

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
END-SEMESTER EXAMINATION (29-11-2013)  
3.1 ECONOMICS-I (THIRD SEMESTER)



MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

**SECTION ONE**

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.**

- 1.1 Define the concept of 'Opportunity Costs'.
- 1.2 What is the need for Advertisement Costs in case of monopolistic competition?
- 1.3 Distinguish 'Welfare Economics' from 'Positive Economics'.
- 1.4 What do you mean by 'Capital Market'.

**4x4=16 MARKS**

**SECTION TWO**

**PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE.**

**MODULE – I**

- 2.1 Define 'Economies and Diseconomies of Scale'? Discuss the 'Law of Variable Proportions' with the help of suitable illustrations.
- 2.2 Discuss Alfred Marshall's idea of cardinal measurement of utility with examples. Mention some of the improvements of ordinal utility approach over the cardinal utility approach.
- 2.3 What do you mean by 'Weak and Strong Ordering of Preferences'? Derive the Law of Demand with the help of the Revealed Preference Theory.

## MODULE – II

- 2.4 Briefly discuss the different degrees of price discriminations used in monopoly. Illustrate the equilibrium of a firm making supernormal profit in case of monopoly.
- 2.5 Examine whether product differentiation is beneficial for the consumers. Bring out the differences between equilibrium positions in a perfectly competitive market and a monopolistically competitive market.
- 2.6 "Imperfect Competition is the practice of modern world". In the light of the above given statement, analyse the features and applicability of imperfect competition in the modern world.

## MODULE – III

- 2.7 Critically discuss the 'Marginal Productivity Theory of Distribution'.
- 2.8 Define the terms 'Economic Rent' and 'Transfer Earnings'. Analyse the relevance of collective bargaining in the determination of wages in the present day factor market.
- 2.9 "**Innovation is the only cause for profit**" - In the light of the above statement, present a critical appraisal of the Innovation Theory of Profit.

## MODULE – IV

- 2.10 What is 'National Income'? Discuss the limitations of national income as a proper measure of economic development of a nation.
- 2.11 What is meant by 'Supply of Money'? Discuss the alternative views on money supply along with the measures of money supply in India.
- 2.12 Discuss the various instruments available with the Reserve Bank of India to control the liquidity in the economy. What is the need for the 'Cash Reserve Ratio' in India?

**8X7 = 56 MARKS**

## SECTION THREE

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What do you mean by 'Price Effect'? With the help of proper illustrations, establish the fact that price effect consists of income effect and substitution effect.
- 3.2 What do you mean by 'Duopoly'? Mention the differences between Oligopoly and Monopolistic Competition. Why, do you think the demand curve of monopoly is less elastic than that of monopolistic competition? Discuss the short run equilibrium in case of a monopolistic competition.
- 3.3 Discuss critically Keynes Theory of the Rate of Interest. Do you think it is an improvement over the Classical Theory of Rate of Interest? Give reasons.
- 3.4 Outline the different aggregates of national income. Discuss briefly the different methods of measuring national income along with their limitations.

**3+3+3+5**

**2X14 = 28 MARKS**

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (THIRD SEMESTER)  
END SEMESTER RE-EXAMINATION (04-12-2013)

3.2 HISTORY- III

MARKS: ONE HUNDRED (100)

TIME: THREE HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Name a few significant inventions of the Industrial Revolution that took place in the 1850s.
- 1.2 What were the aims of the League of Nations?
- 1.3 Discuss the role of the SEATO briefly.
- 1.4 Discuss any four consequences of the Civil Rights movement in the United States of America.

4X4 = 16MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE – I

- 2.1 What were the various political and economic causes that led to the French Revolution in 1789? Did the ideas of the Enlightenment influence the revolutionaries in any way?
- 2.2 What was the significance of the Townshend Acts? How did issues of taxation lead to the American War of Independence?
- 2.3 Describe the three wars that Otto von Bismarck waged in order to unify the German states.

MODULE – II

- 2.4 Discuss the circumstances in Germany that facilitated the rise of Hitler and the Nazi Party. What were the essential characteristics of the Nazi state?

- 2.5 What led to the fall of the Chinese Republic created after the Revolution of 1911? Describe briefly the events leading up to the Communist Revolution in 1949.
- 2.6 Was the autocratic regimes of the tsars of the Russian Empire responsible for the Bolshevik Revolution in 1917? Discuss.

