

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B. (Hons.): II Year – III Semester: Academic Year: 2014-2015
End Semester Examination (December, 2014)
3.2 HISTORY - III

Time: **2 Hours**
Total Marks: **40**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any four questions from the following. All questions carry equal marks.

1. “Count Cavour used international power to achieve domestic goals.” Discuss Cavour’s contribution to the unification of Italy through his foreign policies. How did he deal with Garibaldi’s expeditions in the southern part of the peninsula?
2. What were the causes of the First World War? What were the flaws in the Alliance system?
3. What were the policies of appeasement followed by Britain and France that emboldened Nazi Germany to take steps that went against the terms of the Treaty of Versailles, eventually leading to the Second World War?
4. Evaluate the relative successes and failures of Stalin’s domestic policies. Can the totalitarian regime of Stalin be seen as a betrayal of the ideals of Marx and Lenin?
5. What were the problems faced by the Weimar Republic of Germany that led to its collapse? How did Adolf Hitler consolidate his position as the unrivalled leader of Germany?

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B.A., LL.B. (Hons.): II Year – III Semester: Academic Year: 2014-2015
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3.4 SOCIOLOGY- III

Time: **2Hours**
Total Marks: **40**

INSTRUCTIONS:

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

1. "Some social structures exert a definite pressure upon certain persons in the society to engage in non-conforming rather than conforming conduct."

Why can R. K. Merton's Strain theory be described as a Structural theory of Crime and Deviance? Discuss with appropriate illustrations and criticisms.

2. Critically evaluate the concept of Prisonization as developed by Donald Clemmer.

3. Attempt an analysis of the Women's Movement in India especially after the 1970s. What were the significant achievements of this phase with regard to women's rights in India?

4. "The deviant identification becomes the controlling one."

In the light of the above statement, discuss the concept of Deviance and Deviant Behavior with suitable illustrations.

5. "The Suffragists had confronted stereotypes of women." Analyse this statement with reference to the First wave of the Feminist Movement. Discuss the different theoretical perspectives that had influenced the Movement at this point of time. Also, outline some of the key criticisms that are levied against this phase of the Feminist Movement.

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B.A., LL.B. (Hons.): II Year – III Semester: Academic Year: 2014-2015
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3.5 CONTRACT - I

Time: **2 Hours**
Total Marks: **40**

INSTRUCTIONS:

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Answer four questions from the following. All questions carry equal marks.

1. A agrees to sell to B “a hundred tons of oil”. There is nothing whatsoever to show what kind of oil was intended. Discuss whether the agreement is valid/void/voidable with reasons.
2. The plaintiff offered (by a letter) to purchase his nephew’s horse. The letter said: “If I hear no more about the horse, I consider the horse as mine at £33.15s.” To this letter no reply was sent. But the nephew told the defendant, his auctioneer, not to sell the horse as it was already sold to his uncle. The auctioneer by mistake put up the horse for auction and sold it. Discuss if an action brought by the uncle against the auctioneer will succeed.
3. When the object is fulfilled the liability of either party under the contract comes to an end. The contract is then said to be discharged. But performance is not the only way in which a contract is discharged. Explain the various modes in which a contract may be discharged.
4. Public policy is an unruly horse. Explain the types of agreements which are opposed to public policy and the enforceability of such ‘agreements’
5. Lord Halsbury defined an injunction as “a judicial process whereby a party is ordered to refrain from doing or to do a particular act or thing” Explain the different kinds of injunction.

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3.6 JURISPRUDENCE – I

Time: **2 Hours**
Total Marks: **40**

INSTRUCTIONS:

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

1. Attempt the following:

- i. Mr. Fedrix Musila is a foreigner who happens to visit the State of Velorium for the first time and is ignorant of the legal system of that country. He enjoys daily the view of the traffic flow from the window of the hotel room. He notices that a young cab driver passes the route daily and stops at the traffic point whenever the red traffic signal is indicated as well as never fails to play the radio-cab loudly while still waiting for the blue signal. These acts of stopping the car and playing the radio-cab could have different significance attached to it by the cab driver and the foreigner.

How would you appreciate the above situation from the view point of H.L.A. Harts Theory in order to identify the element in the law which ultimately gives a binding effect? On what grounds H.L.A. Hart criticizes some of the attributes of John Austin's concept of law?

- ii. The rationale of assuming an original position with the veil of ignorance in "A Theory of Justice" by John Rawls. (5+5)

2. Discuss analytically the influence of Sociological Jurisprudence on Judicial Interpretation of Directive Principles of State Policy as embodied in Part – IV of the Constitution of India. (10)

3. Analyse the following statements:

- i. "The Life of law has not been logic; it has been experience. Law is nothing but the prophecy of what the courts will decide in a particular case."
- ii. "The movement of progressive societies has hitherto been a movement from a status to contract." (5+5)

4. Develop a comparative study of John Locke's Theory of Social Contract and the Constitution of India.

(10)

5. Attempt the following:

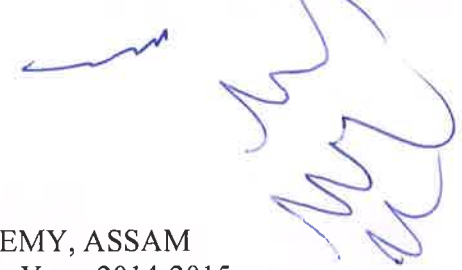
i. "If the nature of inquiry is not purely of law but about law, it is a study of jurisprudence." Analyse the statement.

ii. In the State of Cassa, the Constitution of Cassa embodies the basic tenets of Rule of Law for governing the country in an orderly manner. The law of the land is treated as supreme and binding and all acts of the state organs derives its validity from the ultimate source i.e. the Constitution of Cassa. At some point of time, an authoritative Military Regime of Sahajiya comes into picture and gradually manages to collapse the democratic set up in the country. The Military Regime further adopts its own Constitution which apart from repealing some provisions of the previous constitution also seeks to legitimize the new Military Rule.

