

**NATIONAL LAW UNIVERSITY, DELHI**  
**LL.M. Degree Programme, I-Semester (Batch of 2019)**  
**End-Semester Examination, December – 2019**

**Paper: Principles of Criminal Law & Contemporary Issues**

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer. **Attempt any FIVE questions.**
  - 2 No clarification shall be sought on the question paper.
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**Q.1** “Proof of the *actus reus* and *mens rea* is not always sufficient to establish liability. In a number of offences, the prosecution must also prove that the accused’s act *caused* a particular result. Proof of this becomes more difficult, particularly where there is an intervening event or where there are multiple causes of death”.

Explain with the help of case laws as to how causation is attributed to individuals in the situations of multiple and socially structured causation? **(10 Marks)**

**Q.2** “There are powerful arguments of principle and practicality against the imposition of a general criminal liability for failing to act in the circumstances which give rise to a prohibited harm. The strongest argument is that to do so would infringe the autonomy of the citizen. At the same time, the arguments of individual autonomy have been challenged for their failure generally to respect obligations of social responsibility, particularly where the potential harm that can be averted is disproportionate to the infringement of the person’s liberty”.

Comment and explain with the help of the case laws, in what circumstances the law can, consistent with this principle of autonomy, impose liability for omissions? **(10 Marks)**

**Q.3** One of the fundamental presumption of the criminal law and criminal liability is that the accused is ‘normal’ i.e. it presuppose an individual who is rational and autonomous. Anthony Duff has argued that the defendant is a responsible citizen who is answerable before the court. In the light of the above statement, discuss Insanity as a ‘negative fault element’ and describe what standards the Indian courts have evolved to determine whether at the time of the alleged act accused was a sufficiently responsible moral agent? **(10 Marks)**

**Q.4** The *culpable* causing of another person’s death may fairly be regarded as the most serious offence in the criminal law. The harm caused by the homicide is absolutely irremediable. Regardless of the nature of harm, the offence relating to homicide has a broad scope, being limited by murder at one extreme and accidental killing at the other. Elucidate how this broad scope has been able to respond proportionately to the different degree of culpability manifested in cases where death is caused. **(10 Marks)**

- Q.5** Part of rationale for laws against sexual offending is to protect the autonomy of individuals in sexual encounters, ensuring that there are criminal prohibitions to prevent unwanted sexual interference and to criminalize those who culpably interfere with individuals' sexual autonomy. Discuss and analyse as to what extent Criminal Law Amendments 2013 has been able to meet these goals. **(10 Marks)**
- Q.6** "From any principled viewpoint on criminalization there are important issues – of how the criminal law ought to be shaped, of what its social significance should be, of when it should be used and when not".  
Elucidate the statement in the light of prominent theories of criminalization. **(10 Marks)**