

GUJARAT STATE JUDICIAL ACADEMY

QUESTIONNEIRE ON JUDICIAL COLLOQUY ON FUNDAMENTAL AND STATUTORY RIGHTS

Sr.	Subject	Questions
1	Constitution	Are the benefits of fundamental rights as enshrined in Part III of the Constitution, available to a non-citizen and a citizen of India alike?
2	Constitution	Can a UTP be entitled to communicate/consult with his relatives or lawyers? Is there any provision of law in that regard?
3	Constitution	Can right to go abroad be termed as fundamental right? Can that right of accused be curtailed by imposing restrictions?
4	Constitution	Can telegram, letter to the Court/ Magistrate or news report about the plight of UTPs be treated as an Application/Revision? If yes, what can be done?
5	Constitution	Can telegram, letter to the Hon'ble High Court or Apex Court or news report about the plight of UTPs be treated as a Writ Petition?
6	Constitution	Can the right to speedy trial be termed as Fundamental Right? If so, what will be the consequences?
7	Constitution	Do laws as regards preventive detention and externment for ad-infinite need to be tested on the touchstone of the provisions of Art. 19(1)(e)?
8	Constitution	Does an act of handcuffing the accused be permissible?
9	Constitution	Does the operation of Fundamental Right as enshrined in the Art. 21 of the Constitution be suspended during the period of imprisonment?
10	Constitution	Is the State bound to disclose the grounds for arrest?
11	Constitution	Is the subordinate judiciary empowered to enforce the fundamental rights?
12	Constitution	Is there any legal provision regulating or dealing with encounter?
13	Constitution	Should the Court in the absence of APP proceed with the trial?
14	Constitution	What does the term "Procedure established by law" as enshrined in the Art. 21 of the Constitution of India have in its ambit?
15	CrPC	A person alleged to have committed a serious offence surrenders before the Court, can the Court, under such circumstances, entertain the remand application?
16	CrPC	A VIP person arrested in Criminal Offence, can he be placed in a makeshift jail, which is specially made for him?
17	CrPC	Accused is in jail since long i.e. upto the minimum sentence prescribed by the law without trial, under the circumstances can the Court release him on bail? and is the prosecution required to be heard?
18	CrPC	Accused is on bail and if further investigation is allowed by court after filing of charge sheet, can remand to police custody of accused be entertained?
19	CrPC	Accused is reported to be hospitalized with medical papers by police authorities, in absence of his physical presence, what order should be made regarding custody of accused?
20	CrPC	Does non-compliance of direction of the Apex Court as regards providing the details about other offences alleged to have been committed by the same accused, entail any action on the part of the Court?
21	CrPC	At times, it is noted that personal Advocate of an accused is not regular enough and does not conduct the case properly and the accused suffers therefrom, what would be the remedy?
22	CrPC	Can a Magistrate direct police investigation u/s. 156(3) of Cr.P.C. for alleged violation of human right upon a private complaint?

