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19 (2) WCRL 2.5 (H)

2023

WOMEN AND CRIMINAL LAW

Paper : 2.5

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$

(a) Article 15(1)/15(3) of the Indian Constitution provides for special provisions for women.

(b) Article 39(d)/39(f) of the Indian Constitution declares that the state shall direct its policy towards securing that there is equal pay for equal work.

(c) Article 44/45 of the Indian Constitution provides for uniform civil code [UCC].

(d) Section 46(1)/48(1) of the Factories Act, 1948 provides for creches for children of women workers in every factory.

Contd.

- (e) Right to legal representation is denied to a party before a family court in terms section 13/14 of the Family Courts Act, 1984.
- (f) Offences under the Indecent Representation of Women [Prohibition] Act, 1986 are *cognizable/non-cognizable*.
- (g) The National Commission for Women was set up in the year 1992/1994.
- (h) The punishment for keeping a brothel or allowing premises to be used as a brothel is provided under section 3/4 of the Immoral Traffic [Prevention] Act, 1956.
- (i) Under section 5 of the Maternity Benefit Act, 1961, payment of maternity benefit in case of death of a woman can be made either to her nominee/legal representative/either nominee or legal representative.
- (j) As per section 29 of the Protection of Women from Domestic Violence Act, 2005 an appeal from order made by the magistrate shall lie to the Court of Sessions within 30 days/60 days from the date of the order.

2. Answer the following : 2×5=10

- (a) What is CEDAW?
- (b) What do you understand by 'sex inequality in inheritance'?
- (c) Who are referred to as 'service providers' under the Protection of Women from Domestic Violence Act, 2005?
- (d) What do you understand by 'valuable security' under the Dowry Prohibition Act, 1961?
- (e) What is 'medical bonus' under the Maternity Benefits Act, 1961?

3. "Women have always been discriminated and have suffered and are suffering discrimination in silence. Self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all inequities, indignities, inequality and discrimination" — Madhu Kiswar v. State of Bihar AIR 1996 SC 1864.

Discuss in the light of the above statement the status of women in pre-independent and post-independent India. 12

Or

"The United Nations have incorporated a series of treaties and conventions to achieve the equal legal and political rights of women worldwide." — Discuss the different international conventions relating to women.

4. What do you understand by Uniform Civil Code [UCC]? Discuss whether UCC is the need of the day for achieving gender justice in our country. 12

Or

What is Guardianship? Discuss the rights of guardianship as available to a woman under Hindu Law and Muslim Personal Laws.

5. How is the offence of 'Rape' defined under the IPC 1860? What is the punishment prescribed for committing an offence of rape? Cite case laws. 12

Or

Write an explanatory note on the following citing relevant legal provisions : 6+6=12

- (a) Adultery
(b) Outraging the modesty of woman

6. What is 'dowry'? Discuss the provisions of the Dowry Prohibition Act, 1961 relating to the commission of offence of dowry. Do you think that the Act has been able to achieve its objects of eradicating the evils of dowry from Indian society? 8+4=12

Or

Discuss the objectives and the salient features of the Indecent Representation of Woman [Prohibition] Act, 1986.

7. Discuss the provisions of the Factories Act, 1948 for the protection and benefits of women workers. 12

Or

Write short notes on : 6+6=12

- (a) The Equal Remuneration Act, 1976
(b) The Maternity Benefits Act, 1961