



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 407

Course Name: Law Relating to Women and Children

Programme & Sem: BBA/B.Com., LL.B.(Hons.) & VI Sem

Date: 29 March 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) *All questions are compulsory*
- (ii) *Read the questions carefully and answer accordingly*
- (iii) *Write legibly*

Part A

Answer **all** the Questions. **Each** sub question carries **two and half** marks. (4Qx2.5M=10)

1. Write Short Notes on the following
 - a. Coercive Cohabitation
 - b. Status of Children in India
 - c. Air India Vs Nagresh Mirza
 - d. Section 2(a) of Immoral Traffic Prevention Act 2006,

Part B

Answer **both** the Questions. **Each** question carries **ten** marks. (2Qx10M=20)

2. What are the various Constitutional Provisions present for the protection of a Child?
3. Women have suffered for centuries but it can be said that their position in the British era was far better as compared to the earlier times? Give a comparative analysis of the same with relevant examples?

Part C

Answer **both** the Questions. **Each** question carries **fifteen** marks. (2Qx15M=30)

4. Natasha was a married working professional who was pregnant for the first time, her in laws including her husband came from a conservative background and wanted a baby boy only. They asked her to follow a lot of guidelines and restrictions so that the baby boy is born. They even asked her to take a sex determination test, to which she resisted. Natasha fed up of her in laws went to her father's house, where after a few months she gave birth to a healthy baby girl. Her husband came and warned her that she should leave the baby girl behind and go along with him to lead a normal life. Natasha refused to go back. And now wants to live separately from her husband. She is thinking to file for divorce. As her legal advisor kindly advice Natasha about the various civil and criminal Remedies available to her.

5. The year is 1909. Lalita is a 12 year old girl whose marriage has been fixed to 14 year old Hari. Lalita is happy about getting married, they get married and Lalita comes to Hari's House, however after 6 months of marriage Hari falls seriously ill and dies. The family comes together and decides that as a part of their custom, along with the last rites of Hari, Lalita will also be a Sati and will be burned alive along with her Husband Hari. Lalita gets scared on listening this and somehow manages to send a letter to her father, describing her ordeal. The father reaches her in-laws house and protests the same. In the light of the above problem kindly suggest measures which can help Lalita?



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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Even Semester: 2018-19

Course Code: LAW407

Course Name: Law Relating to Women & Children

Program & Sem: BBA/BA/B.Com.,LLB. & VI Sem

Date: 24 May 2019

Time: 3 Hours

Max Marks: 80

Weightage: 40%

Instructions:

- (i) All questions are compulsory
- (ii) Read the questions carefully and answer accordingly
- (iii) Write legibly
- (iv) Question 25 & 26 have two questions each i.e. 25(a) & 25(b) and 26(a) & 26(b), Answer all 4 parts. All parts are of 10 marks each.

Part A

Answer **all** the Questions. **Each** question carries **one** mark.

(20Qx1M=20M)

1.

True/False

- i. The Beijing Conference was held from 4th to 15th September 1995, it was the First World Conference on Women.
- ii. Section 2 of the Dowry Prohibition Act 1961 defines dowry.
- iii. The feminism movement occurred during the 19th century by virtue of the enlightened period of western Movement.
- iv. Article 15(1) prohibits gender discrimination.
- v. Women candidates get 15% reservation for getting admission into graduation colleges in India.
- vi. Conventions are stronger than Declarations because they are legally binding for governments that have signed them
- vii. Women had the freedom to choose their life partners during the Vedic period.
- viii. The Hon'ble Supreme Court in Sheela Barse V Union of India has declared that child is a national asset.
- ix. Article 45 of the Indian Constitution makes provision for women to exercise their Right to Vote.
- x. The landmark judgment of M.C Mehta V State of Tamil Nadu also popularly known as the child labour abolition case the plight of children engaged in Sivakasi cracker factories was discussed at length.
- xi. The Department of Women and Child Development works under the Ministry of Welfare and Human Resources.