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23	CrPC	Can a Magistrate direct the accused for medical examination who is released on anticipatory bail?
24	CrPC	Can a Magistrate grant time to submit solvency certificate in the absence of any direction to that effect in the order of Sessions Court wherein bail is ordered to be furnished of Rs. 10,000/-?
25	CrPC	Can a Magistrate stay his order regarding remand?
26	CrPC	Can a person against whom investigation u/s. 156(3) or inquiry u/s. 202 of CrPC ordered to be initiated, appear before the Court and participate in it?
27	CrPC	Can a private person file an application seeking cancellation of bail?
28	CrPC	Can an accused be examined by the Medical Practitioner during investigation to collect evidence against him ?
29	CrPC	Can an accused plead guilty at any stage of the trial?
30	CrPC	Can an application seeking anticipatory bail be made more than once?
31	CrPC	Can an UTP who had once engaged a lawyer at his own expense be subsequently entitled to seek legal aid?
32	CrPC	Can bail application be made after the charge-sheet having been submitted? What factors, then are required to be considered for determining the said application?
33	CrPC	Can bail in bailable case be denied if there is a possibility of tempering with the evidence and involved the larger public interest?
34	CrPC	Can bail in bailable offences be cancelled? If so, under what circumstances?
35	CrPC	Can foreigner, who commits offence in India be arrested without permission of the Embassy of the country concerned?
36	CrPC	Can IO seek remand in bailable offence? Does that amount to violation of right of accused to get enlarged on bail?
37	CrPC	Can non-production of a UTP in the Court on a given date during the trial for unavoidable circumstances, resulting into judicial custody exceeding 15 days be termed as non-compliance of S. 309 of CrPC?
38	CrPC	Can obtaining any incriminatory information from the accused while he is in police custody be termed as compulsive testimony and does that violate the provisions of Article 20(3) of the constitution of the India?
39	CrPC	Can revision be preferred against the order of granting and rejecting remand application?
40	CrPC	Can revisional Court at the time of deciding bail application consider the police papers for arriving at the conclusion about what offences either the offences reported or non-reported in the police papers have prima-facie committed by an accused?
41	CrPC	Can the accused be permitted to lead evidence at any stage if he alleges to be falsely implicated in the case?
42	CrPC	Can the accused claim compensation for longer term in jail than what was directed to be gone into by the Court?
43	CrPC	Can the accused who has made complaint for ill treatment in the police custody be remanded?
44	CrPC	Can the application seeking anticipatory bail be entertained by the Court lacking territorial jurisdiction?
45	CrPC	Can the conviction of the accused be liable to be set aside if it is recorded without providing a counsel to the accused in a trial Court?
46	CrPC	Can the Court compel the arrestee of bailable offences to deposit the amount of surety in lieu of bond?

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47	CrPC	Can the Court granting the bail issue direction to the jail authority about the information regarding his release from the jail?
48	CrPC	Can the Court handover the custody of an accused of a bailable offence to the police when accused surrenders before the Court?
49	CrPC	Can the Court while taking the cognizance on the basis of private complaint comes to conclusion that prima-facie Sessions Triable Case is made out, issue directly non-bailable warrant against the accused if circumstances so demand?
50	CrPC	Can the court, while the order as regards anticipatory bail in operation and on rejection of regular bail, take the accused in judicial custody? OR Should the court allow the accused to remain at large till he resorts to further remedy seeking regular bail?
51	CrPC	Can the Opponent of an application under sec. 125(3) of Cr.P.C. be arrested without arrest warrant and that too without an execution of recovery warrant and on the basis thereof?
52	CrPC	Can the order passed by the Hon'ble High Court without assigning any reasons be treated as precedent?
53	CrPC	Can the principle "Res ipsa loquitur" (Things speak for themselves) be made applicable to criminal trials ?
54	CrPC	Can S. 41 (1)(d) of CrPC be termed as an independent offence and the person arrested thereunder, be branded as an accused and be produced before the Court without being fulfilment of the ingredients of any substantial offence? Can the accused produced u/s. 41(1)(d) of CrPC be remanded to police custody?
55	CrPC	Can the statement of accused or co-accused be considered while deciding bail application? If yes, how far?
56	CrPC	Can the statement of accused recorded U/s.164 of Cr.P.C. be used for contradiction U/s.145 of Evidence Act? If so, under which circumstances?
57	CrPC	Can the Trial Court release an accused on bail who is re-arrested by a warrant issued by the Court, wherein the accused initially released on bail by the Sessions Court or the High Court ?
58	CrPC	Can there be plea-bargaining for under trial accused to safeguard his fundamental rights?
59	CrPC	Can Warrant of Arrest be issued under what circumstances and what should be the premise for issuing the same, according to the provisions of law?
60	CrPC	Can order in an application seeking bail in non-bailable offence be passed without hearing APP?
61	CrPC	Does compelling anyone to undergo Brain Mapping Test or Narco Analysis Test amount to violation of right to privacy, which results into infringement of the provisions of Article 21?
62	CrPC	Does filing of the charge-sheet within prescribed time limit but in the court lacking territorial jurisdiction crystallize the right of default bail?
63	CrPC	Does non-making the provisions for remand in the order of anticipatory bail passed by the Sessions Court, affect the jurisdiction of the Magistrate to entertain remand application?
64	CrPC	Does the period for submission of Charge-sheet commence from the date of arrest of the accused or from the date of production of accused in Court?