How can the legitimacy of the parallel Constitutions i.e. the Constitution of Cassa and the new Constitution be decided from the perspectives of Hans Kelsen's Theory of Grundnorm? Give your answer analytically by substantiating with relevant judicial precedents which have dealt with such similar issues.

(5+5)

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LL.M (Two Year Programme): II Year - III Semester: Academic Year: 2014-2015
End Semester Examination (December, 2014)

3.6.5 HUMAN RIGHTS AND THE UNDER PRIVILEGED

Time: 2 Hrs. 30 Minutes

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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. "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs" (Article 8 of the UN Charter).

Explain the equal rights of men and women that are enshrined in the United Nations Charter. Discuss various measures adopted by the United Nations for the protection and promotion of status and human rights of women.

2. "Recognizing that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long standing... by which women are forced into a subordinate position compared with men" (Declaration on the Elimination of Violence against Women, 1993, Preamble, paras.5,9).

Elucidate the above statement and examine the role of the international and national human rights mechanisms regarding the prevention of all kinds of violence against women.

3. "The streets are now my home. I used to collect trash and sell it to a vendor. I stopped doing that after I had a serious infection and a doctor told me to stay away from the trash dump. Once I work for an ice cream shop owner and sold ice cream on the beach. The work was difficult and painful. The ice cream box is quite heavy when it is full.... I am always hungry, and I don't know where I will sleep the next night. I would like to live in my own home and sleep there in peace. The nights are very cold in winter. You can die of cold in the street."

Critically examine the various legal provisions of the child protection laws under international law with special reference to the ILO Conventions on Restrictions and Prohibition on Child Labour including International Labour Organization's Convention on Child Labour 1999. Evaluate how the Supreme Court of India addresses the issue of protection of the rights of child in India through its various verdicts.

4. The information age has undoubtedly resulted in many positive developments, but there has been a flip side to it. However, children are being abused in different ways despite the protection provided under various the Convention and Protocols.

In the light of above statements attempt an exhaustive enumeration of the Protocol on the Sale of Children, Child Prostitution and Child Pornography. Do you feel that the Protocol goes far enough to protect children, particularly in regard to the misuse of the internet and in restricting cyber crime? Substantiate your answer with suitable illustrations.

5. "Although human rights belong to all individuals, they have special significance for Indigenous people-‘the first owners of the land,’ ‘members of its most enduring cultures,’ and individuals for whom the issue of rights protection has great and continuing importance.”

Who are Indigenous people? What are the reasons for special recognition and protection of the rights of the Indigenous people? Give a critical assessment on the various rights of the Indigenous people endorsed in the United Nations Declaration on the Rights of Indigenous Peoples.

6. “Persons with disabilities are routinely subjected to all forms of discrimination, denial, and deprivation of rights with the result that they are often marginalized and excluded and are made to live in a state of relative invisibility, disempowerment and disarticulation.”

Who is a disabled person according to the definition of the World Health Organization? In the light of the above statement make an appraisal of the various legal regimes addressing the rights of persons with disabilities. Discuss the efforts of the Apex Court of India for protection of the rights of the disabled persons.

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3.6.7 INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

Time: 2 Hrs. 30 Minutes

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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Answer any five questions from the following. All questions carry equal marks.

1. Give a clear analysis on the purpose, concept, philosophy, origin and the development of International Humanitarian Law (IHL). Do you consider that this branch of international law is relevant in the age of asymmetrical warfare?
2. "Kisidonia" and "Eternia" are neighbouring states and have been at war for several weeks. Both States are party to the Geneva Conventions and to their Two Additional Protocols. A unit of the armed forces of "Kisidonia" has taken a number of prisoners during an engagement, i.e., a lieutenant at the head of a tank crew, a private military security to the commander of the regiment, a clergyman and a man in uniform claiming to belong to the police force of "Eternia".

You are acting as legal adviser to the commander of the regiment of Kisidonia. The commander requests you:

- To determine whether or not combatant status is justified in each case. Prepare your answer based on the applicable legal position and submit it to the Commander.
3. The State of *Nurembria* and the State of *Brusland* are involved in an international armed conflict. Both have declared war but after intensive fighting *Nurembria* wishes to negotiate a settlement with *Brusland*, but latter appears unwilling to seek a diplomatic settlement. Further, *Nurembria* requests its senior legal adviser to advise on the following military options that may be considered:
 - a. To use tactical nuclear weapons directed only against the armed forces of *Brusland*,
 - b. To use a tear gas weapon in order to drive *Brusland* soldiers out of fox-holes in the ground,
 - c. To bomb the capital city of *Brusland* in order to "drive *Beta* to the negotiating table".

Nurembria and *Brusland* are both parties to The Hague Regulations 1907, Geneva Gas Protocol 1925, the Geneva Conventions 1949 and the First Protocol (1977) to the Geneva Conventions.

You are military legal adviser and your Commander requests you to provide clear legal analysis on the applicable legal regime. Prepare answer to his request.

4. Enumerate the Fundamental Judicial Guarantees that are available under Four Geneva Conventions and their Two Additional Protocols. Do you consider that these judicial guarantees provide effective protection to the persons those who have been detained during the situation of non-international armed conflicts and other situations of violence?
5. Write a clear analysis of the international legal regime which accords protection to the natural environment and cultural property during the situation of violence.
6. "International legal regime with regard to the protection of refugees is solely designed to address the needs of European continent. Later, it has been expanded to address the global refugee problems." In the light of this situation, critically analyse the relevance of the 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugee to address the Third World refugee crisis.

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