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JKPSC Prosecuting Officer (Mains)

**Previous Year Paper
Special Laws-II
Paper-VII 24 Feb 2022**



PAPER - VII
SPECIAL LAWS - II

Time Allotted - 3 Hours

Maximum Marks-250

INSTRUCTIONS

- i) Question paper contains Two parts A and B.
- ii) Any Five questions in all selecting minimum Two questions from each part.
- iii) All questions shall carry equal marks.
- iv) The part/parts of the same question must be answered together and should not be interposed between answers to other questions.
- v) If you encounter any typographical error, please read it as it appears in the text book.
- vi) Candidates are, in their own interest, advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.
- vii) No continuation sheets shall be provided to any candidate under any circumstances.
- viii) Candidates shall put a cross (x) on blank pages of Answer Script.
- ix) No blank page be left in between answer to various questions.

PART - A

1. Seema is a 17 year old Nepali Citizen, who used to live in Pokhara Nepal. In June 2021, Seema met with Alok (aged 23 year) who promised her a better life in India. Relying on Alok, Seema moved to India, where Alok sold her to a human trafficking racket active in Bengal Area. Seema was transported to Sonagachi during Sep 2021, the infamous Red light District in Kolkata. During a raid in this area, Police rescued Seema. On the basis of evidence provided by Seema, Police arrested Alok at Indo-Nepal Border, Pillar (Bihar). In light of the above fact, discuss on the basis of statutory provisions and decided case laws on the following:-
 - (a) Discuss the criminal liability of Alok in the above stated case. (15)
 - (b) Discuss the procedure that needs to be adopted by police after rescuing Seema. (15)
 - (c) Discuss Human Trafficking related laws under Indian Penal Code. (20)
2. Anita is a Social Activist who works for the rights of Children. During her visit to one orphanage situated in District Darbhanga (Bihar) she came to know that the Janitor of said orphanage used to show pornographic content to the minor children. Anita complained about the same to the management of the orphanage, but she did not get positive response from them. Later on she came to know that the management was already aware about the activities of the Janitor but they never even reprimanded him over his behaviour. Anita lodged a formal complaint under Protection of Children from Sexual Offences Act,2012. In light of the above fact, statutory provisions and decided case laws, discuss:
 - (a) The Criminal liability of the Janitor under Protection of Children from Sexual Offences Act, 2012. (15)
 - (b) The Criminal liability of the management under Protection of Children from Sexual Offences Act, 2012. (15)
 - (c) With the help of appropriate case laws and illustrations, critically analyse the effectiveness of the implementation of Protection of Children from Sexual Offences Act, 2012. (20)
3. Ramesh is a Dehradun based businessman who deals in exporting of Handicraft products. XiHun Jong is a Chinese citizen and a trader of handicraft products. In November 2020, Ramesh met Jong in a business conclave held at Shanghai. Ramesh shared his prospective business idea with XiHun and they both agreed to trade in the handicraft product from India. The scope of work was fixed between both. XiHun proposed Ramesh to digitally sign the contract and other trade related documents.
In light of the above fact, statutory provisions and decided case laws, discuss.
 - (a) Suggest Ramesh, relevance of 'Digital Signature', and how he can get one. (15)
 - (b) Explain the role of various 'Keys' provided under Chapter VIII of Information Technology Act, 2000. (15)
 - (c) With the provision of laws, explain the concept of 'Electronic Governance' in Information Technology Act, 2000. (20)

4. On the night of 16th September 2021, Nirbhaya, a 17 year old girl was brutally raped by a gang of 4 males Adil (15 years of age), Bhusan (17 years of age), Chaman (20 years of age) and Dinesh (22 years of age). Nirbhaya died on 21st September 2021. After the due investigation, it was found that Adil plotted this rape and also was the most brutal. During the trial Sessions Court has awarded the death penalty to all four convicted. Adil and Bhusan had challenged the trial on the plea that at the time of committing the offence they were juvenile.

(a) Analyse the sentence passed by Session Court in light of Juvenile Justice Act. (15)

(b) Explain the procedure needed to be followed by the Session Court after passing a death sentence, also analyze the options remaining in the hand of the accused in this case. (15)

(c) Critically analyse the Juvenile Justice (Amendment) Act, 2021. (20)

PART - B

5. Pramod Kumar (Ex- Gram Pradhan) is husband of Meera Devi, who is currently Gram Pradhan of village Jalali District Mahoba (U.P.). In January 2021, Umesh, a builder contacted Pramod regarding some construction on the land of village panchayat. Umesh offered a bribe of 10 Lakh in lieu of giving approval by village pradhan to Pramod, which he accepted. The said approval was granted to Umesh by the end of April 2021. In light of the above fact, statutory provisions and decided case laws, discuss.

(a) Whether Pramod can be prosecuted under Prevention of Corruption Act, 1988. (15)

(b) With the help of appropriate case laws and provisions of law, define 'Public Servant' under Prevention of Corruption Act, 1988. (15)

(c) Explain the various offences provided under the Prevention of Corruption Act, 1988 along with the prescribed Punishment. (20)

6. Make-my-Team.com is an online fantasy sports platform in India. In April 2017, a case was filed against Make-my-Team.com to initiate criminal proceedings in Delhi High Court. The main defence of the respondent was based on the Public Gambling Act, 1867. The Respondent stated that there is a substantial degree of skill attached to it, and contended that Make-my-Team is providing a game of skill and not chance, hence it does not amount to gambling under the Public Gambling Act, 1867. In the light of above fact, decided case laws and statutory provisions, answer the following.

(a) The validity of the argument presented by Make-my-Team.com. (15)

(b) What is the difference between Game of Chance and Game of Skill under the Public Gambling Act, 1867. (15)

(c) In light of the 'Schedule 7' of the Constitution of India, explain the constitutional validity of the Public Gambling Act, 1867. (20)

7. Hitesh is an Engineering student from Dehradun. On his birthday (25 December 2020) Hitesh plans to visit Rajaji National Park along with his 5 friends including two females. Hitesh booked a resort near the National Park. On the evening of 25 December 2020, Hitesh along with his friends illegally crossed the boundaries of the national park in order to have some adventures in the forest. They collected some fallen tree branches and started a bonfire. Also they caught a rabbit in the forest and roast it on fire to prepare dinner.

In the light of above fact, decided case laws and statutory provisions answer the following.

(a) Whether Hitesh and his Friend committed any offence under Indian Forest Act, 1927? (15)

(b) Explain the various offences provided under the Indian Forest Act, 1927 along with the prescribed Punishment. (15)

(c) Explain the concept of Village Forest provided under Indian Forest Act, 1927. (20)

8. Pooja is a 16 year old, 12th class student who lives in Jaipur. Her parents want her to prepare for the NEET examination and decide to send her to a prestigious coaching institute in Kota (Rajasthan). While looking for the housing arrangements, Pooja realises that she requires a vehicle to commute for coaching classes and ask her parents to buy a Petrol based 125 CC scooty for her.

In the light of above fact, statutory provisions and decided case laws, answer the following.

(a) Pooja parents argued that you are a minor and it is not good for you but she is adamant, decide whether Pooja can legally drive the said vehicle? (15)

(b) Describe the procedure to grant Heavy Driving License to individuals under Motor vehicle Act, 1988. (15)

(c) Explain the concept of 'Insurance' along with its classification provided under Motor vehicle Act, 1988 and indemnity. (20)