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65	CrPC	For the absconding accused belonging to another State, involved in non-bailable offence, can warrant of arrest be sought by the IO? Is it desirable to accede to that request?
66	CrPC	Generally, in Criminal Cases, summons and warrants are not returned served or unserved, under the circumstances, what can be done in this situation?
67	CrPC	How the documents which have been collected from the accused during the investigation and not submitted to the Court by the IO be taken back? What recourse is available to the accused under the law?
68	CrPC	What is the way out when a foreigner, who has committed an offence and enlarged on bail, wants to leave India during the pendency of trial?
69	CrPC	Is the signature of accused required to be had in Vakalatnama, if the bail application is made by the surety?
70	CrPC	If charge-sheet is not filed within the statutory period as provided in sec.167 of Cr.P.C., if accused was, during that period, enlarged on temporary bail for few days, can that portion of period then be considered while calculating the time period for filing charge-sheet?
71	CrPC	If private complaint alleging offence of murder and Magistrate has issued process, can an application for anticipatory bail be entertained?
72	CrPC	If within 24 hours the investigating agency cannot complete the investigation and produces accused before the Court and seeks the remand of accused without producing Case Diary and other statements of the witnesses, does that violate any of the rights of the accused?
73	CrPC	In case of bail granted by the Hon'ble High Court in Sessions Triable Case and directed to give bail before the trial Court, can the JMFC accept the bail and release the accused?
74	CrPC	Is a Magistrate empowered to entertain and deal with bail application in the case of theft of electricity?
75	CrPC	Is a Magistrate empowered to grant remand for more than 15 days?
76	CrPC	Is an accused entitled to claim parity if the co-accused has already been enlarged on bail by the higher Court, whose bail application was rejected by the lower Court?
77	CrPC	Is arrestee not served with the food during the police custody entitled to lodge complaint for the same? If yes, what is the power of Magistrate?
78	CrPC	Is it mandatory to seek permission of Magistrate, if investigation is not completed within six months?
79	CrPC	Is it must to record the statement of witness u/s. 164 of Cr.P.C., when statement of witness has already been recorded by police U/s. 161 of CrPC?
80	CrPC	Is the accused entitled to have an audience for an application seeking to add new offences under other sections by an IO?
81	CrPC	Is the Court empowered to consider the expert opinion in highly technical matters relating to Intellectual Property Rights or Information Technology during the inquiry u/s. 202 of CrPC?
82	CrPC	Is there any provision for the custody of a juvenile, who has become adult during the pendency of a case before juvenile board?
83	CrPC	Is there any provision for transfer warrant in law? If not, then, how the Court can pass an order to handover the accused to I.O.? What about the right of accused?

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84	CrPC	On the accused being granted anticipatory bail and during the operation of said order if regular bail application is rejected, can the accused then be taken into judicial custody?
85	CrPC	The Charge-sheet discloses offence of serious and grave nature than the offence alleged to have committed at the time of production of the accused, can the Court take the accused, who is already on bail, in the judicial custody?
86	CrPC	The UTP cases sometimes delayed due to non-production of Muddamal and FSL Report with charge-sheet despite several requests and direction issued to Police, what remedy is available to the Court in this scenario?
87	CrPC	What about the custody of the accused when remand of the accused is over whilst accused is on anticipatory bail?
88	CrPC	What are the criteria for deciding the bail application of a juvenile by the Juvenile Board?
89	CrPC	What are the facilities to be given to the lady accused having child aged six months?
90	CrPC	What are the factors or elements to be considered while deciding pre-arrest/post arrest bail applications?
91	CrPC	What are the grounds best suited to pass an order allowing the accused to deposit money or Government Promissory Note in lieu of executing bond?
92	CrPC	What are the meanings of custody and detention? Can the term keeping surveillance on accused be termed as legal custody or unlawful detention?
93	CrPC	What are the provisions for the interim bail? What are the factors to be considered for grant or refusal of interim bail?
94	CrPC	What is the difference between remedy of bail u/s. 167(2) and Chapter XXXIII of Cr.P.C.?
95	CrPC	What is the duty of Magistrate in custodial death and what are the norms of Magisterial Inquiry under the provisions of CrPC?
96	CrPC	What is the meaning of concept of Notional Custody during the pendency of remand application?
97	CrPC	What is the procedure for recording confession or statement of a person by the Magistrate?
98	CrPC	What is the way out when accused is not ready to engage legal practioner of his choice and not ready to get assitance of legal practitioner on the penal of legal aid?
99	CrPC	What is the way out where inspite of specific instruction in writing to the police officer for serving the summons to the witnesses in UTP cases, police agency is not paying any heed to it?
100	CrPC	What precutions to be exercised as per the law laid down by the Apex Court for protecting the rights of the accused in police remand?
101	CrPC	What should be done to bring uniformity in handing out punishment so as to avoid great variation in quantum of punishment by different courts?
102	CrPC	What steps can be taken to keep check on unlawful arrest and detention by the Police Officer?
103	CrPC	When a person is arrested by the Magistrate u/s. 44 of Cr.P.C., can he entertain and decide the bail application?
104	CrPC	When accused is released on bail by the Sessions Court in session traible offence, while making committal proceeding, if accused remains absent, can the Court issue warrant of arrest?