**MODULE – III**

- 2.7 What were the objectives behind the establishment of the United Nations? What were the basic differences between the League of Nations and the United Nations?
- 2.8 What was the significance of the NATO in the Cold War and post Cold War period?
- 2.9 What is the relevance of the Non-Aligned Movement (NAM) in the unipolar world?

**MODULE – IV**

- 2.10 What was the role of Martin Luther King in the Civil Rights movement in Africa? What were the various incidents where Martin Luther King applied his methods of civil disobedience?
- 2.11 What were the factors leading to the disintegration of the USSR? Were the policies of leaders like Josef Stalin or Mikhail Gorbachev instrumental in hastening the process of disintegration?
- 2.12 What are the merits and demerits of globalization? Can globalization be equated with neo-imperialism?

**8x7= 56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What was the contribution of Count Cavour to the unification of Italy? How did the nationalist sentiments expressed during the Revolution of 1848 inspire the process of unification?
- 3.2 What were the causes and consequences of the Second World War? Was the Treaty of Versailles an important factor in the events leading up to the World War?

- 3.3 What do you mean by the term "Cold War"? What were the causes behind the Cold War? Discuss briefly the various phases of the Cold War.

- 3.4 What was the nature of the Apartheid Regime in South Africa? What were the contributions of Nelson Mandela in dismantling the Apartheid system?

**2x14 = 28 MARKS**

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY  
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B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (THIRD SEMESTER)  
END SEMESTER EXAMINATION (07-12-2013)

3.2 HISTORY - III

MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What was the *Carbonari* movement?
- 1.2 Discuss the consequences of the Opium Wars in China.
- 1.3 Write a short note on SEATO, 1954.
- 1.4 Discuss four provisions of the *Civil Rights Act* of 1964.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 What were the successes and failures of the French Constituent Assembly (1789-1791)?
  - 2.2 What were the causes of success of the American rebels against the British Army? Explain the significance of the Revolution in the light of its consequences.
  - 2.3 Was the unification of Italy under the leadership of Piedmont-Sardinia inevitable? What was the significance of the Pact of Plombieres?
- MODULE - II
- 2.4 What were the reasons behind the collapse of the Provisional Government in Russia? How did Lenin and the Bolsheviks come to power in 1917?

- 2.5 How did the *Enabling Act* of 1933 assist Hitler's ascent to dictatorship? How far were groups like the SA, SS and the Gestapo instrumental in maintaining the Third Reich?
- 2.6 What were the causes of the Revolution of 1911 in China? Did the instability of the early Chinese Republic lead to rise of Communism under Mao-Tse Tung?

**MODULE – III**

- 2.7 Trace the evolutionary history of the United Nations Organization. What were the guiding principles upon which the organization was founded?
- 2.8 What were the causes of the Cold War? Do you think that the wars in Indo-China, Korea and Vietnam in any way were linked to rivalries fostered by the Cold War?
- 2.9 Give a critical evaluation of the NATO and the Warsaw Pact. What was their impact on international relations in the decades of the Cold War?

**MODULE – IV**

- 2.10 Trace the history of the resistance movement that ultimately resulted in the dismantling of the Apartheid Regime in South Africa.
- 2.11 How did Mikhail Gorbachev's policies of *Glasnost* and *Perestroika* contribute towards disintegration of the USSR?
- 2.12 What are the features of globalization? What are the effects of globalization on an economy and society?

**8X7 = 56MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 Discuss the contribution of Otto Von Bismarck in the unification of Germany with special emphasis on the three wars he waged to achieve Prussian ascendancy in German politics. Was Prussian militarism a significant factor?

- 3.2 What are the causes and consequences of the Second World War?
- 3.3 "The Non-Aligned Movement (NAM) was an attempt of the newly independent nations to retain their sovereignty in a bipolar world." Explain the origins of NAM in the light of the above statement and discuss its relevance in an unipolar world.
- 3.4 Discuss the contribution of Martin Luther King to the Civil Rights Movement in the United States of America and the various instances of protest upon which the war against racism was waged.

