

Time: Three Hours

Marks: 100

Instructions:

1. Do not write anything on the question paper.
2. Seeking clarity on the question paper is prohibited.
3. Attempt any five.

Q.1) A question is often raised – If escape is open to those who are attacked, does the law want them to retreat, or, stand and fight back to defend themselves? In fact, the very purpose of criminal law – i.e. the prevention of offences – would support the view that the person attacked should try to avoid injury or loss of life either on his part or on the part of his attacker and, therefore should retreat. But it can also be argued with equal force that the very purpose of granting the right of private defence of body and property is to help the person attacked to defend himself/herself before the State can step in to save him/her. And, if he/she holds his/her ground and resists the attack, it should be possible for the system to grant him/her the right of private defence.

In this light, discuss critically the existence, nature and extent of the right of private defence, which can (?) be claimed by a person in the face of an attack when safe retreat is a reasonably probable alternative available to him/her. Discuss with the help of decided cases.

(Marks 20)

Q.2) Explain the law relating to unsoundness of mind as a defence under the Bharatiya Nyaya Sanhita, 2023. In your answer, discuss with reference to case laws:

1. the ingredients that an accused must prove to claim this defence,
2. the burden and standard of proof.

(Marks 20)

Q.3) A husband discovers that his wife has been chatting intimately with a colleague online. In a fit of rage, he kills her, and pleads grave and sudden provocation under the B.N.S., 2023. A wife, after years of abuse, kills her husband when he raises his hand to beat her again and also pleads grave and sudden provocation. As an LLB student, analyse how a court might treat these two claims differently, and discuss whether the law and its interpretation adequately reflect women lived experiences of provocation.

(Marks 20)

Q.4) Section 84 of the Bharatiya Nyaya Sanhita, 2023 criminalises any man who 'takes or entices away' a married woman for 'illicit intercourse', but does not criminalise the woman herself or recognise her sexual autonomy. As counsel for a petitioner before the Supreme Court,

frame and discuss the main constitutional grounds on which you would challenge the validity of Section 84.

(Marks 20)

Q.5) What, if any, is the distinction between the doctrine of joint liability as incorporated in Sections 34 [S 3(5) of B.N.S] and 149 [S 190 of B.N.S] of the IPC? Elaborate with the help of decided cases.

(Marks 20)

Q.6) What is meant by modesty of a women? Is the reaction of the women relevant in deciding whether there was outrage of her modesty? Discuss with the help of decided case laws.

(Marks 20)