a criminal investigation.
- It creates an official record of the incident.
- It helps protect the rights of victims.
- It assists courts in understanding the initial information about the alleged offence.
- It helps prevent unnecessary delay in reporting crimes.

Q2. Explain the provisions relating to arrest and discuss the rights of an arrested person in India.

Answer:

Introduction

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Arrest is an important part of the criminal justice system. It means taking a person into lawful custody by the police or another authorised authority on suspicion or accusation of committing an offence. However, the power of arrest cannot be used arbitrarily. The Constitution of India and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provide safeguards to protect the rights of arrested persons.

1. Meaning of Arrest

Arrest refers to the lawful detention of a person by the police or an authorised authority in connection with an alleged offence. It is generally made to prevent further offences, conduct an investigation or ensure the presence of the accused before the court.

2. Arrest Without Warrant

Section 35 of the BNSS, 2023, provides the circumstances in which a police officer may arrest a person without a warrant. Such arrest is permitted only when the legal conditions are fulfilled. Arrest is not

compulsory in every case, and the necessity of arrest must be considered according to law.

3. Arrest with Warrant

A police officer may arrest a person on the basis of a warrant issued by a competent court. The warrant authorises the arrest according to the conditions mentioned in it.

4. Rights of an Arrested Person

The Constitution and the BNSS provide several important rights:

1. Right to Know the Grounds of Arrest: Under Article 22(1) of the Constitution and Section 47 of the BNSS, an arrested person must be informed of the grounds of arrest.

2. Right to Consult a Lawyer: Every arrested person has the right to consult and be defended by a lawyer of their choice.

3. Right to Inform a Relative or Friend: Under Section 48 of the BNSS, the arrested person has the right to have a relative, friend or nominated person informed about the arrest and place of detention.

4. Right to Be Produced Before a Magistrate: Under Article 22(2) of the Constitution, an arrested person must be produced before the nearest Magistrate within 24 hours, excluding the time necessary for the journey.

5. Protection Against Illegal Detention: A person cannot be detained beyond the legally permitted period without the authority of a Magistrate.

6. Right Against Self-Incrimination: Article 20(3) protects an accused person from being compelled to be a witness against themselves.

5. Importance of Legal Safeguards

These safeguards prevent misuse of police powers, protect individual liberty and ensure that every person receives fair treatment under the law. They also help maintain public confidence in the criminal justice system.

Q3. Explain the meaning of bail and discuss the different types of bail available in India.

Answer:

Introduction

Bail is an important concept in the criminal justice system. It refers to the temporary release of an accused person from police or judicial custody, subject to certain conditions. The main purpose of bail is to protect personal liberty while ensuring that the accused appears before the court whenever required. The provisions relating to bail are mainly contained in the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

1. Meaning of Bail

Bail means the release of an accused person from custody after fulfilling certain legal conditions. It does not mean that the accused has been declared innocent. The criminal case continues, and the accused must attend court proceedings as directed.

2. Types of Bail

The major types of bail available in India are:

1. Regular Bail

Regular bail is granted to a person who has already been arrested and is in police or judicial custody. The accused can apply for bail before the appropriate court. The court considers the nature of the offence, seriousness of the allegations and other relevant circumstances.

2. Interim Bail

Interim bail is temporary bail granted for a limited period while the court considers the main bail application. It provides temporary protection from custody until the matter is decided.

3. Anticipatory Bail

Anticipatory bail is protection granted to a person who apprehends arrest for a non-bailable offence. Under Section 482 of the BNSS, 2023, a person may apply to the High Court or Court of Session for such protection before arrest.

4. Default Bail

Default bail is a statutory right that may arise when the investigation is not completed and the charge-sheet is not filed within the prescribed period of detention under Section 187 of the BNSS, subject to the legal conditions.

3. Bailable and Non-Bailable Offences

Bailable Offences: In bailable offences, bail is generally a matter of right. Section 478 of the BNSS deals with bail in bailable cases.

Non-Bailable Offences: In non-bailable offences, bail is not an automatic right. The court decides whether bail should be granted after considering the circumstances of the case. Section 480 of the BNSS deals with bail in non-bailable cases.

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4. Factors Considered While Granting Bail

A court generally considers the following factors:

1. Nature and seriousness of the alleged offence.
2. Possibility of the accused escaping from justice.
3. Possibility of influencing witnesses.
4. Risk of destroying or tampering with evidence.
5. Criminal background of the accused.
6. Overall circumstances of the case.

5. Importance of Bail

- It protects the personal liberty of individuals.
- It prevents unnecessary detention before trial.

- It supports the principle that an accused person is presumed innocent until proven guilty.
- It helps reduce overcrowding in prisons.
- It allows the accused to prepare their defence while remaining outside custody, subject to conditions.

Q4. Explain the meaning, objectives and importance of the Juvenile Justice Act, 2015.

Answer:

Introduction

Juvenile justice refers to the legal system that deals with children who are accused of committing offences or who need care and protection. Children require special treatment because of their age, maturity and circumstances. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 provides the legal framework for the care, protection, development and rehabilitation of children.

1. Meaning of Juvenile Justice

Juvenile justice is a system of law that deals with children in a child-friendly manner. It focuses on their education, development, rehabilitation and social reintegration rather than treating them in the same way as adult offenders.

Under the Juvenile Justice Act, a child means a person who has not completed 18 years of age.

2. Categories of Children Under the Act

The Act mainly deals with two categories:

1. Child in Conflict with Law: A child who is alleged or found to have committed an offence before completing 18 years of age.

2. Child in Need of Care and Protection: A child who requires special care and protection because of abandonment, abuse, neglect, exploitation or other difficult circumstances.

3. Main Objectives of the Juvenile Justice Act, 2015

1. Protection of Children: The Act aims to protect children from abuse, neglect, exploitation and other harmful situations.

2. Rehabilitation: It focuses on improving the lives of children through education, counselling, training and other rehabilitation programmes.

3. Social Reintegration: It helps children return to society and lead a normal and responsible life.

4. Child-Friendly Justice: It provides special procedures and institutions to ensure that children are treated with care, dignity and respect.

