

LEGAL REASONING

INDIAN PENAL CODE (IPC)

Passage 1

The accessibility of internet to common man has changed everyone's lives. The platform provided by the internet has made human interaction easier than ever before. However, such increase in convenience of communication has proportionally increased the inconvenience caused by the abuse of the mediums of communication. Removing barriers to freedom of interaction, has given unfettered capabilities, primarily on social networking sites, to people who post unnecessary and false statements about a person or an entity and thereby harming their goodwill and reputation. Such an act, though colloquially known as "trolls", actually amounts to cyber defamation.

Defamation has been defined under Section 499 of the Indian Penal Code (IPC) as *whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person is said to defame that person.*

Freedom of Speech and Expression, as provided by the Constitution under Article 19 (1) (a), provides that all citizens shall have the right to freedom of speech and expression. However, such freedom is subject to reasonable restriction. The protection of reputation of another person falls within the ambit of reasonable restriction and any comment or remark which hampers the reputation of another person (unless the statement is true) would invite liability under the law of defamation.

- Situation:** A wrote an e-mail to B calling him a cheat. B's clerk C opened the e-mail as he normally does (a fact which was known to A). A day later C told this to his colleagues. B alleges that A has committed defamation. Decide:
 - B will succeed since A has published a defamatory statement against A
 - B will not succeed because it was not written in a newspaper
 - B will not succeed because everyone knew that A was a cheat
 - B will not succeed since A did not follow up the letter with a speech
- Situation:** A writes a letter to B containing defamatory remarks in reference to B in Urdu language. A is aware that B does not know Urdu. B goes to C who knows Urdu and the letter is read over by C to him. B sues A for defamation. Decide:
 - A is liable.
 - A is not liable because he addressed the letter to B and not to C.
 - A is not liable because there is no publication of defamatory statement.
 - A is not liable because he is unaware that the letter can be read over by someone else to B.
- Situation:** Madam Tussauds Ltd. decided to keep a waxwork exhibition, and placed an effigy of Babloo Singh with a gun, in a room adjoining the "Chamber of Horrors". Mr. Babloo Singh had been tried for murder in India and released on a verdict of "not guilty" and a representation of the scene of the alleged murder was displayed in the Chamber of Horrors. Is it amounting to defamation? Decide:
 - No, it was not defamation as Babloo was an accused
 - It is defamation as his guilt was not proved and he was released by the court.
 - No, defamation as there was no publication.
 - None of the above.
- Situation:** Anand writes a highly offensive and derogatory letter about Billu, and sends it directly to Billu in a sealed cover. Decide:
 - Anand is liable to Billu for defamation, as he has hurt Billu's self-esteem.
 - Anand is not liable to Billu for defamation, since there is no publication.

-
- (c) Anand is liable to Billu for defamation, as the letter is highly offensive and derogatory and is directly sent to Billu.
- (d) Anand is liable to Billu for defamation, as the letter is highly offensive and derogatory.
5. **Situation:** In a community there is a custom of stealing shoes of bridegroom during the marriage ceremony. The shoes of the bridegroom were stolen by Y. 'A' announced that Z has stolen the shoes.
Everyone present in the marriage party started staring at Z with great surprise. Z felt very ashamed.
- (a) A defamed Z
- (b) A did not defame Z
- (c) A defamed Z for Z felt very ashamed
- (d) A defamed the whole marriage party

Passage 2

Expressing concern about the "alarming increase" in number of persons with criminal backgrounds being elected Members of Parliament and Legislative Assemblies of states, the Supreme Court on Thursday passed directions to compel political parties to "explain" why such candidates are given tickets.

The apex court has now made it mandatory for all political parties to publish all details regarding pending criminal cases (Including that of Robbery, Sedition, criminal misappropriation, mischief, criminal trespass, theft, murder, culpable homicide etc) against their chosen candidates, not only in local newspapers, but also on party websites and social media handles. It is pertinent to note that Preparation is not an offence except the preparation of some special offence.

Along with the details of pending cases, the parties will also have to publish "the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates".

The petition claimed the ECI had failed to take any steps to ensure the implementation of a 2018 judgment of the bench, which had made it mandatory for political parties to declare and publish all criminal cases pending against their candidates.

They sought contempt proceedings against the ECI for failing to ensure that information was publicised among the voters.

"If a political party fails to submit such compliance report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions," the bench said.

6. Deena keeps poisoned Samosa in his house, wishing to kill Geet whom he invited to a party and to whom he wishes to give it. Unknown to Deena, his only son takes the Samosa and dies. In this case
- (a) Deena is liable for the murder
- (b) He is not liable for murder since it is preparation alone
- (c) He is liable for culpable homicide
- (d) None of the above
7. 'Ritu' ran to a well stating that she would jump into it, and she started running towards the well but she was caught before she could reach it.
- (a) She is not guilty of attempt to commit suicide because she might have changed her mind before jumping into the well.
- (b) She is guilty of attempt to commit suicide.
- (c) Right to life includes rights right to die hence a person should not be held responsible for attempt to commit suicide.
- (d) None of the above.

-
8. Suppose, 'Simran' denied food to his wife Rahul for several days by keeping her confined in a room with an intention to accelerate her death. Rahul ultimately managed to escape.
- (a) Simran is guilty for attempt to murder his wife.
 - (b) Simran is not guilty for attempt to murder his wife and he was only doing preparation.
 - (c) Simran is not guilty for attempt to murder his wife as she always had option to escape.
 - (d) None of the above
9. Suppose, Atul wants to kill Bittu. He buys a gun and cartridges for committing the murder. He then sets out searching Bittu and when he sees Bittu, he loads his gun and takes aim at Bittu and pulls the trigger. The gun did not fire. Which of the answer you will feel more appropriate?
- (a) Atul is guilty of attempt to murder from the time he sets out in search of Bittu.
 - (b) Atul is guilty of attempt to murder from the time he loads his gun.
 - (c) Atul is guilty of attempt to murder from the moment he takes aim at Bittu.
 - (d) None of the above
10. Suppose, Anand wanted to kill Billu and had therefore gone to the market to buy explosives to plant in his house. After Anand has planted the bomb, he felt guilty and he went back to remove the bomb but while he was, doing so, Billu saw him and called the police. Can Anand be held liable?
- (a) Yes, because he has done something more than mere preparation.
 - (b) No, because Billu did not die.
 - (c) Yes, because there existed a mala fide intention.
 - (d) No, because he had removed before anything could happen.
11. Mallu was Gappu's neighbor. They were both farmers by profession. One day Mallu took his cattle for grazing in a grassland which was near to Gappu's agriculture field, he slept on the field and his cattle entered in the Gappu's agriculture field and destroyed his crop. Later in the evening when Gappu came to know about this, he decided to take revenge on Mallu, so at night he sets Mallu's crop on fire. In this case-
- (a) Gappu is guilty of mischief.
 - (b) Gappu is not guilty of mischief.
 - (c) Gappu is right in burning his crop, as it was Mallu whose cattle destroyed Gappu's crop first.
 - (d) Gappu is not guilty of mischief because all what he did was out of anger and with an intention to take revenge.