BLOGS

Passage Questions on Criminal Law for CLAT PG

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It is argued on behalf of the retentions that having regard to the elaborate procedural safeguards enacted by the law in cases involving capital punishment, the possibility of mistake is more imaginary than real and these procedural safeguards virtually make conviction of an innocent person impossible. But I do not think this argument is well founded. It is not supported by factual data.

Hugo Bedau in his well known book, “The Death Penalty in America” has individually documented seventy four cases since 1893 in which it has been responsibly charged and in most of them proved “beyond doubt, that persons were wrongly convicted of criminal homicide in America.

Eight out of these seventy four, though innocent, were executed. Redin, Gardener, Frank and others have specifically identified many more additional cases. These are cases in which it has been possible to show discovery of subsequent facts that the convictions were erroneous and innocent persons were put to death, but there may be many more cases where by reason of the difficulty of uncovering the facts after conviction, let alone after execution, it may not be possible to establish that there was miscarriage of justice.

The jurist Olivecroix, applying a calculus of probabilities to the chance of judicial error, concluded as far back as in 1860 that approximately one innocent man was condemned out of every 257 cases. The proportion seems low but only in relation to moderate punishment. In relation to capital punishment, the proportion is infinitively high. When Huge wrote that he preferred to call the guillotine Lesurques (the name of an innocent man guillotined in the Carrier de Lyon case) he did not mean that every man who was decapitated was a Lesurques, but that one Lesurques was enough to wipe out the value of capital punishment forever.

It is interesting to note that where cases of wrongful execution have come to public attention, they have been a major force responsible for bringing about abolition of death penalty. The Evans case in England in which an innocent man was hanged in 1949 played a large role in the abolition of capital punishment in that country. Belgium also abjured capital punishment on account of one such judicial error and so did Wisconsin, Rhode Island and Maine in the United States of

America.”

[Judgment Excerpt from Bachan Singh and Ors .V. State of Punjab MANU/SC/0356/1982]

1. Which of the following judge was among the panel of judges who gave the judgment of Bachan Singh and Ors .V. State of Punjab?

a. Justice D.Y Chandrachud

b. Justice Y.C Chandrachud

c. Justice Krishna Iyer

d. Justice S.M Sikri

2. How many judges did the panel of the Supreme Court comprised while delivering the judgement in the above mentioned case?

a. 5 judge Bench

b. 2 Judge Bench

c. 7 Judge Bench

d. 13 Judge Bench

3. Which of the following doctrine was established in the above mentioned case?

a. Doctrine of Basic Structure

b. Doctrine of Stare Decisis

c. Doctrine of Presumption of Innocence

d. Rarest of the Rare doctrine

4. The constitutional validity of which section of IPC, 1860 was challenged in the above mentioned case?

a. Section 300

b. Section 301

c. Section 302

d. Section 299

5. The above mentioned case revolved around which section of CrPC, 1973?

a. Section 351

b. Section 354 (3)

c. Section 354 (2)

d. Section 352

6. Which law commission report recommended abolishing the death penalty in India?

a. 262th Law Commission Report in 2015

b. 262th Law Commission Report in 2014

c. 260th Law Commission Report in 2015

d. 261st Law Commission Report in 2015

7. Who is the author of the book 'Death Penalty in America'?

a. Hugo Bedau

b. Polly Higgins

c. Stephen King

d. Bryan Stevenson

8. Which case played a big role in the abolishment of capital punishment in England?

a. Rylands Case

b. Fletcher Case

c. Evans Case

d. All of the Above

9. Which of the following states abolished the death penalty in America?

a. Wisconsin

b. Rhode Island

c. Maine

d. All of the Above

10. Who gave dissenting opinion in the case of Bachan Singh and Ors .V. State of Punjab?

a. Justice Y.C Chadrachud

b. Justice P.N Bhagwati

c. Justice N Untwalia

d. Justice R Sarkaria

11. Which of the following cases led to the development of death penalty jurisprudence in India?

a. Keher Singh .V. Union of India (1988)

b. Shatrughan Chauhan .V. Union of India (2014)

c. All of the Above

d. None of the Above

12. What is the majority ruling in the case of Bachan Singh and Ors .V. State of Punjab?

a. 4:1

b. 4:3

c. 5:2

d. 1:1

13. Which of the following cases declared section 303 IPC, 1860 as unconstitutional?

a. Bachan Singh and Ors .V. State of Punjab (1982)

b. Mithu .V. State of Punjab (1983)

c. Jagmohan .V. State of U.P (1972)

d. Rajendra Prasad .V. State of U.P (1979)

14. In which case the 35th Law Commission, 1967 on death penalty was considered by the court?

a. Bachan Singh and Ors .V. State of Punjab (1982)

b. Mithu .V. State of Punjab (1983)

c. Jagmohan .V. State of U.P (1972)

d. Rajendra Prasad .V. State of U.P (1979)

15. Which articles of the Constitution of India were discussed in the case of Bachan Singh and Ors .V. State of Punjab?

a. Articles 14 and 19

b. Articles 14 and 21

c. Article 14 and 20

d. Articles 20 and 21

Answers

1. Option b

2. Option a
3. Option d
4. Option c
5. Option b
6. Option a
7. Option a
8. Option c
9. Option d
10. Option b
11. Option c
12. Option a
13. Option b
14. Option c
15. Option b