BLOGS

Practice Questions on the New Pattern of CLAT PG

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Answer the questions based on topics that arise out of the excerpted passage on the basis of your knowledge of current affairs and general knowledge

PASSAGE

(Excerpted from the judgment of Shilpa Mittal vs State Of Nct Of Delhi)

The Children's Court constituted under the Act of 2015 has to determine whether there is actually any need for trial of the child as an adult under the provisions of Cr.PC and pass appropriate orders in this regard. The Children's Court should also take into consideration the special needs of the child, tenets of fair trial and maintaining childfriendly atmosphere. The Court can also hold that there is no need to try the child as an adult. Even if the Children's Court holds that the child has to be tried as an adult, it must ensure that the final order includes an individual care plan for rehabilitation of the child as specified in Subsection (2) of Section 19. Furthermore, under Sub-section(3) such a child must be kept in a place of safety and cannot be sent to jail till the child attains the age of 21 years, even if such a child has to be tried as an adult. It is also provided that though the child may be tried as an adult, reformative services, educational services, skill development, alternative therapy, counselling, behaviour modification, and psychiatric support is provided to the child during the period the child is kept in the place of safety. In Justice G.P. Singh's treatise, "Principles of Statutory Interpretation'6 the doctrine of surplusage as a limit on the traditional rule of strict construction has been referred to. The main judgment on this point is the decision of the House of Lords in McMonagle vs. Westminster City Council7. In that case the defendant's premises contained a machine which on insertion of a coin revealed two naked women in a manifestly immoral manner. The defendant was charged with using this premises as 5 a sex establishment without any licence. His contention was that the Act (Local Government (Miscellaneous Provisions) Act, 1982) used the words 'which is not unlawful' and since he was conducting an unlawful activity he did not require a licence. It was in this context that the House of Lords held that the words 'which are not unlawful' should be treated as surplusage and as

having been introduced by incompetent draftsmanship. In that case the intention of the Legislature was clear that no sex establishment could be set up without a licence. The words ‘which is not unlawful’ would render the entire provision nugatory. That does not happen in this case. What has happened in this case is that there is a 4th category of offences which is not dealt with under the Act. It cannot be said with certainty that the Legislature intended to include this 4 th category of offences in the category of ‘heinous offences’. Merely because removing the word ‘minimum’ would make the Act workable is not a sufficient ground to hold that the word ‘minimum’ is surplusage.



Questions

A. The Juvenile Justice System Ordinance, 2000 was promulgated on

a. 1st of June, 2000

b. 1st of July, 2000

c. 1st of August, 2002

d. None of above

Ans. b

B. A parent or a person who has actual care of the child and includes such relative who is willing to bear the responsibility of the child is called

a. Watchman

b. Care taker

c. Guardian

d. None of above

C. After the adoption of the _____ Rules, India enacted the Juvenile Justice Act, 1986. In this Act, the juvenile was defined under Section 2(h) to mean a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years.

a. U.K.

b. USA

c. Beijing

d. Italy

Ans. c

D. The Juvenile Justice (Care and Protection of Children) Act, 2000 defined juvenile as a _____ who has not completed _____ years of age.

a. Boy, 16

b. Person, 18

c. Girl, 18

d. Person, 16

Ans. b

E. Heinous offences are defined under which section of Juvenile Justice (Care and Protection of Children) Act, 2015

a. 2 (33)

b. 2 (35)

c. 2 (45)

d. 2 (54)

Ans. a

F. Serious offences under the Juvenile Justice (Care and Protection of Children) Act, 2015 includes the offences for which the punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force, is imprisonment of

a. More than 7 years

b. Life imprisonment

c. Death

d. Three to seven years

Ans. d

G. Section 2(45) of the Act states that “petty offences” includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment upto three years. Such cases shall be disposed of by the Board through

a. Trial

b. Summary proceeding

c. Inquiry

d. All the above

Ans. b

H. As far as heinous offences are concerned if the child is below 16 years then the procedure prescribed for serious offences is to be followed; but if the child is above 16 years then assessment in terms of section _____has to be made

a. 10

b. 12

c. 15

d. 21

Ans. c

I. What was finally held by the court in the given judgement?

a. offence where the maximum sentence is more than 7 years imprisonment, but no minimum sentence or minimum sentence of less than 7 years is provided, shall be treated as ‘heinous offences’ within the meaning of the Act and dealt with accordingly till the Parliament takes the call on the matter.

b. offence where the maximum sentence is more than 7 years imprisonment, but no minimum sentence or minimum sentence of less than 7 years is provided, shall be treated as ‘serious offences’ within the meaning of the Act and dealt with accordingly till the Parliament takes the call on the matter.

c. offence where the maximum sentence is more than 7 years imprisonment, but no minimum sentence or minimum sentence of less than 7 years is provided, shall be treated as ‘petty offences’ within the meaning of the Act and dealt with accordingly till the Parliament takes the call on the matter

d. none of the above

Ans. b

J. The said judgement in the passage was pronounced by Justice:

a. Geeta Ahuja

b. Deepak Gupta

c. Dipak Mishra

d. Geeta Mittal

Ans. b

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