

2024

LAW

Offences Against Child and Juvenile Offences

Paper : 606B

(Optional Paper-II)

Full Marks : 80

Time : 3 Hours

The figures in the right-hand margin indicate full marks.

Candidates are required to give answers in their own words as far as practicable.

Answer Question No. 1 and any five from the rest.

1. Answer any **ten** questions: 2×10=20
- i) Evaluate the implications of Art. 3 of the Convention on the Rights of the Child, 1990.
 - ii) What do you understand by 'the best interests of the child'?
 - iii) What is the objective of Declaration of the Rights of the Child, 1959?
 - iv) What are the directive principles of state policy enumerated to protect children under the Constitution of India?
 - v) Write a brief note on Child Welfare Committee.

[Turn Over]

- vi) Write a brief note on Child in need of care and protection.
 - vii) Briefly discuss Young person's harmful publications.
 - viii) Discuss the concept of rehabilitation and social integration from juvenile's perspective.
 - ix) What does 'right to survival and right to participation' include?
 - x) How can you, as an advocate, help a child in need or distress?
 - xi) Briefly discuss 'place of safety' in the context of juvenile justice system.
 - xii) Who can adopt and who can be adopted under the Juvenile Justice (Care and Protection of Children) Act, 2015?
2. Elucidate the qualifications mandated for the members of the Juvenile Justice Board and analyze the circumstances under which these members may be prematurely terminated from their positions. 12
3. Critically appraise the provisions pertaining to 'Hours and Period of Work' as enshrined under The Child Labour (Prohibition & Regulation) Act, 1986 with relevant judicial pronouncements. 12

4. Discuss various landmark judgments by honourable Supreme Court of India on several facets of The Protection of Children from Sexual Offences Act, 2012. 12
5. Discuss elaborately the 'Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics' and 'Regulation of pre-natal diagnostic techniques' as envisaged under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. 12
6. A 17-year-old minor, while driving under the influence of alcohol, was involved in a rash driving incident caused the death of a 16-year-old minor who was riding a bicycle. Argue the legal points you would mention before the Juvenile Justice Board as an Advocate on behalf of your client, the 17 years old minor. Discuss relevant legal provisions, mitigating factors and potential defences that could influence the Board's decision. 12
7. What are the matters to be discussed under the Protection of Children from Sexual Offences Act, 2012 to create legal awareness amongst Police Officer and Magistrate regarding the procedures of medical examination and recording of statement of a child? 12

8. Imagine a scenario where a 25-year-old individual is accused of aggravated sexual assault against a 16-year-old minor. The alleged incident occurred at a party where both the individuals had consumed alcohol. The accused claimed that the encounter was consensual and that they were unaware of the minor's age. However, the minor asserted that the act was under coercion and no consent was given. As the defence Advocate, develop a legal strategy to defend the accused. Consider the following points in your argument:

- i) The definition and legal criteria for aggravated sexual assault under The Protection of Children from Sexual Offences Act, 2012.
- ii) The relevance of the accused's knowledge of the minor's age.
- iii) The impact of alcohol consumption on both parties' ability to give and perceive consent.

Analyze these aspects in detail, providing a comprehensive defence strategy that addresses both the legal and factual elements of the case. 12

9. Describe the present legal situation in relation to sexual abuse of children in India. 12