**2x14=28 MARKS**

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (THIRD SEMESTER)  
END SEMESTER EXAMINATION (03-12-2013)



3.3 POLITICAL SCIENCE - III

MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Write a short note on (BRICS) Brazil, Russia, India, China and South Africa.
- 1.2 Write a short note on the concept of Human Development.
- 1.3 What do you mean by the concept of State Terrorism.
- 1.4 Mention the years of outbreak of the following years:
  - (a) Treaty of Amity and Cooperation (TAC)
  - (b) Panchsheel Agreement
  - (c) "Our Common Future"
  - (d) Formation of SAARC

SECTION TWO

4x4=16 MARKS

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "National Interest is the general, long term and continuing purpose which the state, the nation and the government see themselves as serving". In the light of this argument discuss the various methods through which the states try to secure their National Interest.
  - 2.2 Do you think Ideology is still relevant in the post cold war era? If yes, how?
  - 2.3 Discuss the contribution of Hans J Morgenthau to the field of International Politics.
- MODULE - II
- 2.4 Discuss the significance of the Bolshevik Revolution in the arena of International Politics.

- 2.5 Discuss the orthodox and the revisionist view regarding the causes of the Cold War.
- 2.6 Write a short note on any one:
  - (a) The Emergence of the Third World
  - (b) The Treaty of Versailles

MODULE - III

- 2.7. "We have not inherited this earth from our forefathers; we have borrowed it from our children." In this context, outline the growth of the concept of Sustainable Development.
- 2.8 "Terrorism, like the plague in the Middle ages, frightens both leaders and citizens. It is a disease that is spreading, its core is unknown." In the light of the above statement discuss how global terrorism has become a menace to the international community.
- 2.9 "Globalisation is shrinking space, shrinking time and disappearing borders." Discuss the various dimensions of the process of Globalisation.

MODULE - IV

- 2.10 "India's Look East Policy is a strategic shift in its vision of the world and its place in the evolving global economy." In the light of the above statement examine the role of the Look East Policy as a friendship building mechanism with the South Asian countries.
- 2.11 Discuss the importance of ASEAN as a regional organization. Highlight its relation with India.
- 2.12 What are the major objectives of India's Foreign policy? Discuss.

SECTION THREE

8x7=56 MARKS

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 "One for all and all for one." Discuss the operation of this principle under the United Nations System.
- 3.2 Compare and contrast India's foreign policy during Atal Bihari Vajpayee and during Manmohan Singh's era.
- 3.3 Discuss some causes and consequences of the First World War.
- 3.4 Discuss the concept of 'Human Security as a non traditional security'.

2x14=28 MARKS







NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (THIRD SEMESTER)  
END-SEMESTER EXAMINATION (05-12-2013)  
3.4 SOCIOLOGY - III

MARKS: ONE HUNDRED (100)      TIME: THREE (3) HOURS  
SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Durkheim had warned of the dangers of too much crime or too little crime in society. What were these dangers?
- 1.2 Distinguish between 'White Collar' crime and 'Corporate' crime with suitable illustrations.
- 1.3 Name four seminal books along with their authors which formed the canon of the first wave of Feminist Movement in the world.
- 1.4 What is 'Feminisation of Poverty'? Discuss with suitable illustrations.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "Some crimes are an anticipation of the morality of the future." Please discuss in the light of an appropriate perspective.
- 2.2 Why can Merton's *Strain Theory* be described as a Structural theory of crime and deviance? Please discuss.
- 2.3 As individuals are surrounded by a "*cultural conflict*" of competing ideas from both law-abiding citizens and criminals, pro-criminal or anti-criminal intentions are developed based on learned conceptions of the law as either "*favourable*" or "*unfavourable*". Discuss this statement in the light of appropriate theoretical framework.

#### MODULE – II

- 2.4 What do you think is the goal of a modern Criminal Justice system – achieving 'Deterrence' or achieving 'Reformation' of criminals? Justify your answer with appropriate theoretical frameworks.
- 2.5 What is the difference between the 'crimes in the street' and the 'Crimes in the suites'? Use appropriate theoretical framework to enhance understanding.
- 2.6 Please discuss about the different types of Prisons in India. Bring out the structural, organisational and compositional differences among them.

#### MODULE – III

- 2.7 Critically examine the concept of 'Sexual division of Labour' as discussed by Talcott Parsons and G.M. Murdock.
- 2.8 Discuss Ann Oakley's contribution to the understanding of Gender Role Socialisation in modern societies.
- 2.9 *"Despite the similarities between the two movements, however, there is at best an uneasy relationship between postmodernists and feminists. Few feminists are willing to label themselves postmodernists and similarly, many postmodernists are profoundly sceptical of the feminist movement."* Please discuss.

