

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 4.1 Economics - II

Time: 2:00 Hrs.

Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. Explain the Environmental Kuznets Curve (EKC). What are its policy implications in regard to a developing country? 7+3=10
2. Discuss the differences between the Classical and Keynesian views on development. If you were a policy maker, whose views would you consider more and why? 6+4=10
3. "The HDI developed by Pakistani economist Mahbub-Ul-Haq are found in the annual HDRs produced by the UNDP".
 - a) In this context, what are the differences between the HDRs of 1990 and 2010? 3
 - b) HDR 2010 has introduced a new index in regard to poverty. Explain it. 4
 - c) When did India publish its first national HDR? 1
 - d) According to 2016 HDI, what is the score of India? 1
 - e) According to 2016 HDI, what is the development category of India? 1
4. Write a note on the concept of sustainable development. How do you justify the use of the term sustainable development and not sustainable growth? 8+2=10
5. Explain the theory of economic development with unlimited supply of labour. What do you mean by structural transformation of an economy? 9+1=10
6.
 - a) Can poverty be termed as a significant contributor of environmental degradation? Discuss. 5
 - b) "Freedom in Commons brings doom to everyone". - Elaborate. 4
 - c) What do you mean by free riding? 1

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B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 4.2 Constitutional Law - I

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following.

1. A preamble is said to be the key to open the minds of the drafters of any legislation. The Constitution of India also has a very elaborative Preamble that describes the goals to be achieved through the Constitution. Make a critical assessment of the objective philosophies as enshrined in the Preamble to the Constitution of India stating its interpretative value. 8+2=10
2. Freedom of the body, freedom of the mind and contractual freedoms are cardinal for a citizen residing in a constitutional democracy. In the light of the above mentioned statement, make a brief discussion on the Six Freedoms provided under Article 19 of the Constitution of India. 10
3. As a right without a remedy does not have much substance; the remedy to approach the Supreme Court directly for the enforcement of any of the rights mentioned in Part III has also been made a fundamental right *vide* Article 32 of the Constitution of India. Provide a brief discussion about the remedies provided under Article 32 of the Constitution of India for the protection of Fundamental Rights along with the steps taken by the Supreme Court through its innovation in this regard citing relevant judicial pronouncements. 6+4=10
4. Critically evaluate the need and significance of the Directive Principles of State Policies enshrined in the Part IV of the Constitution of India at the present juncture highlighting the inter-relationship between the same and the Fundamental Rights. 6+4=10
5. What is the procedure to amend the Constitution of India? Is the power of the Parliament to amend the Constitution unfettered? Provide juristic opinion in support of your answer. 5+5=10
6. Write Short Notes on the following: 5+5=10
 - (a) Fundamental Duties
 - (b) Doctrine of Severability

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National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 4.3 Family Law - I

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. Ajay, a Hindu male and Bindu, a Hindu female, both from Gorakhpur, UP had an arranged marriage as per the essential rites and ceremonies of Hindu marriage on November 10, 2015. In the concern of the case Ajay was very popular among his female colleagues at office. Soon after marriage Ajay was sent for foreign assignment by the office with a lady colleague. After coming back from the foreign trip, one day while Bindu was browsing Ajay's mobile phone she ended up reading a text from one of Ajay's female colleague which read, '...I am pregnant, you dog!!!'. Bindu confronted Ajay regarding the text. Ajay, however, vehemently refuted it and in the process they had heated arguments. Enraged that her husband had cheated on her Bindu left for her natal home. After almost a year on September 03, 2016 Bindu's father received a legal notice for Bindu from Ajay regarding divorce on the ground of desertion. In response Bindu counter filed a case of adultery against Ajay.

In the light of the given facts and circumstances critically discuss and elaborate the relevant concepts, provisions of Hindu law and on the basis of decided cases.