5. Prevention of Crime: The Act encourages guidance, education and positive development to prevent children from becoming involved in criminal activities.

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4. Important Institutions Under the Act

The Act provides for important institutions to deal with children's issues:

- Juvenile Justice Board (JJB): Deals with children in conflict with law.
- Child Welfare Committee (CWC): Deals with children in need of care and protection.
- Child Care Institutions: Provide shelter, education, care and rehabilitation to children who require support.

5. Special Provision for Children Aged 16–18

For certain alleged heinous offences committed by children aged 16 to 18, the Juvenile Justice Board conducts a preliminary assessment

under Section 15 of the Act. It considers the child's mental and physical capacity, ability to understand the consequences and the circumstances of the alleged offence.

This does not mean that every child in this age group is automatically tried as an adult. The law provides a special procedure and further decision by the competent Children's Court where applicable.

6. Importance of the Act

- Protects the rights and dignity of children.
- Provides special legal protection to vulnerable children.
- Encourages education and rehabilitation.
- Prevents exploitation and neglect.
- Promotes responsible behaviour and social reintegration.

Q5. Explain the role, powers and functions of the Juvenile Justice Board and Child Welfare Committee in India.

Answer:

Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides special institutions to protect children and deal with their legal problems. Two important institutions established under this Act are the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC). Both institutions work for the welfare and protection of children, but their functions are different.

1. Juvenile Justice Board (JJB)

The Juvenile Justice Board is a special authority established under Section 4 of the Juvenile Justice Act, 2015. It deals with children who are alleged or found to have committed offences before completing 18 years of age. Such children are known as children in conflict with law.

2. Composition of the Juvenile Justice Board

According to the Act, the Juvenile Justice Board consists of:

1. A Principal Magistrate.
2. Two social workers.
3. At least one of the two social workers must be a woman.

The Board follows a child-friendly approach while dealing with children.

3. Functions of the Juvenile Justice Board

The main functions of the JJB are:

1. Handling Cases: It deals with cases involving children in conflict with law.

2. Ensuring Child-Friendly Procedures: It ensures that children are treated with dignity and are not subjected to unnecessary fear or humiliation.

3. Preliminary Assessment: In certain heinous offence cases involving children aged 16–18, the Board conducts a preliminary assessment under Section 15 of the Act.

4. Rehabilitation: It focuses on the education, counselling, development and rehabilitation of children.

5. Protection of Rights: It ensures that the legal rights and interests of children are protected during proceedings.

4. Child Welfare Committee (CWC)

The Child Welfare Committee is another important institution established under Section 27 of the Juvenile Justice Act, 2015. It deals with children who need care and protection because of abandonment, abuse, neglect, exploitation or other difficult circumstances.

5. Composition of the Child Welfare Committee

The Child Welfare Committee consists of a Chairperson and four other members appointed by the State Government. At least one

member must be a woman and another must be an expert in matters concerning children.

6. Functions of the Child Welfare Committee

The main functions of the CWC are:

1. Protection of Vulnerable Children: It identifies and protects children who are abandoned, abused, neglected or exploited.

2. Providing Care and Shelter: It arranges suitable shelter, food, education and medical assistance for children who need protection.

3. Rehabilitation: It takes necessary steps for the rehabilitation and social reintegration of children.

4. Restoration of Children: It works towards restoring children to their parents or guardians when it is safe and appropriate.

5. Monitoring Child Care: It plays an important role in ensuring proper care and protection for children placed in child care institutions.

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7. Difference Between JJB and CWC

Basis	**Juvenile Justice Board**	**Child Welfare Committee**
Main purpose	Deals with children in conflict with law	Deals with children needing care and protection
Legal provision	Section 4	Section 27
Main responsibility	Legal proceedings and rehabilitation	Care, protection and rehabilitation
Focus	Children alleged to have committed offences	Vulnerable and neglected children

UNIT – 4

ONE MARK:

Q1. What is sexual harassment at the workplace?

Sexual harassment at the workplace refers to any unwelcome act or behaviour of a sexual nature that creates an uncomfortable or hostile working environment for a woman.

Q2. Which Act protects women from sexual harassment at the workplace in India?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, protects women from sexual harassment at the workplace.

Q3. What is the full form of POSH?

POSH stands for Prevention of Sexual Harassment.

Q4. What is an Internal Committee (IC)?

An Internal Committee is a committee constituted by an employer at a workplace to receive and address complaints of sexual harassment.

Q5. Who can file a complaint of sexual harassment at the workplace?

An aggrieved woman who experiences sexual harassment at the workplace can file a complaint under the POSH Act, 2013.

Q6. What is the main objective of the POSH Act, 2013?

The main objective of the POSH Act, 2013, is to prevent and prohibit sexual harassment and provide a mechanism for redressal of complaints at workplaces.

Q7. What is dowry?

Dowry refers to any property or valuable security given or agreed to be given directly or indirectly in connection with a marriage.

Q8. Which Act prohibits the giving and taking of dowry in India?

The Dowry Prohibition Act, 1961, prohibits the giving, taking and demanding of dowry in India.

Q9. In which year was the Dowry Prohibition Act passed?

The Dowry Prohibition Act was passed in 1961.

Q10. What is dowry harassment?

Dowry harassment refers to the physical or mental cruelty inflicted on a woman by her husband or his relatives in connection with an unlawful demand for dowry.

Q11. Which Act protects women from domestic violence in India?

The Protection of Women from Domestic Violence Act, 2005, protects women from domestic violence.

Q12. What is domestic violence?

Domestic violence refers to physical, sexual, verbal, emotional or economic abuse committed against a woman within a domestic relationship.

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Q13. In which year was the Domestic Violence Act passed?

The Protection of Women from Domestic Violence Act was passed in 2005.

Q14. Who is a Protection Officer under the Domestic Violence Act?

A Protection Officer is an officer appointed by the State Government to assist women and help implement the provisions of the Domestic Violence Act, 2005.

Q15. What is the main objective of the Domestic Violence Act, 2005?