#### MODULE – IV

- 2.10 Discuss some of the criticisms levied at the 'Suffragists' by the later feminists.
- 2.11 "Radical second wave feminism was theoretically based on a combination of neo-Marxism and psychoanalysis." Please discuss.
- 2.12 Discuss critically the phenomena of sexual and cultural division of labour with appropriate illustrations.

**8X7 = 56 MARKS**

#### SECTION THREE

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 Discuss through a comparative analysis Edwin Sutherland's and Akers and Sellers' contribution to the Social Learning theories of Crime.
- 3.2 Give a detailed analysis of the concept of Punishment and the various types of Punishment.
- 3.3 Discuss the Liberal, Radical and Marxist Feminist perspectives to the study of Gender Inequality. Which of these perspectives is the most effective according to you?
- 3.4 *'The third wave of Feminism is not a uniform perspective. Four major perspectives have contributed most to this new discourse of third wave feminism.'* Discuss

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**2X14 = 28 MARKS**

between Temporary Injunction and Perpetual Injunction with relevant Statutory Provisions. X agrees to sing at Y's theatre for one week and also agrees not to sing at any other theatre during that period. Later on X contracts with Z to sing during that week at Z's theatre. Can Y sue for an Injunction to restrain X?

3.3 Write an explanatory note on the Doctrine of Frustration of Contract in the light of Section 56 of the Indian Contract Act, 1872. Enumerate with the help of Case Laws: X contracts to sell 7 acres of land to Y for Rs.7 lacs. Y paid Rs.2 lacs as advance. Subsequently, X refused to comply with the contract on the ground that out of these 7 acres of land, 2 acres belonged to his brothers and the contract has become impossible to be fulfilled. Decide.

3.4 Explain the Principles underlying in any two of the following cases:  
(a) *Sushila Devi v. Hari Singh A.I.R. 1971 S.C. 1756*  
(b) *Twiddle v. Atkinson (1861) 1 B. & S 393*  
(c) *Leslie v. Sheill (1914) 3 K.B. 607*

**2x14 = 28 MARKS**

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**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**  
**B.A., LL.B. (HONS) FIVE YEARS INTEGRATED COURSE**  
**ACADEMIC SESSION: 2012-13**  
**END-SEMESTER EXAMINATION (30-11-2013)**  
**3.5 LAW OF CONTRACT – I (THIRD SEMESTER)**  
**MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS**



**SECTION ONE**

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.**

- 1.1 A intending to deceive B falsely represents that 500 maunds of indigo are made annually at A's factory and thereby induces B to buy the factory. What is the nature of the agreement? Give detailed reason for your decision.
- 1.2 A agrees with B to discover treasure by magic. What is the nature of the agreement? Explain with relevant statutory provision.
- 1.3 A contracts to repair B's house in a certain manner, and receives payment in advance. A repairs the house, but not according to the contract. Is B entitled to recover from A the cost of making the repairs conform to the contract?
- 1.4 A promise to paint a picture for B by a certain day, at a certain price. A dies before that day. Can the contract be enforced by A's representatives?

**4x4 = 16 MARKS**

**SECTION TWO**

**PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.**

**MODULE – I**

- 2.1 Write a comprehensive note on the legislative history of the making of the Indian Contract Act 1872, with special reference to the Law Commission's Report.

- 2.2 A makes an offer to B, B posts a letter to A rejecting the offer but later changes his mind. Before the rejection letter reaches A, the acceptance telegram of B reaches A. Is there a Concluded contract between them? Explain when acceptance or rejection of offer is complete.
- 2.3 Write short notes on any two of the following:  
 (a) Doctrine of Promissory Estoppel  
 (b) Offer and Counter offer.  
 (c) Standard form of Contract.

#### MODULE – II

- 2.4 "Ignorance of Law is no Excuse" Explain. A agrees to buy from B a certain horse. It turns out that the horse was dead at the time of the Bargain, though neither party was aware of the fact at the time of making the agreement. What is the nature of the agreement? Give reasons.

- 2.5 Section 27 of Indian contract Act, 1872, provides that an agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is void to that extent. In a given case, land lord is the owner of a shop running a sophisticated cosmetic Hair Dressing Saloon in Delhi. He gives on rent the said shop with the said business along with all tools, machineries, air conditioners, furnitures and other equipments, to a tenant with the stipulation that the tenant shall do the said business only under said particular name and style. Is this agreement hit by section 27 of the Indian Contract Act? Decide.

- 2.6 What considerations and objects are lawful? What is Public Policy? Give examples of Agreements contrary to Public Policy.