2. Discuss in detail the constitutionality of Restitution of Conjugal Rights in Indian marriages. Support your answer on the basis of relevant provisions of laws and on decided cases.
3. What do you understand by the phrase, "equality in marriage, during marriage and on dissolution of marriage?" Support your answer on the basis of relevant concepts and on the basis of judicial opinions.
4. Is Muslim marriage a *muamlat* or *ibadat*? Support your answer on the basis of relevant teachings of Koran, customs and also on the basis of the opinions of jurist and judicial pronouncements.

5. Trace the historical development of judicial opinion of the Supreme Court of India in finally pronouncing Triple talaq as unconstitutional.
6. Write notes on:
 - (i) Concept of maintenance of wife.
 - (ii) Judicial Separation.

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B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)
Semester End Examination (June, 2018)
Subject Code: 4.4 Indian Penal Code

Time: **2:00 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any five questions from the following. All questions carry equal marks.

1. (a) (i) On 2/03/18, Sukha Ram, the Officer-in-charge of a police station in Guwahati arrested Surinder in connection with the kidnapping of a 15 year old girl from her house in Guwahati. On seeing the CCTV footage, the officer came to know that there were three more persons involved in the offence. Surinder was kept in the lock up at the said police station. At night Sukha Ram beats and tortures Surinder in order to induce him to confess to the offence and also to tell him about the whereabouts of the other accomplices. Surinder's right hand is fractured and he loses sight in his right eye as a result of the beating and torture.

(ii) In the light of the facts given above answer the following:

- (a) Has Sukha Ram committed any offence? Give reasons for your answer with appropriate sections of law.
 - (b) State and explain the difference between Section 323 and Section 325 of the *Indian Penal Code, 1860*.
- (b) Manu throws a balloon filled with acid on Salma's face, after she slapped and insulted him in front of his friends. Salma's face and hands are disfigured. Is there any provision in the Indian Penal Code, 1860 for punishing Manu? Explain in brief.
(2.5+2.5+5=10)
2. Mr. Sharma was a rich businessman and preparations were going on for his daughter's marriage which was going to be held on 24/12/2017. Ramesh and Bhola were trusted employees, working as watchman and driver respectively for Mr. Sharma. Bhola told Ramesh that Mr. Sharma had gone to the bank locker and had taken out the gold ornaments for the wedding and had drawn out a large amount of cash also and kept it in the house. Both of them decided to rob Mr. Sharma. On the night of 23/12/2017, they along with three more of their friends Tony, Pran and Ranjit, covered their faces and armed with daggers and knives, entered into Mr. Sharma's house through the ventilator.

They tied up Mr. Sharma's wife and daughter and killed Mr. Sharma, as he was trying to prevent them from breaking open the locker in which all the gold ornaments and cash had been kept. They took ornaments worth Rs.50 lacs and cash of about Rs. 10 lacs and ran away. An FIR was lodged, the police started investigation and all the accused were arrested. After the trial was over, all the accused persons were convicted under Section 396 IPC by the Court.

In the light of the facts given above, answer the following:

- (a) Who were the persons convicted in the above case? Explain in detail why the Court convicted them under Section 396 IPC and state the punishment that the Court can award to all the convicted persons?
- (b) State and explain the essential ingredients of 'Robbery' with suitable illustrations and case laws.

(5+5=10)

3. Two friends Amy and Rani, both aged about 19 years, were travelling by train from Kolkata to Delhi. The train was delayed by over 8 hours and since it was already late at night they decided to stay in the waiting room at the railway station. At about 1am, Rani went to the washroom (which was attached to the waiting room) leaving Amy alone. At that time Jamir and Rashid entered the waiting room and saw Amy sleeping on the chair. Seeing the girl alone they bolted the door and decided to rape her. They tied up her mouth so that she could not make noise and Jamir raped her. When Rani returned, she saw her friend struggling, so she ran towards the door screaming for help. On seeing this, Rashid ran towards Rani and pushed her against the wall. Rani picked up a rod lying nearby and hit Rashid on the head as a result of which he started bleeding profusely and fell down. In the meantime, Jamir tried to kill Amy by strangling her, but did not succeed as some other people broke open the door and entered the waiting room on hearing the noise. The police arrested Jamir and sent Rashid to the hospital where he was declared dead on arrival. Amy was taken to the hospital, but had gone into a coma and continues to be in the same state, as a result of the rape and strangulation. Jamir is convicted by the Court.