Its main objective is to protect women from domestic violence and provide legal remedies such as protection, residence and monetary relief.

TWO MARK:

Q1. What is sexual harassment at the workplace?

Sexual harassment at the workplace refers to any unwelcome behaviour of a sexual nature that affects a woman's dignity, safety or working environment. It includes physical contact, sexual remarks, demands for sexual favours and showing inappropriate material.

Q2. What are the main objectives of the POSH Act, 2013?

The main objectives of the POSH Act, 2013, are to prevent and prohibit sexual harassment at workplaces and provide a proper mechanism for receiving and resolving complaints. It also aims to ensure a safe and respectful working environment for women.

Q3. Mention any four examples of sexual harassment at the workplace.

The four examples are:

1. Unwelcome physical contact or advances.
2. Demanding or requesting sexual favours.
3. Making sexually coloured remarks.
4. Showing pornography or other sexually explicit material.

Q4. What is an Internal Committee under the POSH Act, 2013?

An Internal Committee (IC) is a committee constituted by an employer at a workplace having 10 or more employees. It receives and investigates complaints of sexual harassment and recommends appropriate action.

Q5. What is a Local Committee under the POSH Act, 2013?

A Local Committee (LC) is established by the District Officer to receive complaints of sexual harassment from workplaces having fewer than 10 workers or where the complaint is against the employer.

B. Dowry

Q6. What is dowry?

Dowry refers to any property or valuable security given or agreed to be given directly or indirectly by one party to a marriage to the other party, or by the parents or other persons, in connection with the marriage, as defined under the Dowry Prohibition Act, 1961.

Q7. What are the main objectives of the Dowry Prohibition Act, 1961?

The main objective of the Act is to prohibit the giving, taking and demanding of dowry. It aims to protect women from dowry-related harassment, exploitation and violence.

Q8. Mention any two punishments for demanding or taking dowry.

Under the Dowry Prohibition Act, 1961:

1. Taking or giving dowry is punishable with imprisonment of at least five years and a fine of at least ₹15,000 or the value of the dowry, whichever is greater, subject to statutory exceptions.
2. Demanding dowry is punishable with imprisonment of six months to two years and a fine up to ₹10,000.

Q9. What is dowry harassment?

Dowry harassment refers to physical or mental cruelty inflicted on a married woman by her husband or his relatives in connection with unlawful demands for dowry. It may include threats, assault, emotional abuse and other forms of pressure.

Q10. What is the significance of the Dowry Prohibition Act, 1961?

The Act helps prevent the exploitation of women in the name of marriage. It makes dowry-related practices punishable by law and promotes equality, dignity and respect for women in society.

C. Domestic Violence

Q11. What is domestic violence?

Domestic violence refers to physical, sexual, verbal, emotional or economic abuse committed against a woman within a domestic relationship. It may be committed by her husband or other persons connected through a domestic relationship.

Q12. What are the main objectives of the Domestic Violence Act, 2005?

The main objectives are to protect women from domestic abuse, ensure their safety and provide legal remedies. It also provides protection orders, residence orders, monetary relief and other forms of assistance.

Q13. Mention any four forms of domestic violence.

The four major forms of domestic violence are:

1. Physical abuse.
2. Sexual abuse.
3. Verbal and emotional abuse.
4. Economic abuse.

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Q14. Who is a Protection Officer under the Domestic Violence Act, 2005?

A Protection Officer is an officer appointed by the State Government under Section 8 of the Act. The officer assists an aggrieved woman in filing complaints, preparing reports and accessing legal protection and other available services.

Q15. What are the major legal remedies available to women under the Domestic Violence Act, 2005?

Women can seek protection orders, residence orders, monetary relief, temporary custody of children and compensation orders. These remedies aim to protect women and provide relief from domestic violence.

BROAD ANSWER:

Q1. Explain the meaning, objectives and important provisions of the Sexual Harassment of Women at Workplace Act, 2013.

Answer:

Introduction

Women have the right to work in a safe, respectful and secure environment. However, sexual harassment at workplaces is a serious problem that affects women's dignity, equality and professional growth. To protect women from such harassment, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act.

1. Meaning of Sexual Harassment

Sexual harassment refers to any unwelcome act or behaviour of a sexual nature that affects a woman's dignity and creates an uncomfortable working environment.

According to the Act, sexual harassment includes:

1. Physical contact and advances.
2. A demand or request for sexual favours.
3. Making sexually coloured remarks.
4. Showing pornography or sexually explicit material.
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

2. Objectives of the POSH Act, 2013

The main objectives of this Act are:

1. Prevention of Sexual Harassment: To prevent sexual harassment of women in workplaces and create awareness about women's rights.

2. Protection of Women: To protect the dignity, safety and equality of women employees.

3. Prohibition of Harassment: To prohibit all forms of unwelcome sexual behaviour at workplaces.

4. Complaint Redressal: To provide a proper legal mechanism for women to report complaints and seek justice.

5. Safe Working Environment: To ensure that women can work without fear, discrimination or exploitation.

3. Important Provisions of the Act

1. Coverage of Workplaces: The Act covers government and private organisations, educational institutions, hospitals, sports institutions and other workplaces. It also covers certain unorganised workplaces.

2. Internal Committee (IC): Every workplace having 10 or more employees must constitute an Internal Committee to receive and address complaints of sexual harassment.

3. Local Committee (LC): The District Officer establishes a Local Committee to receive complaints from workplaces having fewer than 10 workers and cases where the complaint is against the employer.

4. Time Limit for Complaints: An aggrieved woman should generally file a written complaint within three months of the incident. In appropriate circumstances, the committee may extend the period by another three months with recorded reasons.

5. Inquiry and Action: The committee conducts an inquiry and recommends appropriate action according to the Act.

6. Confidentiality: The identity of the complainant, respondent and witnesses, along with complaint details and inquiry proceedings, must be kept confidential as required by law.

4. Responsibilities of Employers

Employers must provide a safe working environment, display information about the Act, organise awareness programmes, assist the

committee during inquiries and take appropriate action on its recommendations.

