

# NATIONAL LAW UNIVERSITY, DELHI

LL.M., Semester-I (Batch of 2020)

End Semester Online Examinations, January-2021

Paper: Principles of Criminal Law & Contemporary Issues

Time: 48 hours

Total Marks: 50

## Instructions:

1. Mail your assignments only to **submissions.llm@nludelhi.ac.in**
2. All questions are compulsory. Each question carries **10 Marks**.
3. This is an open book exam. Students are free to consult their class notes as well as assigned reading materials.
4. No clarification shall be sought on the question paper.
5. Mention **ONLY** Name, Roll No. and Subject Paper on the Cover/First page. Start writing your answers from the next/second page only. **Do not** mention your name and roll no on any other page.

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- Q.1. “Both the expressions ‘intent’ and ‘knowledge’ postulate the existence of a positive mental attitude which is of different degrees. The mental element in culpable homicide i.e. mental attitude towards the consequences of conduct is one of intention and knowledge. If that is caused in any of the three circumstances mentioned in Sec 299 IPC, the offence of culpable homicide is said to have been committed”. In light of the statement, explain the degrees of culpability required to be proved for offence of Murder and Culpable Homicide and critically analyse *Rajinder v. Haryana* (2006) 5 SCC 425 and *Ruli Ram v. Haryana* (2002) 7 SCC 691.
- Q2. Two accused stabbed a co- prisoner, Naresh, in the stomach. The injury was inflicted in September 2019 and, after a bowel resection operation, Naresh participated in activities in the prison at Diwali celebrations (2<sup>nd</sup> November) that year. On 15 December 2019 Naresh became unwell, and he died on 7<sup>th</sup> January 2020. The cause of death was a stricture in the bowel at the site of the resection operation, which is not uncommon. The real issue before the Court was whether the blockage of the bowel was due to the stabbing. The Court was of the view that there was sufficient medical evidence for it to support such a finding. It noted that there were features of the case that made it unusual — namely, that the stab wound was initially treated immediately and in a skilful way, and that the wound was in the course of ‘healing’ and the victim was ‘recovering’. Both the accused were convicted of culpable homicide not amounting to murder. Discuss the ‘Causation principles’ as evolved in various cases and decide whether accused can be said to have **caused** the death of the victim?
- Q.3. “Some excuses (e.g. mistake of fact, intoxication, and insanity) will in their nature be subjective, although much controversy surrounds whether all excuses should be purely subjective. There is no universal theoretical solution to this problem. Within broad limits, legal systems may quite properly vary in their willingness to individualize excuses and the general principles, if any, upon which they do so. Thus they cannot

altogether eliminate the essential 'objective' dimension of excusatory claims. They cannot ignore the important point that excuses rely on reason, not on the absence of it. That is, they rely on the ability of the person who claims to be excused to believe and feel as reason demands, and because reason demands it. Those people who cannot meet this condition do not need to bother making excuses". Explain the statement with the help of decided cases on defence of mistake of fact and defence of intoxication.

- Q.4. Describe the phenomenon of Disillusionment with the Criminal law in West. On what points Andrew Ashworth is being skeptical about the whole system of Criminal Law in his article "Is the Criminal Law a lost Cause"? Also explain four cardinal principles that he had advocated that would help criminal law be viewed as the product of principled thinking.
- Q.5. In many cases rape causes a great deal of harm, and even lesser sexual assaults may have long-lasting psychological consequences that affect the quality of life. It is strongly arguable that it is not primarily the physical harmfulness of the sexual invasion that makes them serious offences. More significant is the autonomy principle as the principle that individual should be respected and treated as agents capable of choosing their acts and omissions. Rape is 'dehumanizing' because it is 'a denial of personhood' There is a denial of bodily integrity. In the light of this statement, discuss and analyse to what extent Criminal Law Amendment Act 2013 have been able to meet these principles.