#### MODULE – III

- 2.7 What is 'Contingent Contract'? A makes a contract with B to buy B's horse if A survives C. When can this contract be enforced? Give reasons.
- 2.8 Explain the various modes of Discharge of a Contract? What is the effect of the original contract under the terms of Novation?
- 2.9 Write short notes on any two of the following:  
 (a) Quasi Contracts.  
 (b) Quantum Meruit as a Remedy.  
 (c) Actual Breach and Anticipatory Breach

#### MODULE – IV

- 2.10 Discuss the object, nature and scope of Specific Relief Act, 1963.
- 2.11 "A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil procedure, 1908" Explain the above statement with the help of statutory provision under the Specific Relief Act, 1963.
- 2.12 What is meant by Specific Performance of Contract? State the circumstances under which specific performance of a contract may be enforced by the court at its discretion.

**8x7 = 56 MARKS**

#### SECTION THREE

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What is Breach of Contract? Discuss the rules laid down in *Hadley v. Baxendale (1854)* with regard to damages for breach of contract. Also state whether these rules find any place under the Indian Law.
- 3.2 What do you mean by the term "Injunction"? What are the various types of "Injunction" Point out the difference

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
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ACADEMIC SESSION: 2013-14 (THIRD SEMESTER)  
END-SEMESTER RE-EXAMINATION (04-12-2013)  
3.5 LAW OF CONTRACT - I

MARKS: ONE HUNDRED (100)                      TIME: THREE (3) HOURS  
SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 A agrees to sell 10 k.g' s of sugar to B at the rate of Rs. 80/- per k.g., B gives his acceptance to buy only 5 k.g' s at that rate. Is this a valid acceptance ? Give reasons.
- 1.2 A promises to obtain from B an employment in the public service and B promises to pay Rs. 1000/- to A . what is the nature of the agreement? Give reasons.
- 1.3 A agrees to pay B Rs.1000/- if B will marry A's daughter C. C was dead at the time of the agreement. What is the nature of the agreement? Justify your answer.
- 1.4 A agrees with B to discover treasure by magic. What is the nature of the agreement? Explain with relevant statutory provisions?

4x4 = 16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE – I

- 2.1 "An offer must be distinguished from an invitation to treat." Discuss.
- 2.2 Define Consideration. Explain the rule relating to the Privy of Contract and point out the difference between the Indian Law and English Law. Support your answer with the help of the decided case laws.

2.3 A owes Rs. 50,000/- to B. However the debt is barred by the Limitation Act. A signs a written promise to pay B Rs. 25,000/- on account of debt. Is it a valid contract/agreement? Refer to relevant provisions of *The Indian Contract Act, 1872*.

**MODULE – II**

2.4 Define the term 'Free Consent'. State the factors which vitiate free consent and discuss the effect of each of them to the validity of the contract.

2.5 A, B and C enter into an agreement for the division among them of gains acquired or to be acquired by them by fraud. Is the contract valid? Justify your answer. What are the essential ingredients of fraud?

2.6 Write Short Notes on any two of the following:

a) Forbidden by Law and Opposed to Public Policy

b) Void Agreements

c) Mistake of Law and Mistake of Fact.

**MODULE – III**

2.7 "Frustration should not be self-induced." Write an explanatory note on the Doctrine of Frustration in the light of the above statement with the help of relevant provisions.

2.8 What are the various remedies available to the injured party under *The Indian Contract Act, 1872* for breach of contract by the other party? Explain.

2.9 Explain the mode of discharge of Contract by "Agreement or Novation"?

A owes money to B under a contract. It is agreed between A, B and C that B shall henceforth accept C as his debtor, instead of A. In this illustration is there a new contract? If yes, then what is the Status of the old contract? Justify your answer.

**MODULE – IV**

2.10 What do you mean by Declaratory Decree? What is the effect of Declaration? Explain with the help of suitable case law.

2.11 Write an explanatory note on Injunctions.

2.12 Write short notes on any two of the following:

(a) Rescission of Contract

(b) Nature of Specific Relief  
(c) Discretion and Power of Court.

8x7 = 56 MARKS

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

3.1 Write a note on the Doctrine of Promissory Estoppels. Can the Doctrine be applied against the government? Explain with the help of decided case laws.

3.2 Discuss the object, nature and scope of *The Specific Relief Act 1963*.

3.3 "An agreement without Consideration is void" Do you agree? State exceptions, if any.

