NATIONAL LAW UNIVERSITY DELHI

LL.M. (Professional), Semester-II (Regular Students-Batch of 2021)

End Semester Assessment (Online), September-2022

Paper: Substantive Criminal Law

Time: 6:00 hrs   Total Marks: 70

Instructions:
1. Attempt and five Questions. First Question is compulsory.
2. No clarification shall be sought on the question paper.
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Q.1.   Does consent means an intelligent, positive concurrence, 'of the will of the women, or is the negative absence of dissent sufficient? Discuss, how the 'consent' as an element of the sexual assault offences has undergone changes after Criminal Law Amendment Act 2013?
(10 Marks)

Q.2.   Is there any difference between 'genuine' and 'mistaken' belief? Will the nature of belief as 'genuine' or 'mistaken' affect the principle of law to exempt a man for killing another man on the ground that the accused believed in good faith at the time of the attack that the object of his assault was not a living human being but some object other than a living human being? Explain.
(15 Marks)

Q.3.   What is the test propounded by the Supreme Court to judge as to whether 'apprehension of the danger to the body' has arisen or not, in order to justify exercise of the right of private defence?
(15 Marks)

Q.4.   Section 149 of IPC like Sec.34 of the IPC also deals with cases of constructive liability, but the essential constituent of the vicarious liability under Sec. 34 is the existence of 'common intention', but being similar in some ways the two sections may in some cases overlap. Elucidate how the two sections deal with constructive liability?   **(15 Marks)**

Q.5.   Whether a different standard is applicable for convicting a professional while discharging his duties for negligently causing death? Is there a difference in civil and criminal law on the concept of negligence?
(15 Marks)

Q.6.   Explain the term "grave and sudden provocation" as used in the exception to Sec 300 IPC. What are the conditions that need to be satisfied to determine whether the provocation was 'grave and sudden'?   **(15 Marks)**