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105	CrPC	During the pendency and final decision of question as to whether the accused is juvenile or not before the regular Court, can he be kept in Jail or in the Remand Home?
106	CrPC	Who is to bear the cost for proclamation and attachment which is sought by the public servant?
107	CrPC	Who should be informed about the arrest of accused in the absence of any of the family member or relatives of the accused?
108	Cust. Crime	Are there any directions issued by the NHRC as regards custodial death, rape and video recording of PM?
109	Cust. Crime	Can a prisoner be allowed to pursue the study of Fine Arts or performing arts?
110	Cust. Crime	Can a prisoner facing threat to his life in jail or on humanitarian grounds be entitled to ask for transfer from the said jail to another?
111	Cust. Crime	Can an accused who is not keeping well be ordered to undergo Brain Mapping Test or Narco Analysis Test?
112	Cust. Crime	Does an accused have right to be tried at one place, where several cases are pending at different places?
113	Cust. Crime	Does non-providing audience to the accused for sentence amount to failure of justice? Does it have any impact on the decision of conviction and sentence?
114	Cust. Crime	In case of custodial death, is it peremptory to draw panchnama in the presence of JMFC as per the provisions of S. 176-A?
115	Cust. Crime	Is Human Rights Court empowered to take suo-motu cognizance of offences relating to breach of Human Rights?
116	Cust. Crime	Is it mandatory to have consent of the accused before causing him to undergo all the medical test?
117	Cust. Crime	Is it mandatory to raise separate police force to deal with juvenile offenders?
118	Cust. Crime	Is there any provision to deal with the complaint as regards ill treatment by the prisoner against the Jail Authority?
119	Cust. Crime	The directions relating to classification of the prisoners issued by the Apex Court being not followed by the Jail Authority, what recourse is available to get the the said directions implemented through the Jail Authority?
120	Delay in Justice	Can delay on the part of the State in bringing the accused for trial or in preferring the appeal against acquittal, be termed as violation of Human Right in the form of speedy trial?
121	Delay in Justice	Does the Court have suo-motu power to provide legal aid?
122	Delay in Justice	How can custodial torture/crime upon the UTP/accused be effectively curbed to protect their Human /Fundamental Rights?
123	Delay in Justice	That in the recent terrorists incident, 9 advocates were assassinated and the respective Bar Associations have passed a resolution to not to defend the said accused. Can such accused be deprived of their rights to defend ? Can respective Bar Associations pass such a resolution which is against the human rights?
124	Delay in Justice	What is the way out when one of the accused is declared absconded and surity has already deposited the amount of bond in the Court?
125	HR Act	A Pleader who is assigned in legal aid to accused or UTP does not appear in the Court and thereby, causes delay in proceeding of trial, does that amount to breach of Human Right?

