

1 MAY 2023

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination-2023

Semester: UG X Semester

Criminal Law (Honours)

Subject: Comparative Criminal Law

Time: Three Hours

Marks: 100

Instructions:

- I. Do not write anything on the question paper.
- II. No explanation can be sought from anyone on the contents of the question paper.
- III. Write the answers in the same sequence as given in the question paper.
- IV. No books, articles, notes, computer & similar devices, mobile phones and other electronic gadgets, are allowed to carry during examination.
- V. Answer any five of the following questions.

Q.1. "The right not to be compelled to testify against himself is a universally recognised right of the accused under Art 14 of the international convention on civil and political rights and is a fundamental right conferred by Art 20 (3) of the Constitution. It says that "No person accused of any offence shall be compelled to be a witness against himself". This is often described as right to silence. History of mankind is replete with instances where under every type of regime the accused in custody was tortured within the four corners of the cell for forcing him to confess or disclose information, when there is none to hear his cries or to come to his rescue". Discuss in detail the right to remain silent from a comparative perspective (Marks 20)

Q.2. It is argued worldwide that death penalty is the most deterrent punishment and it not only deters others from committing such offence. Do you agree with this proposition? Give reasons for your answer. (Marks 20)

Q.3. Discuss in detail the evidentiary value of evidence obtained illegally or improperly from a comparative perspective by giving due reference to Indian and U.S perspective (Marks 20)

Q.4. "Right to fair trial, presumption of innocence until pronouncement of guilt and the standard of proof are the basic and crucial; tenets of criminal jurisprudence." Critically analyse this statement from a comparative perspective (Marks 20)

Q.5. Critically analyse the power and role of public prosecutor in India and crown prosecutor in U.K regarding the withdrawal of prosecution. (Marks 20)

Q.6. Critically analyse the advantages and disadvantages of the adversarial system in criminal proceeding from a comparative perspective. Examine the Malimath committee report to analyse from Indian perspective. (Marks 20)