5. Importance of the Act

The POSH Act encourages gender equality, protects women's dignity, prevents workplace exploitation and gives women a legal platform to raise their complaints.

Q2. Explain the role, composition and functions of the Internal Committee and Local Committee under the POSH Act, 2013.

Answer:

Introduction

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a proper mechanism for addressing complaints of sexual harassment. For this purpose, the Act provides two important committees: the Internal Committee (IC) and the Local Committee (LC). These committees play an important role in protecting women and ensuring justice at workplaces.

1. Internal Committee (IC)

The Internal Committee is constituted by an employer at a workplace having 10 or more employees. Its main responsibility is to receive and inquire into complaints of sexual harassment made by women employees.

2. Composition of the Internal Committee

According to Section 4 of the POSH Act, the Internal Committee consists of:

1. Presiding Officer: A senior-level woman employee who acts as the head of the committee.

2. Employee Members: At least two members from among employees who are committed to women's causes or have experience in social work or legal knowledge.
3. External Member: One member from an NGO, association or a person familiar with issues relating to sexual harassment.

At least half of the nominated members must be women.

3. Functions of the Internal Committee

The major functions are:

1. Receiving Complaints: It receives written complaints from aggrieved women regarding sexual harassment at the workplace.

2. Conducting Inquiry: It conducts a fair and impartial inquiry into complaints according to the provisions of the Act.

3. Recommending Action: After completing the inquiry, it recommends appropriate action against the person found responsible.

4. Creating Awareness: It organises awareness programmes and training sessions to prevent sexual harassment.

5. Maintaining Confidentiality: It protects the privacy of the complainant, respondent and witnesses during the complaint process.

4. Local Committee (LC)

The Local Committee is established by the District Officer under Section 6 of the POSH Act, 2013. It provides a complaint mechanism for women who may not have access to an Internal Committee.

It mainly deals with:

- Complaints from workplaces having fewer than 10 employees.
- Complaints against the employer.

5. Composition of the Local Committee

The Local Committee generally consists of:

1. A Chairperson who is an eminent woman committed to the cause of women.
2. One member from among women working in the block, taluka or tehsil.
3. Two members, including at least one woman, from NGOs or associations committed to women's causes or familiar with issues relating to sexual harassment.
4. An ex-officio member from the district administration.

6. Functions of the Local Committee

The major functions include:

- Receiving complaints from eligible women.
- Conducting inquiries into complaints.
- Recommending appropriate action.
- Providing support to women who face workplace harassment.
- Helping ensure that women in small workplaces also receive legal protection.

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7. Importance of These Committees

Both committees provide women with accessible platforms to report harassment. They encourage employers to maintain safe workplaces and help ensure accountability. They also promote awareness and prevent workplace discrimination.

8. Difference Between Internal and Local Committees

Internal Committee	Local Committee
Constituted by the employer	Established by the District Officer

For workplaces with 10 or more employees	For workplaces with fewer than 10 workers and complaints against the employer
Operates within the workplace	Operates at the district level
Section 4	Section 6

Q3. Explain the meaning, causes, effects and legal provisions relating to dowry in India.

Answer:

Introduction

Dowry is one of the serious social problems affecting women in Indian society. It creates financial pressure on families and often leads to harassment, cruelty and violence against married women. To prevent this harmful practice, the Government of India enacted the Dowry Prohibition Act, 1961.

1. Meaning of Dowry

According to Section 2 of the Dowry Prohibition Act, 1961, dowry means any property or valuable security given or agreed to be given directly or indirectly by one party to a marriage to the other party, or by the parents or other persons, in connection with the marriage.

However, voluntary presents given at the time of marriage without any demand may be permitted under the rules, subject to the conditions prescribed by law.

2. Causes of the Dowry System

The major causes of the dowry system are:

1. Social Customs: In some communities, dowry has become a traditional practice followed during marriage ceremonies.

2. Gender Inequality: The belief that women are economically dependent on men encourages dowry-related discrimination.

3. Greed and Financial Demands: Some families demand money, vehicles, property and expensive gifts from the bride's family.

4. Lack of Education: Lack of awareness about women's rights and laws allows dowry practices to continue.

5. Social Pressure: Families sometimes give dowry because of fear of social criticism or rejection of marriage proposals.

3. Effects of the Dowry System

1. Financial Burden: Dowry creates heavy financial pressure on the bride's family.

2. Domestic Violence: Women may face physical and mental harassment when their families fail to fulfil dowry demands.

3. Mental Suffering: Dowry-related pressure can cause stress, fear, depression and insecurity among women.

4. Gender Discrimination: It strengthens the belief that daughters are a financial burden on their families.

5. Dowry Deaths: In serious cases, women may face extreme cruelty and even death due to dowry-related harassment.

4. Legal Provisions Under the Dowry Prohibition Act, 1961

The Act provides several important legal provisions:

1. Section 3 – Penalty for Giving or Taking Dowry: Giving, taking or helping in giving or taking dowry is punishable with imprisonment of at least five years and a fine of at least ₹15,000 or the value of the dowry, whichever is greater, subject to statutory exceptions.

2. Section 4 – Penalty for Demanding Dowry: A person who directly or indirectly demands dowry from the parents, relatives or guardian of a bride or bridegroom is punishable with imprisonment of six months to two years and a fine up to ₹10,000.

3. Section 5 – Agreement for Giving or Taking Dowry: Any agreement for giving or taking dowry is void.

4. Section 6 – Dowry to Be for the Benefit of the Wife: Dowry received by someone other than the woman must be transferred to her according to the conditions and time limits provided under the Act.

5. Section 8 – Cognizable and Non-Bailable Offences: Offences under the Act are treated as cognizable and non-bailable, subject to the applicable legal provisions.

5. Measures to Prevent Dowry

- Spread awareness through education.
- Encourage simple and dowry-free marriages.
- Promote gender equality.
- Report dowry demands and harassment to the authorities.
- Enforce dowry prohibition laws effectively.

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Q4. Explain the meaning, types, causes and effects of domestic violence against women.