In the light of the facts given above answer the following questions.

- (a) Has Rani committed any offence? Is there any plea under the *Indian Penal Code* 1860 (IPC) that Rani can take in the Court of law to exempt her from criminal liability? Explain in detail the circumstances under which such a right extends to the voluntary causing of death of the assailant.
- (b) What offence has Jamir committed? Discuss the punishment that can be awarded to Jamir by the Court, referring to the relevant provision of law.

(6+4=10)

4. Ajit and Vikram are brothers, who were embroiled in a bitter property dispute for years. Fed up with the constant fighting, one day early in the morning while Vikram was having his morning tea, Ajit took out his gun and shot Vikram several times in the head from point blank range as a result of which Vikram died instantly.

i) What offence has Ajit committed?

ii) State the essential ingredients of Section 300 IPC along with the provisions of law under which Ajit shall be convicted.

iii) State the circumstances under which culpable homicide does not amount to murder.

(1+4+5=10)

5. (a) The owner of a house, Mr. Bora, was cutting down a huge tree in his compound. He had informed his neighbors that he was going to do so and for them to be careful when they were passing his house. He even made one of his employees stand on the road outside his house to warn any passerby to be careful. While the tree was being cut, a huge branch fell and killed Bina, a passerby.

Has Mr. Bora committed any offence? State the defence if any, that Mr. Bora can take during his trial in the Court along with the provision of law and relevant case laws.

(b) "Self-induced intoxication is no defence"- Explain the statement with relevant provision of law and caselaws. (5+5=10)

6. Write a short notes on:

i) Section 354A and 354D of the *Indian Penal Code*, 1860

ii) Criminal trespass

(5+5=10)

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Subject Code: 4.5 Contract Law - II

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any five questions from the following. All questions carry equal marks.

1. (a) "A mere pledge cannot be given without delivery of the possession. It can be actual or constructive. In order to complete the pledge, it is not necessary that there should be actual delivery of the pledged good. It is sufficient if there is constructive delivery." In the light of the above statement, describe the pre-requisites of a valid pledge.

(b) The liability of Surety is co-extensive with that of the Principal Debtor. Explain.
2. "An agent cannot personally enforce a contract entered into by him on behalf of his principal nor he personally bound by such a contract." Explain the aforementioned statement. Describe exceptions to the above statement if any.
3. Describe the various modes of dissolution of partnership under Indian Partnership Act, 1932.
4. The word partnership is derived from the word "to part" which means to divide. Can the division of profit between partners be the sole test for partnership? Explain with suitable examples.
5. "An unpaid seller has various rights against the goods." Do you agree with the aforementioned statement? Discuss.
6. Distinguished between any two of the followings:
 - (a) Sale and Agreement to Sell
 - (b) Conditions and Warranties
 - (c) Contract of Bailment and Contract of Pledge

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B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 4.6 Jurisprudence - II

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any five questions from the following. All questions carry equal marks.

1. How would you differentiate between positive and negative rights? Explain with the help of relevant examples. Would you classify civil and political rights and socio-economic rights according to the above difference? What are the criticisms against the said classification? (3+4+3)
2. In Hohfeld's analysis of rights, is there a possibility of rights in rem? With help of appropriate examples explain in detail jural relations developed by Hohfeld. (3+7)
3. By examining the different incidences of ownership, identify how it is different from possession? Explain in detail the difference between legal and equitable ownership and trust and beneficial ownership. (4+6)
4. How would you differentiate between double capacity and double personality? What are different advantages and disadvantages of incorporation? (3+7)
5. Why is the concept of possession called as legal, non-legal and pre-legal? By defining the concepts of possession in fact and possession in law critically analyse the difference between them. (3+7)
6. In the light of Hohfeld's conceptual analysis of rights examine the differences between the bundle theory and full liberal ownership theory of property. How would you differentiate between jura in propria and jura in re aliena. (5+5)