- xii. Gaurav Jain V Union of India is a case where the menace of Child Prostitution and how to deal with it was discussed.
- xiii. Convention on the Rights of the Child was adopted by the General Assembly on 15th December 1990.
- xiv. Dowry Death and Cruelty are two types of Domestic Violence
- xv. Marital Rape is punishable by Indian Penal Code.
- xvi. Case for domestic violence cannot be filed if the marriage has not been registered
- xvii. Declaration and Treaty have the same meaning.
- xviii. As provided in Section 2(a) of the Immoral Traffic Prevention Act, 1956 a child is a person who has not completed 13 years of age.
- xix. The Immoral Traffic Prevention Act was passed in the year 1956
- xx. Vishaka V State of Rajasthan is a perfect example to understand about cruelty and dowry death.

Part B

Answer **all** the Questions. **Each** question carries **five** marks. (4Qx5M=20M)

2. What are the various follow-up mechanisms adopted in the "World Summit for Children in 1990?"
3. The Commission on the Status of Women (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. Discuss the works of the Commission on the status of Women in detail.
4. Elucidate the key differences between the convention and the optional protocol of, the Elimination of All Forms of Discrimination against Women?
5. How has adopting of Vienna Convention by India helped us in drafting of laws and other rules and guidelines which are at par with the Vienna Convention?

Part C

Answer **both** the Questions. **Each** question carries **ten** marks. (2Qx20M=40M)

6. **Article 1of the Convention on Nationality of Married Woman states that "Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife."**

Malini Chopra is a successful Bollywood actress, who gets married to the famous Hollywood actor and producer John Ford. Malini Chopra is a resident of Mumbai who leaves for USA and starts staying in New York with John Ford. She starts working in Hollywood movies and different daily television shows along with different projects in Indian film industry. She even participates in reality shows in India and gains huge popularity among the crowds. Malini is also known as a person who constantly keeps working for charity and helping the poor in India. After a few years, she applies for the residential status for New York, USA which she receives in a few months. They both are blessed with two kids after 4 years of being married. After 12 years of being happily married, their marriage hits a rough patch and they apply for divorce. Malini has had a good career both in Bollywood as well as Hollywood and she continues to work even today. The couple while filing for divorce have a dispute on the custody of the children, where John says that the

children are born in USA, so they are American citizens and that Malini only has a residential status, so she cannot claim her rights on the children. Malini returns back to India and starts working again. During the year 2019 the general Lok Sabha Elections are about to take place. The ruling party approaches Malini to fight the elections from their side. Malini happily agrees and decides to stand in the election for helping out more people. Malini approaches the Election Commission with her nomination papers, but her Nomination is rejected on the basis that she is not an Indian citizen. Referring to *Annexure 1. Answer the following question*

6. (a) In the light of the above problem, what advice would you as a legal expert provide Malini to make sure she can fight the election?

6. (b) Are there any ways as to how she can apply for joint custody?

7. **"Rule 8 of Juvenile Justice System provides for the protection of the juvenile's right to privacy at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling. In principle, no information that may lead to the identification of a juvenile offender shall be punished"**

Milind is a 12 year old boy who was trafficked by his own uncle into a brothel in Kolkata. As Milind was a transgender, there was a huge demand for him in the prostitution world. Milind's parents filed a missing person complaint and also approached the media to help them in finding their son. Due to the huge media coverage and the support which Milind's parents were able to get, the police were able to track down Milind and he was rescued after one year from a different brothel in a different city. Milind was molested, raped and was in a bad physical and mental state when he was found, so his parents provided him with full support of counselling him and bringing his life back to normal as much as possible, however in one of the counselling sessions, Milind's picture was clicked by a media person and was made viral on social media, after which it became very difficult for Milind to go out anywhere in public and lead a normal life.

7. (a) Based on Juvenile Justice Systems, what Legal help can be provided to Milind?

7. (b) Can some relief be made available to him to help him recover mentally and emotionally from this trauma/?