Answer:

Introduction

Domestic violence is a serious social and legal problem affecting women in India. It refers to different forms of abuse committed against a woman within a domestic relationship. Domestic violence affects women's physical health, mental well-being, dignity and independence. To protect women from such abuse, the Government of India enacted the Protection of Women from Domestic Violence Act, 2005.

1. Meaning of Domestic Violence

Domestic violence means physical, sexual, verbal, emotional or economic abuse committed against a woman within a domestic relationship.

Under the Domestic Violence Act, 2005, an aggrieved woman is a woman who is or has been in a domestic relationship with the respondent and alleges that she has experienced domestic violence.

2. Types of Domestic Violence

The major forms of domestic violence are:

1. Physical Abuse: Physical abuse includes beating, slapping, kicking, pushing, causing injuries or using physical force against a woman.

2. Sexual Abuse: It refers to any sexual conduct that abuses, humiliates or violates the dignity of a woman.

3. Verbal and Emotional Abuse: It includes insulting, humiliating, threatening, name-calling and repeatedly causing emotional suffering to a woman.

4. Economic Abuse: It includes denying financial resources, preventing a woman from accessing money, restricting her access to household necessities or unlawfully disposing of her property.

5. Dowry-Related Harassment: A woman may face physical or mental abuse due to unlawful demands for money, property or valuable gifts.

3. Causes of Domestic Violence

1. Gender Inequality: The belief that men are superior to women may encourage abusive behaviour.

2. Dowry Demands: Unlawful demands for dowry can lead to harassment and violence.

3. Lack of Education and Awareness: Lack of knowledge about women's rights and legal protection may prevent women from seeking help.

4. Financial Dependence: Economic dependence on family members may make it difficult for women to leave abusive situations.

5. Social and Family Pressure: Fear of social criticism and family reputation may discourage women from reporting violence.

4. Effects of Domestic Violence

1. Physical Injuries: Women may suffer injuries, health problems and long-term physical difficulties.

2. Mental Stress: Domestic violence can cause fear, anxiety, emotional suffering and loss of confidence.

3. Family Problems: It can damage family relationships and create an unhealthy environment for children.

4. Economic Difficulties: Women may lose financial independence and face difficulties in maintaining their livelihood.

5. Social Isolation: Victims may become isolated from friends, relatives and society.

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5. Legal Protection Against Domestic Violence

The Protection of Women from Domestic Violence Act, 2005 provides legal protection to women through:

- Protection orders.
- Residence orders.
- Monetary relief.
- Temporary custody orders.
- Compensation orders.

6. Importance of Preventing Domestic Violence

Preventing domestic violence is necessary to protect women's human rights, promote gender equality and create a peaceful family and social environment. Education, awareness, financial independence and proper law enforcement can help reduce domestic violence.

Q5. Explain the important provisions, protection orders and remedies available to women under the Protection of Women from Domestic Violence Act, 2005.

Answer:

Introduction

The Protection of Women from Domestic Violence Act, 2005 is an important law enacted to protect women from different forms of domestic abuse. It recognises that violence within a family may be physical, sexual, verbal, emotional or economic. The Act provides civil remedies to protect women and ensure their safety, dignity and right to live in a violence-free environment.

1. Objectives of the Act

The main objectives of the Domestic Violence Act, 2005 are:

1. To protect women from domestic violence.
2. To prevent physical, sexual, emotional and economic abuse.
3. To provide immediate legal protection to affected women.
4. To ensure the right of women to reside in a shared household.
5. To provide financial support and compensation to victims.
6. To promote women's dignity, safety and equality.

2. Important Provisions of the Act

1. Definition of Domestic Violence: Section 3 defines domestic violence and includes physical, sexual, verbal, emotional and economic abuse.

2. Right to Reside in a Shared Household: Section 17 provides that every woman in a domestic relationship has the right to reside in the shared household, whether or not she has any ownership or beneficial interest in it.

3. Appointment of Protection Officers: Section 8 provides for the appointment of Protection Officers by the State Government to assist affected women.

4. Service Providers: Section 10 recognises service providers, including registered organisations, which can assist women through medical, legal and other support services.

5. Role of the Magistrate: The Magistrate hears applications and may grant appropriate reliefs under the Act.

3. Important Orders and Remedies Available to Women

The Act provides several important remedies:

1. Protection Order – Section 18

The Magistrate may pass a protection order to prevent the respondent from committing domestic violence, contacting or threatening the aggrieved woman, or engaging in other prohibited acts.

2. Residence Order – Section 19

The Magistrate may pass a residence order to protect the woman's right to reside in the shared household. The order may also restrict the respondent from dispossessing her unlawfully or disturbing her peaceful residence.

3. Monetary Relief – Section 20

The Magistrate may grant monetary relief to meet expenses and losses suffered by the woman, including medical expenses, loss of earnings and maintenance for herself or her children, as appropriate.

4. Custody Order – Section 21

The Magistrate may grant temporary custody of children to the aggrieved woman or a person making an application on her behalf, where appropriate.

5. Compensation Order – Section 22

The Magistrate may order the respondent to pay compensation for injuries, including mental torture and emotional distress caused by domestic violence.

6. Interim and Ex Parte Orders – Section 23

The Magistrate may pass interim orders and, where the legal conditions are satisfied, ex parte orders to provide urgent protection to the woman.

4. Role of Protection Officers

Protection Officers help women access legal remedies. Their responsibilities include:

- Assisting women in submitting applications.
- Preparing Domestic Incident Reports.
- Informing women about their legal rights.
- Helping arrange legal, medical and shelter services.
- Assisting in implementing court orders.

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5. Importance of the Act

The Act is important because it recognises different forms of domestic abuse and provides legal remedies beyond criminal punishment. It protects women's residence rights, financial security and personal dignity. It also helps women seek legal assistance without having to leave their homes immediately.

UNIT – 5

ONE MARK:

Q1. What is a consumer?

A consumer is a person who buys goods or hires services for consideration (payment), as defined under the Consumer Protection Act, 2019.

Q2. Which Act protects consumer rights in India?

The Consumer Protection Act, 2019, protects consumer rights in India.

