

NATIONAL LAW UNIVERSITY, JODHPUR
End Term Examination April-May – 2025
Semester: UG X Semester (Criminal Law Hons.)
Subject: Comparative Criminal Law

Time: Three Hours

Marks:100

Instructions:

1. Answer any five questions.
2. Support your answers with relevant statutory provisions and case laws.

Q.1). Though the *actus reus* is one of the significant elements of criminal law yet common law has time and again accommodated and justified the criminalisation of 'conduct-less' crimes by categorising them as 'status offences. Explain with a focus on the Indian jurisdiction. [Marks 20]

Q.2). Explain the importance and purpose of comparative studies. How is it being used as a methodology in criminal law studies? [Marks 20]

Q.3). 'It took a long time to settle the question of 'launching a preliminary inquiry' under section 154 of Criminal Procedure Code (now section 173 of Bharatiya Nagarik Suraksha Sanhita,2023.' State the current existing guidelines for the same. Also, it emphasises the fine balance carried out by the Supreme Court between the power of the police during investigation and concern for human rights. [Marks 20]

Q.4). Locate the Indian understanding of the offence of 'obscenity' under section 294 of Bharatiya Nyaya Sanhita,2023, in the context of jurisprudence developed in the UK and USA. Also, comment whether the 'past' and the 'present' of offence indicate it being politically motivated. [Marks 20]

Q.5). 'By redefining the criminal legal system of India, the British Government further established its legitimacy and authority in India. However, while doing so their single-mindedness jeopardised the diversity of the Country.' Comment. [Marks 20]

Q.6). Do you think that bestowing the status of 'electronic personhood' to AI will help in redefining the elements of criminal liability? How is the EU framework answering this question? [Marks 20]

25 JUL 2025

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Q.1). 'Salmond's understanding of 'act' tends to limit the liability and thus gives way to the exceptions in the criminal law'. While explaining the four components of actus reus, highlight how the above statement finds its place in Indian criminal law.

[Marks 20]

Q.2). Illustrate the jurisprudence of 'supremacy of police in investigation procedure' in the common law. In light of the same highlight the impact of the offences given in Annexure A.

[Marks 20]

Q.3). Explain the components of criminal comparative methodology. Why do you think 'context' plays a crucial role when comparing two jurisdictions?

[Marks 20]

Q.4). 'It may be high time that we reconsider the positioning of the actus reus element before locating the mens rea'. Do you agree with this arrangement? Do you think it'll be significant in developing and accommodating the criminal liability of AI?

[Marks 20]

Q.5). Elucidate with the help of relevant jurisprudence how 'fair hearing' and 'access to justice' are an attribute of constitutional due process.

[Marks 20]

Q.6). Compare the colonial impact on the criminal legal system of India, UAE, and Malaysia.

[Marks 20]



Annexure A

Section 113: Terrorist Act:

(1) Whoever does any act with the intent to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic security of India or with the intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,---

(a) by using bombs, dynamite or other explosive substance or inflammable substance or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substance (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause,---

(i) death of, or injury to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(iv) damage to, the monetary stability of India by way of production or smuggling or circulation of counterfeit Indian paper currency, coin or of any other material; or

(v) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do or abstain from doing any act,

commit a terrorist act.

(2) Whoever commits a terrorist act shall,---

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine...

Explanation.---For the removal of doubts, it is hereby declared that the officer not below the rank of Superintendent of Police shall decide whether to register the case under this section or under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

152. Act endangering sovereignty, unity and integrity of India.---Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

Explanation.---Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section do not constitute an offence under this section.

Section 197 (1): Imputations, assertions prejudicial to national integration.---(1) Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise,---

(a) makes or publishes false or misleading information, jeopardising the sovereignty, unity and integrity or security of India, shall be punished with imprisonment which may extend to three years, or with fine, or with both.