

NATIONAL LAW UNIVERSITY, JODHPUR
 END TERM EXAMINATION (Aug-Dec) - 2025
 Semester: L.L.M Semester I (Public Law)

Subject: Evolving Perspectives on Crime and Punishment.

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. Follow the same sequence in question paper while writing the answers.
4. Attempt any four.

Q.1) Grant Lamond in his article "*What is a Crime?*" argues that not every morally wrongful act should be classified as a crime. Drawing on his distinctions between moral wrongs, legal wrongs, and criminal wrongs, critically examine the criteria he proposes for when conduct should be criminalised.

(Marks 25)

Q.2) The 94th Law Commission Report recommends insertion of a proposed Section 166A in the Indian Evidence Act, 1872, empowering courts to refuse evidence obtained illegally or improperly, based on factors such as seriousness of the offence, importance of the evidence, urgency of the situation, and derogation from human dignity and social values. Critically examine this *balancing approach* to the exclusion of illegally obtained evidence.

(Marks 25)

Q.3) H.L.A. Hart in his article "Prolegomenon to the Principles of Punishment" identifies certain *standard features* or elements that characterise "punishment" (e.g., it is an evil inflicted, for an offence, by an authority, etc.).

- a. Set out these features and explain why Hart thinks such an analysis is necessary before engaging in moral or political evaluation of punishment.
- b. Do you think Hart's definition is descriptively adequate in contemporary criminal justice systems (e.g., restorative practices, community sentences, corporate penalties)? Give reasons.

(Marks 12.5 X 2= 25)

Q.4) Keeping in mind the 262nd Report on death penalty, highlights systemic and structural concerns—economic and educational vulnerability of capital defendants, difficulties in assessing capacity for reform, fallibility in guilt determination, and admitted errors in imposing death sentences.

(Marks 25)

Q.5) Critically evaluate whether the Bachan Singh framework, as applied in practice, has succeeded in transforming death penalty sentencing from *unguided* to *principled* discretion. In your analysis, consider both the doctrinal developments and the empirical data highlighted by the Commission.

(Marks 25)

Q.6) Nicola Lacey in his article "Legal Constructions of Crime" distinguishes between the *conceptual form* of crime (how criminal law defines wrongdoing) and its *substantive scope* (which behaviours are actually criminalised). Discuss this distinction and evaluate its significance for debates about the proper limits of the criminal law.

(Marks 25)