Q3. In which year was the Consumer Protection Act, 2019 enacted?

The Consumer Protection Act was enacted in 2019.

Q4. How many basic consumer rights are recognised under the Consumer Protection Act, 2019?

Six basic consumer rights are recognised under the Consumer Protection Act, 2019.

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Q5. What is the Right to Information in consumer protection?

It is the right of consumers to know the quality, quantity, purity, price and standard of goods or services.

B. Right to Information (RTI)

Q6. What is the full form of RTI?

RTI stands for Right to Information.

Q7. Which Act provides the Right to Information in India?

The Right to Information Act, 2005, provides the Right to Information in India.

Q8. In which year did the RTI Act come into force?

The RTI Act came into force on 12 October 2005.

Q9. What is the main objective of the RTI Act, 2005?

Its main objective is to promote transparency and accountability in the working of public authorities.

Q10. Who can file an RTI application in India?

Any citizen of India can file an RTI application under the RTI Act, 2005.

C. Cyber Crimes

Q11. What is cybercrime?

Cybercrime refers to illegal activities committed using computers, digital devices, networks or the internet.

Q12. Which Act deals with cybercrime in India?

The Information Technology Act, 2000, is the primary law dealing with cybercrime in India.

Q13. What is phishing?

Phishing is a cybercrime in which criminals use fake emails, messages or websites to steal personal and financial information.

Q14. What is identity theft?

Identity theft refers to the dishonest use of another person's personal or digital identity without permission.

Q15. What is hacking?

Hacking refers to unauthorised access to a computer system, network or digital device.

TWO MARK:

Q1. What are consumer rights?

Consumer rights are the legal rights given to consumers to protect them from unfair trade practices, exploitation and defective goods or services. These rights ensure consumer safety, awareness and fair treatment in the marketplace.

Q2. Mention any four consumer rights in India.

The four important consumer rights are:

1. Right to Safety.
2. Right to Information.
3. Right to Choose.
4. Right to be Heard.

Q3. What is the main objective of the Consumer Protection Act, 2019?

The main objective of the Act is to protect consumers from unfair trade practices, defective goods and deficient services. It also provides a proper mechanism for resolving consumer disputes and ensuring justice.

Q4. What is the Right to Safety?

The Right to Safety protects consumers against goods and services that may be dangerous to their life and property. It ensures that consumers receive safe and quality products.

Q5. What is the Central Consumer Protection Authority (CCPA)?

The CCPA is a statutory authority established under the Consumer Protection Act, 2019. It protects consumer rights, investigates unfair trade practices and takes action against misleading advertisements.

B. Right to Information (RTI)

Q6. What is the Right to Information (RTI)?

The Right to Information is a legal right that allows Indian citizens to obtain information from public authorities. It promotes transparency, accountability and public participation in government activities.

Q7. What are the main objectives of the RTI Act, 2005?

The main objectives are:

1. To promote transparency in government administration.

2. To ensure accountability of public authorities.
3. To reduce corruption.
4. To empower citizens by providing access to government information.

Q8. Who is a Public Information Officer (PIO)?

A Public Information Officer (PIO) is an officer appointed by a public authority to receive RTI applications and provide the requested information to citizens under the RTI Act, 2005.

Q9. What is the normal time limit for providing information under the RTI Act?

The normal time limit is 30 days from the date of receipt of the application. If the information concerns the life or liberty of a person, it must be provided within 48 hours.

Q10. What is the role of the Central Information Commission (CIC)?

The Central Information Commission is an independent statutory body that hears appeals and complaints under the RTI Act, 2005. It helps ensure the proper implementation of the right to information at the central level.

C. Cyber Crimes

Q11. What is cybercrime? Mention any two examples.

Cybercrime refers to illegal activities committed through computers, mobile phones, digital devices or the internet. Two examples are hacking and online financial fraud.

Q12. What is the Information Technology Act, 2000?

The Information Technology Act, 2000 is India's primary law dealing with electronic records, digital transactions and various cyber offences. It provides legal recognition to electronic records and supports action against cybercrime.

Q13. What is phishing?

Phishing is a cybercrime in which criminals use fake emails, messages or websites to trick people into sharing confidential information such as passwords, bank details and OTPs.

Q14. What is cyberbullying?

Cyberbullying refers to harassing, threatening, insulting or humiliating a person through digital platforms such as social media, messaging applications and websites.

Q15. Mention any four measures to prevent cybercrime.

The four important measures are:

1. Use strong and unique passwords.
2. Never share OTPs, PINs or banking details.
3. Avoid clicking suspicious links.
4. Use trusted websites and enable two-factor authentication.

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BROAD ANSWER:

Q1. Explain the meaning, objectives and six basic rights of consumers under the Consumer Protection Act, 2019.

Answer:

Introduction

Consumers play an important role in the economy because they purchase goods and services for their daily needs. However, consumers may face problems such as defective products, adulteration, overcharging, misleading advertisements and poor-quality services. To protect consumers from such exploitation, the Government of India enacted the Consumer Protection Act, 2019, replacing the Consumer Protection Act, 1986.

1. Meaning of Consumer Rights

Consumer rights are the legal rights provided to individuals to protect them from unfair trade practices and exploitation in the marketplace. These rights ensure that consumers receive safe, quality products and proper services at reasonable prices.

2. Objectives of the Consumer Protection Act, 2019

The main objectives of the Act are:

1. To protect consumers from unfair trade practices.
2. To prevent the sale of defective and unsafe goods.
3. To protect consumers against misleading advertisements.
4. To provide a simple and speedy system for resolving consumer disputes.
5. To promote consumer awareness and education.
6. To establish authorities for the protection of consumer rights.

3. Six Basic Consumer Rights

The Consumer Protection Act, 2019 recognises six important consumer rights:

1. Right to Safety: Consumers have the right to be protected against goods and services that may be dangerous to their life and property.

2. Right to Information: Consumers have the right to receive correct information about the quality, quantity, purity, standard and price of goods and services.

3. Right to Choose: Consumers have the right to access different goods and services at competitive prices. They should not be forced to purchase a particular product or service.

