BLOGS

MCQs on the Indian Penal Code

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Read the passage and answer the following questions.

Passage 1

Section 498A of the Indian Penal Code (IPC) addresses the offence of “cruelty by husband or relatives of husband.” This provision aims to protect married women from cruelty and harassment by their husbands or their relatives. It recognizes the vulnerability and the need for legal safeguards against domestic violence.

According to Section 498A, if any person subjects a married woman to cruelty or harassment, either by themselves or with the assistance of others, they can be held liable for the offense. Cruelty includes both physical and mental harassment that may endanger the woman’s life, cause grave injury, or affect her mental well-being.

The provision acknowledges that acts of cruelty can take various forms, such as physical violence, verbal abuse, harassment for dowry, or constant emotional torment.

Section 498A serves as a deterrent against domestic violence and provides legal recourse to victims. It empowers women to report incidents of cruelty, seek protection, and take legal action against their perpetrators. The provision is intended to ensure the safety, dignity, and overall well-being of married women in society.

1. Suppose a woman is subjected to constant emotional abuse by her husband, which severely affects her mental well-being but does not involve physical violence. Would such behavior fall under the purview of Section 498A of the IPC?

a) Yes, as it recognizes mental harassment as a form of cruelty.

b) No, as the section only addresses physical violence.

c) Yes, but only if the woman’s life is endangered.

d) No, unless the emotional abuse leads to physical harm.

2. If a woman's in-laws demand dowry from her and subject her to harassment and cruelty when their demands are not fulfilled, what offense would they be liable for under the IPC?

a) Section 304B (dowry death).

b) Section 366 (kidnapping).

c) Section 377 (unnatural offenses).

d) Section 498A (cruelty by husband or relatives of husband).

3. Suppose a married woman files a complaint under Section 498A against her husband for physically abusing her. What legal actions can she take to protect herself?

a) File for divorce under Section 13B of the Hindu Marriage Act.

b) Seek a restraining order against her husband.

c) Approach the National Human Rights Commission for intervention.

d) Lodge a complaint with the Women's Helpline for counseling.

4. In a case where a woman's in-laws are accused of subjecting her to cruelty, what defense could they raise under Section 498A of the IPC?

a) Mistake of fact, claiming they were unaware of the woman's suffering.

b) Necessity, arguing that their actions were necessary to maintain family harmony.

c) Consent, stating that the woman willingly endured the alleged cruelty.

d) None, as Section 498A does not provide any legal defenses.

5. Suppose a woman files a complaint under Section 498A against her husband's relatives for subjecting her to cruelty. What measures can the court take to ensure her safety during the legal proceedings?

a) Issue a restraining order against the accused relatives.

b) Provide financial compensation to the woman as interim relief.

c) Offer counseling services to reconcile the couple's differences.

d) Grant the accused relatives custody of any minor children involved.

Answers

1. a
2. d
3. b
4. d
5. a

Passage 2

One of the crucial sections under criminal law in India is Section 376 of the Indian Penal Code (IPC), which deals with offenses related to rape. Rape is a heinous crime that inflicts severe physical, emotional, and psychological trauma on the victim. Section 376 provides legal protection to victims and ensures that the perpetrators of such crimes are held accountable for their actions.

According to Section 376, a person is said to commit the offense of rape if they engage in sexual intercourse with a woman without her consent, or with her consent obtained by coercion, deception, or under certain specified circumstances where consent is not possible. The section recognizes that consent must be given voluntarily, and any sexual activity without the explicit consent of the woman is deemed an offense.

Section 376 also encompasses various aggravated forms of rape, such as rape committed by a person in a position of authority, rape of a minor, gang rape, and rape resulting in the death or serious injury of the victim. These aggravated offenses attract harsher penalties, reflecting the gravity of the crime and the need for a strong deterrent.

1. Anil and Seema were in a relationship for several years. One night, under the influence of alcohol, Seema without the consent of Anil engaged in sexual intercourse with him. Assuming both of them had attained the age of majority, can Seema be liable for rape?

a) Yes, as the provision is gender neutral

b) No, as the provision is gender neutral

c) No, as the provision is not gender neutral

d) Cannot be determined

2. Had the situation been reversed, i.e., had Anil engaged in sexual intercourse with Seema, without her consent. Could Anil be held liable for rape?

a) Yes, as the provision is gender neutral

b) No, as the provision is gender neutral

c) Yes, as the provision is not gender neutral

d) Cannot be determined

3. According to Section 376 of the IPC, what constitutes the offense of rape in India?

a) Engaging in sexual activity with a minor, regardless of consent.

b) Having sexual intercourse with a woman without her consent or under coercive circumstances.

c) Any form of sexual activity between two individuals without their explicit consent.

d) Engaging in sexual activity with a person of authority without their consent.

4. In the above passage, assume that Anil had asked Seema before the intercourse whether she was consenting to the same. Seema had replied no, but later when Anil threatened her with a knife she said yes. Could then the act of sexual intercourse between these two individuals be termed as rape by Anil?

a) No, as Seema explicitly consented to the same.

b) Yes, as Seema did not voluntarily consent to the same.

c) Yes, as Seema had initially declined the question.

d) Both B and C.

5. Assuming Seema had been married to a third man named Rohit. Would Anil still be liable for rape?

a) No because a married woman cannot be raped under IPC

b) No because the act was consensual

c) Yes because martial status has no bearing on the liability of rape

d) Both A and B.

6. Mark the incorrect statement.

a) In an 'unlawful assembly'/'riot', there must be five or more members

b) An 'affray' can be committed by two or more

c) An 'unlawful assembly'/'riot' can take place in a public or private place

d) An 'affray' must take place in a private place only

7. Which of the following statement/statements is/are incorrect?

(i) Nothing is offence which is done in exercise of right of Private Defence under Indian Penal Code

(ii) A person has right to defend his own body only and not the body of others

(iii) Right of Private Defence is extended to cause death in defamation case

(iv) A person has the right of Private Defence where there is time to have recourse to the protection of the public authorities.

a) Only (iii) is incorrect

b) (i), (ii) and (iii) are incorrect

c) (ii), (iii) and (iv) are incorrect

d) (i), (ii), (iii) and (iv) all are incorrect

8. What is the meaning of the legal maxim "Actus non facit reum nisi mens sit rea"?

a) The act does not make a person guilty unless the mind is also guilty.

b) An act is not punishable unless it causes harm or injury.

c) The intention behind an act is irrelevant in determining guilt.

d) Ignorance of the law is not a valid defense in a criminal trial.

9. According to the IPC, which of the following is true regarding the defense of "mistake of fact"?

a) Mistake of fact is a valid defense for all criminal offenses.

b) Mistake of fact is a valid defense only for non-serious offenses.

c) Mistake of fact is a valid defense if it negates the existence of a guilty mind.

d) Mistake of fact is never recognized as a valid defense under the IPC.

10. Under Section 103 of Indian Penal Code, the right to Private Defence of property extends to causing death if the offence is:

a) House-breaking by night

b) Robbery

c) Mischief by fire committed on any building

d) All of the above

Answers

1. c
2. c
3. b
4. b
5. c
6. d
7. c
8. a
9. c
10. d

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