

NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): II-Year, IV-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 4.1 Economics - II

Time: **1:15 Hrs.**

Total Marks: **20**

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 two questions from the following. All questions carry equal marks.

1. "Economic Development refers to social and technological change and not merely an increase in production". In light of this explain the role of social and economic factors in achieving economic development and also give your view why development is more a cause of concern of backward countries?

8+2=10 Marks

2. Give idea of Gender Empowerment Measure (GEM) and Gender Development Index (GDI) highlighting the basic differences between these two indices. What are the reasons that led to the development of a more composite inequality index by the Human Development Report of 2010? In this regard explain the index briefly.

3+2+5=10 Marks

3. In view of the theory of Surplus Value of Karl Marx explain briefly how increase in organic composition of capital leads to falling rate of profit. Mention the role of an entrepreneur and innovation in breaking Stationary state of equilibrium as depicted by Schumpeter and also explain why Schumpeter considered growth to be Cumulative in Nature?

4+6=10 Marks

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Mid Semester Examination (April, 2019)

Subject Code: 4.2 Constitutional Law - I

Time: **1:15 Hrs.**

Total Marks: **20**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any two questions from the following. All questions carry equal marks.

1. "Right to equality as provided by Article 14 of the Constitution of India does not mean that all laws must be general in character and universal in application." Explain.
10 Marks
2. 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 indicates the goals to be achieved through the Constitution. Make a critical assessment of the objective philosophies enshrined in the Preamble to the Constitution of India stating the reflection of the same in the text of the Constitution. Whether the Preamble is a part of the Constitution? Provide justification in support of your answer.
8+2=10 Marks
3. Write Short Note:
(a) Doctrine of Basic Feature/Structure
(b) Doctrine of Eclipse
5+5=10 Marks

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B.A., LL.B. (Hons.): II-Year, IV-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 4.3 Family Law - I

Time: **1:15 Hrs.**

Total Marks: **20**

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 two questions from the following. All questions carry equal marks.

1. Rina aged 30, a Hindu female and resident of Gomti Nagar, UP, filed bigamy case against her husband, Anil, aged 25, a Hindu and four others on the allegation that he had solemnized another marriage during the subsistence of their marriage. The husband in his defense against the allegation of bigamy argued that his second marriage was not valid in the eyes of the law owing to the fact the girl with whom he had allegedly solemnized marriage was a minor girl of 17 years belonging to tribal community. Since girl allegedly profess Hinduism, the alleged marriage was solemnized by mere smearing of vermilion on the forehead of the bride and exchange of thali as per the customs prevalent among the tribal community of the bride. Thus, in absence of performance of customary rites and ceremonies of Hindu marriage and also without the *saptapadi* the alleged marriage against which the bigamy provisions had been invoked gets defeated.

In light of the given facts and circumstances discuss the relevant concepts, issues and status of marriages of the parties under Hindu law with the help of relevant provisions of Hindu Marriage Act, 1955 and on the basis of decided cases.

10 Marks

2. Discuss in detail the concept of marriage or *nikah* under Muslim law.

10 Marks

3. Write notes on:

- (i) Sources of Hindu Law.
- (ii) Live in by chance vs. live in by choice.

5x2=10 Marks

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Mid Semester Examination (April, 2019)

Subject Code: 4.4 Indian Penal Code

Time: **1:15 Hrs.**

Total Marks: **20**

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 two questions from the following. Question No. 2 is compulsory. All questions carry equal marks.

1. (a) Anwar convinces Aziz to instigate Samuel to murder Daniel. Aziz does so and in pursuance of the instigation, Samuel murders Daniel by shooting him.
Name the persons who can be held liable for the murder of Daniel. Give reasons for your answer along with appropriate sections of law.

- (b) Seema went to visit Lina in her house but Lina had to go out on some urgent work, so she told Seema to wait for her till she returned. Seema knew that Lina owned lots of gold jewellery and so she decided to steal some of it from Lina's cupboard. Seema opened the cupboard and found Lina's jewellery box and opened it, but, did not find any jewellery in it. At that time Lina returned home and found Seema opening her jewellery box. Lina lodges an FIR against Seema.

What offence has Seema committed? Give reasons for your answer.

- (c) With the help of suitable illustrations explain the various stages of a crime.

(2.5+2.5+5)=10 Marks

2. In an incident on February 2014, Suman was murdered and the accused persons were convicted under section 302/34 of the Indian Penal Code, 1860 (IPC).

In a separate incident in March 2015, two friends Asif and Shyamal were killed and the accused persons were convicted under sections 302/149 of the IPC.

In the light of the circumstances given above, explain in detail why the accused persons have been convicted under different sections of law *i.e.*; Ss. 302/34 IPC and Ss. 302/149 IPC, even though the offence of murder which is punishable under section 302 IPC, was committed in both the cases.

10 Marks

3. (a) State and explain with illustrations any two possible mental attitudes which can constitute the actus reus of a particular crime.

(b) Mr. Z is the owner of a factory in which Mr. M was the manager. The owner had instructed the management and other employees of the factory not to throw garbage and other waste material from the factory into the adjoining river, so as to not cause harm to the public in general. In spite of the instructions it was found that garbage and toxic waste from the factory was being thrown in the river. The Municipal Corporation filed a case against Mr. Z and Mr. M.

Can Mr. Z be held liable for dumping garbage and toxic waste from the factory? Give reasons for your answer. Mention the sections in the *Indian Penal Code*, 1860 which deals with this kind of liability.

5+5=10 Marks

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B.A., LL.B. (Hons.): II-Year, IV-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 4.5 Law of Contract - II

Time: **1:15 Hrs.**

Total Marks: **20**

INSTRUCTIONS:

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

1. Write difference between the following:
 - (a) Contract of indemnity and Contract of guarantee
 - (b) Bailment and Pledge
2. Explain the modes of discharge of surety from liability.
3. Write a note on the rights of the Bailor and Finder of Goods.

OR

What are duties of a Bailee?

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Mid Semester Examination (April, 2019)

Subject Code: 4.6 Jurisprudence - II

Time: **1:15 Hrs.**

Total Marks: **20**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any two questions from the following. All questions carry equal marks.

1. Explain the will and interest theory of rights with the help of related examples and analyse their relative strengths and weaknesses. With the help of Hohfeld's jural analysis explain the difference between a Claim right and a liberty citing appropriate examples.
5+5=10 Marks
2. What do you mean by the idea that all legal personality involves personification but not all personified things are legal personality? Explain with the help of appropriate examples.
Examine in detail the various advantages of incorporation.
3+7=10 Marks
3. Critically examine the legal status of an unborn in the light of related legal provisions as has been discussed.
10 Marks