4. Right to Be Heard: Consumers have the right to express their complaints and interests before appropriate consumer authorities.

5. Right to Seek Redressal: Consumers have the right to seek remedies against unfair trade practices, defective goods and deficient services.

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6. Right to Consumer Awareness: Consumers have the right to acquire knowledge and awareness about their rights and responsibilities.

4. Important Features of the Consumer Protection Act, 2019

The Act introduced several important features:

- Establishment of the Central Consumer Protection Authority (CCPA).
- Provision for consumer dispute redressal commissions.
- Recognition of e-commerce transactions.
- Action against misleading advertisements.
- Provision for product liability.
- Simplified procedures for filing consumer complaints, including electronic filing.

5. Importance of Consumer Rights

Consumer rights are important because they protect people from exploitation, encourage fair competition and improve the quality of goods and services. They also create awareness among consumers and make businesses more responsible.

Q2. Explain the structure, powers and functions of consumer dispute redressal commissions in India.

Answer:

Introduction

The Consumer Protection Act, 2019 provides a three-level system for resolving consumer disputes in India. These institutions help consumers obtain justice against defective goods, deficient services, unfair trade practices and other consumer-related problems. The three levels are the District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission.

1. District Consumer Disputes Redressal Commission

The District Commission operates at the district level and is the first level of the consumer dispute redressal system.

Functions:

1. It receives consumer complaints within its jurisdiction.
2. It examines complaints relating to defective goods and deficient services.
3. It can order replacement of defective goods or refund of money.
4. It can award compensation to consumers where legally justified.
5. It can direct businesses to stop unfair trade practices.

Under the 2021 Jurisdiction Rules, the District Commission handles complaints where the value of goods or services paid as consideration does not exceed ₹50 lakh.

2. State Consumer Disputes Redressal Commission

The State Commission operates at the state level and deals with consumer complaints within its financial jurisdiction. It also hears appeals against orders of District Commissions.

Functions:

1. It hears complaints within its original jurisdiction.
2. It examines appeals against District Commission decisions.
3. It reviews consumer disputes according to the law.
4. It provides relief and compensation to consumers.
5. It helps ensure proper implementation of consumer protection laws.

Under the 2021 Jurisdiction Rules, it handles complaints where the value of goods or services paid as consideration exceeds ₹50 lakh but does not exceed ₹2 crore.

3. National Consumer Disputes Redressal Commission

The National Commission operates at the national level and is the highest consumer dispute redressal commission under the Consumer Protection Act, 2019.

Functions:

1. It hears consumer complaints within its original jurisdiction.
2. It hears appeals against orders of State Commissions.
3. It exercises revisional jurisdiction in appropriate cases.
4. It provides remedies in major consumer disputes.
5. It helps maintain consistency in consumer protection decisions.

Under the 2021 Jurisdiction Rules, it handles complaints where the value of goods or services paid as consideration exceeds ₹2 crore.

4. Important Powers of Consumer Commissions

Consumer commissions have the power to:

- Order removal of defects in goods.
- Direct replacement of defective products.
- Order refunds of the amount paid.
- Award compensation for loss or injury.
- Stop unfair or restrictive trade practices.
- Direct withdrawal of hazardous goods from sale.
- Award costs to complainants where appropriate.

5. Importance of Consumer Dispute Redressal Commissions

These commissions provide an accessible legal platform for consumers. They reduce the burden on ordinary courts, promote fair business practices and protect consumers from exploitation. The three-level structure also makes it easier to handle disputes according to their value and jurisdiction.

Q3. Explain the meaning, objectives, important provisions and significance of the Right to Information Act, 2005.

Answer:

Introduction

The Right to Information (RTI) is an important democratic right that allows citizens to obtain information from public authorities. It promotes transparency, accountability and public participation in government administration. To provide this right legally, the Government of India enacted the Right to Information Act, 2005. The Act came into force on 12 October 2005.

1. Meaning of Right to Information

Right to Information means the right of Indian citizens to access information held by or under the control of public authorities. It includes the right to inspect government records, obtain copies of documents and receive information in electronic form.

2. Objectives of the RTI Act, 2005

The main objectives of the Act are:

1. Transparency: To make the working of government departments and public authorities more open and transparent.

2. Accountability: To make government officials answerable for their decisions and actions.

3. Reduction of Corruption: To discourage corruption and misuse of public funds by allowing citizens to access official information.

4. Empowerment of Citizens: To provide citizens with the information needed to participate in democratic processes.

5. Good Governance: To promote honesty, efficiency and responsibility in public administration.

3. Important Provisions of the RTI Act, 2005

1. Right to Information – Section 3: Every Indian citizen has the right to obtain information under the provisions of the Act.

2. Public Authorities – Section 2(h): The Act applies to public authorities established or constituted by the Constitution, laws or government notifications, and certain bodies owned, controlled or substantially financed by the government.

3. Public Information Officer – Section 5: Every public authority must appoint Public Information Officers (PIOs) to receive and process RTI applications.

4. Application for Information – Section 6: Citizens can submit an application in writing or electronically in English, Hindi or the official language of the area. Applicants are not required to give reasons for seeking information.

5. Time Limit – Section 7: Information is generally provided within 30 days. If the request concerns the life or liberty of a person, information must be provided within 48 hours.

6. Exemptions – Section 8: Certain information is exempt from disclosure, including specified information relating to national security, privacy and other protected interests.

7. Appeal – Section 19: An applicant can file a first appeal and, where necessary, a second appeal before the appropriate Information Commission.

4. Information Commissions

The Act provides for two important bodies:

- Central Information Commission (CIC): Deals with appeals and complaints relating to central public authorities.
- State Information Commission (SIC): Deals with appeals and complaints relating to state public authorities.

5. Importance of the RTI Act

- It promotes transparency in government administration.

- It helps expose corruption and irregularities.
- It increases public participation in democracy.
- It makes public officials more accountable.
- It empowers ordinary citizens to question administrative decisions.

Q4. Explain the meaning, types, causes and effects of cybercrime in India. Discuss the important legal provisions relating to cybercrime.