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126	HR Act	Can juvenile be punished with death sentence or imprisonment for life? If that is not so, what are the provisions?
127	HR Act	Can the Human Rights Commission interfere in the event of delay in trial of under trial accused?
128	HR Act	Do jail authorities or Police agency bound to inform the Magistrate having jurisdiction about the death occurred in prison or in police custody as the case may be?
129	HR Act	Have the directions which have been issued in the case of D.K. Basu Vs. State of Bengal - 1997, Cr.L.J. 743 by Honorable Supreme Court been breached by Investigation Officer, does that amount to contempt of Court or breach of human rights? If yes, what is the remedy?
130	HR Act	If accused was charged with the violation of human Rights, can he claim legal aid, as per section 303, 304A of Cr.P.C. ?
131	HR Act	If an accused makes complaint as regards ill treatment at the time of production before the Court, can that complaint fall within the ambit of provisions of Human Rights Act? If yes, what will be the procedure?
132	HR Act	If the accused is involved in various inter-State offences, could not be produced before the court during the trial, and the trial is delayed because of failure on the part of State machinery to produce the accused, what remedy is then available?
133	HR Act	If an accused, who is charged with an offence under the NDPS Act, is produced before the Magistrate, can an application seeking remand be entertained by Magisterial Court?
134	HR Act	In case of complaint of ill treatment to the accused by the Police, the Medical Practitioner, who has examined the accused does not provide medical certificate, what remedy, then is available to the accused?
135	HR Act	In petty offence if accused wants to plead guilty after scrutinizing pros and cons of fine and imprisonment prescribed for it and Magistrate does not entertain such plea and remands accused into judicial custody, does that amount to illegal custody? Does that action infringe human rights of the accused?
136	HR Act	On arrestee being produced before the Magisterial Court and Human Right is found to have been violated by the Police, whether, under such circumstances, the Court is empowered to take cognizance thereof?
137	HR Act	What are the human rights of a mentally ill arrestee especially, when he is produced before the Court ?
138	HR Act	What are the powers of the Magistrate under the Protection of Human Rights Act?
139	HR Act	What are the rights against illegal detention and provisions for production before Magistrate?
140	HR Act	What are the rights of woman arrestee?
141	HR Act	What is the procedure as regards search of person, property or belongings of the accused?
142	HR Act	What recourse is available to the person who is arrested for the alleged offence on account of mistaken identity?
143	HR Act	What is the standard of proof regarding ill treatment, when accused had injured in the incident and complaint of ill treatment?
144	HR Act	What kind of offences be termed as offences regarding Human Rights, which can be tried by the District Court as Human Rights Courts?

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145	HR Act	What recourse is available when the complaint as regards breach of Human Rights under the Protection of Human Rights Act is lodged with the Judicial Magistrate?
146	HR Act	When the Accused before the court is tried for an offence for which a minimum sentence is prescribed for, in that case, can benefit as provided U/s. 360 of the CrPC be extended in favour of the accused?
147	HR Act	Is a Magistrate receiving the complaint of ill treatment of arrestee empowered to issue any other direction to police authorities regarding the incident of ill treatment?
148	HR Act	Can an NRI claim the benefits of Human Rights under the Protection of Human Rights Act?
149	HR Act	Can compensation be awarded for breach of Human Rights?
150	HR Act	Can an application seeking remand be entertained in absence of accused?
151	HR Act	Can an accused himself pray to the Court to undergo Narco Analysis Test to prove that he is falsely implicated?
152	HR Act	Has the concerned department published and circulated the Notification issued U/s. 30 of Protection of Human Rights Act in the State?
153	Legal Aid	Can Sessions Court under the provisions of S. 304 CrPC appoint special defence advocate for the accused in serious offences inspite of the fact that he is not on the penal of Legal Aid?
154	Legal Aid	Do prisoners have right to earn their livelihood?
155	Legal Aid	What are the provisions for legal aid to mentally ill person?
156	Other	Is the Court empowered to issue directions as regards providing basic amenities to the accused?
157	Other	Is there any United Nation's Code of Conduct for Law Enforcement Agency? Is India signatory to the said code?
158	Other	What are the circumstances under which fresh bail and bond admissible?
159	Other	What are the guidelines for arrest, encounter, polygraphy (lie detector) and police-public relationship set out by the NHRC?
160	Other	Can Art. 21 of the Constitution be considered as a repository of various human rights? What are they?