Answer:

Introduction

The use of computers, smartphones and the internet has increased rapidly in modern society. Digital technology has made communication, banking, education and business easier. However, it has also created opportunities for criminals to commit offences through digital platforms. These illegal activities are known as cybercrimes. In India, the Information Technology Act, 2000 is the primary legislation dealing with electronic records and various cyber offences.

1. Meaning of Cybercrime

Cybercrime refers to illegal activities committed using computers, mobile phones, digital devices, computer networks or the internet. It includes stealing information, online fraud, hacking, identity theft and cyber harassment.

2. Major Types of Cybercrime

1. Hacking: Hacking involves unauthorised access to a computer system, network or digital device.

2. Phishing: Phishing is a method in which criminals use fake emails, messages or websites to steal passwords, banking details and other confidential information.

3. Identity Theft: It refers to the dishonest use of another person's electronic signature, password or other unique identification features.

4. Online Financial Fraud: It includes cheating people through fake payment links, fraudulent websites, UPI scams and other online financial activities.

5. Cyberbullying: It involves threatening, insulting, harassing or humiliating people through social media and other digital platforms.

6. Data Theft: It refers to stealing confidential or personal information from computers, networks or online accounts without permission.

3. Causes of Cybercrime

The major causes include:

1. Lack of awareness about online safety.
2. Weak passwords and poor security practices.
3. Increasing use of digital payment systems.
4. Sharing personal information on unsafe websites.
5. Availability of fake links and fraudulent applications.
6. Lack of proper cybersecurity measures.

4. Effects of Cybercrime

1. Financial Loss: Victims may lose money through online banking and payment fraud.

2. Privacy Violation: Criminals may steal personal photographs, messages and confidential information.

3. Mental Stress: Cyberbullying and online harassment can cause fear, anxiety and emotional suffering.

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4. Damage to Reputation: Misuse of personal information can damage the reputation of individuals and organisations.

5. Business Loss: Cyberattacks can cause financial damage and interrupt the operations of businesses.

5. Important Legal Provisions Under the Information Technology Act, 2000

1. Section 43: Provides for compensation for certain unauthorised acts involving computer systems and data.

2. Section 66: Deals with computer-related offences committed dishonestly or fraudulently.

3. Section 66C: Deals with identity theft, including dishonest use of another person's electronic signature, password or unique identification feature.

4. Section 66D: Deals with cheating by personation using computer resources or communication devices.

5. Section 67: Provides punishment for publishing or transmitting obscene material in electronic form.

6. Section 70: Deals with protected systems and unauthorised access to them.

6. Measures to Prevent Cybercrime

- Use strong and unique passwords.
- Never share OTPs, PINs or banking details.
- Avoid clicking unknown links.
- Use trusted websites and applications.
- Enable two-factor authentication.
- Report cyber fraud promptly through official channels.

Q5. Discuss the role of the Information Technology Act, 2000 in controlling cybercrime in India. Explain the measures for preventing cybercrime.

Answer:

Introduction

Cybercrime has become a major challenge in modern society because of the increasing use of computers, smartphones, social media and digital payment systems. Cybercriminals use technology to commit fraud, steal information, threaten individuals and damage computer systems. To regulate electronic activities and deal with cyber offences, India enacted the Information Technology Act, 2000. It is the primary law dealing with cyber-related offences in India.

1. Meaning of the Information Technology Act, 2000

The Information Technology Act, 2000 is an Indian law that provides legal recognition to electronic records and electronic transactions. It also contains provisions for dealing with various offences committed through computers and digital communication systems.

2. Main Objectives of the IT Act, 2000

The main objectives of the Act are:

1. To provide legal recognition to electronic records and digital transactions.
2. To prevent unauthorised access to computer systems.
3. To protect electronic data and information.
4. To deal with online fraud and identity theft.
5. To provide punishment and compensation for specified cyber offences.
6. To promote safe and secure electronic communication.

3. Important Legal Provisions

The IT Act contains several provisions to control cybercrime:

1. Section 43 – Unauthorised Access: It provides for compensation for certain unauthorised acts involving computer systems, networks or data, such as accessing or downloading information without permission.

2. Section 66 – Computer-Related Offences: It provides punishment when certain acts referred to in Section 43 are committed dishonestly or fraudulently.

3. Section 66C – Identity Theft: It deals with the dishonest or fraudulent use of another person's electronic signature, password or unique identification feature.

4. Section 66D – Online Cheating: It deals with cheating by personation using computer resources or communication devices, such as certain forms of online impersonation fraud.

5. Section 67 – Obscene Material: It provides punishment for publishing or transmitting obscene material in electronic form.

6. Section 70 – Protected Systems: It deals with unauthorised access to computer resources declared as protected systems.

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4. Role of the IT Act in Controlling Cybercrime

The IT Act plays an important role in controlling cybercrime in the following ways:

- It provides a legal framework for dealing with cyber offences.
- It protects electronic records and digital transactions.
- It provides punishment for specified online fraudulent activities.
- It helps protect individuals and organisations against certain forms of cyberattacks.
- It supports the investigation and prosecution of cyber-related offences.
- It promotes confidence in digital communication and online services.

5. Measures to Prevent Cybercrime

Individuals and organisations should follow these safety measures:

1. Strong Passwords: Use strong and unique passwords for different online accounts.

2. Protect Personal Information: Never share OTPs, PINs, passwords or banking details with unknown persons.

3. Avoid Suspicious Links: Do not click unknown links or download files from untrusted sources.

4. Use Secure Websites: Always use trusted websites and applications for online transactions.

5. Enable Two-Factor Authentication: Use additional security verification to protect online accounts.

6. Report Cybercrime: Report online fraud and cyber offences to the appropriate authorities. In India, complaints can be submitted through the National Cyber Crime Reporting Portal or by calling the cybercrime helpline number 1930 for financial cyber fraud.

6. Importance of Cybersecurity Awareness

Cybersecurity awareness helps people identify online threats and protect their personal information. Schools, colleges, government departments and organisations should conduct awareness programmes to educate people about safe internet practices.