3.4 Explain the principles underlying in any two of the following cases:

(a) *Hadley v. Baxendale* (1854)

(b) *Mohiri Bibi v. Dharmodas Ghose* (1903 ILR 30 cal 539)

(c) *Motilal Padampat Sugar Mill v. State of Uttar Pradesh* ( A.I.R 1968 S.C 621)

2x14 = 28 MARKS

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The above illustration was used by H.L.A. Hart to clarify the logic behind the necessity of having the 'internal aspect' of rules which is missing in John Austin's Theory of Command. Illuminate the ideas reflected in his illustration.

**MODULE - IV**

2.10 Attempt to establish an interrelationship between the three components shown in the diagram below from the perspective of the administration of justice.



- 2.11 What are the basic tenets of 'American Legal Realism'? Do you support the ideology of the American Realists? Why?
- 2.12 Explain how the Deterrent Theory of Punishment is relevant in India today.

**8x7=56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 How can you apply the Theory of Social Engineering in the area of protection of Consumer Rights in India?
- 3.2 Elucidate the 'Theory of Grundnorm' as propounded by Hans Kelsen. Explain how Hans Kelsen uses the illustration of the conversation between the father and his son to clarify on the point of the binding value of Grundnorm in a legal system. What according to you is the Grundnorm in India? (7+3+4=14)
- 3.3 Write a brief note on the following:
  - a. Rudolf Stamler's Theory of Natural Law with Variable Content.
  - b. Make a comparative chart of custom, legislation and precedent as the sources of law.
- 3.4 How is the philosophy of the Natural Law School different from that of the Analytical School of thought? Which one is more relevant in the present context in India? Give reasons.

**2x14=28MARKS**

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**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**  
 B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
 ACADEMIC SESSION: 2013-14  
 END SEMESTER EXAMINATION (02-12-2013)  
 3.6 JURISPRUDENCE-I (THIRD SEMESTER)



**MARKS: ONE HUNDRED (100)**

**TIME: THREE (3) HOURS**

**SECTION ONE**

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.**

- 1.1 Consider the following:
  - a. Action A + good motive → X (pain)
  - b. Action B + evil motive → Y (maximum pleasure)
 If you were Jeremy Bentham, how would you evaluate the validity or justness of the above two actions? Give two reasons in support of your findings.
- 1.2 State four points of differences between the 'Sociological Jurisprudence' and the 'Sociology of Law'.
- 1.3 'Stephen' wants to enjoy his liberty to move freely within any part of India. Believing that he can exercise this liberty in any manner, he enters into the private lawn belonging to 'Bob' who is a complete stranger without asking for his permission. Decide the legality of Stephen's action in the light of the first principle of John Rawls 'Theory of Justice'.
- 1.4 List four distinct points observed in the nature of the two laws given below:
  - a. The Law of Contract
  - b. The 'Law' as defined by John Austin

**4x4=16 MARKS**

**SECTION TWO**

**PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.**

**MODULE - I**

- 2.1 An indigenous tribal community in the village of 'Leelanagar' claims before the court that their right to peacefully access to the forests

products, which is their only means to livelihood and which they have been enjoying for the last 8 decades has been violated by a new order of the government. The order was issued in pursuance to the statutory requirement to conserve the forests.

Define and specify the nature of the right as claimed by the indigenous tribe. Does the said right satisfy the necessary criteria to qualify as a valid right? Should the order issued by the government be declared unlawful? How would you decide the issues if you were a judge?

2.2 If you were a legal practitioner, how would you like to apply the knowledge of jurisprudence in preparing for your case and in convincing the judge? Clarify your points with the help of an illustration.

2.3 In a case before the Supreme Court of Utopia, in the absence of any specific law applicable in the said matter, the Hon'ble Court decides the matter by relying on the foreign precedents of the Supreme Court of Maldonia. The State of Utopia has a legal system which is more or less similar to that of the legal system of India. Answer the following questions in the light of this situation and with the help of relevant case laws.

a. Whether the Supreme Court of Utopia is authorized to rely on a judgment decided by a foreign court? Give reasons in support of your answer.

b. What is the nature of the new precedent created by the Supreme Court of Utopia? Also mention the binding value of this precedent on the lower courts in the state of Utopia? (3 + 4 = 7)

#### MODULE- II

2.4 Assertion 1: The legal provision 'A' **ought to be** interpreted like 'B' since B is necessary to serve the purpose of natural justice.

Assertion 2: If norm X is not followed, Y **ought to be** applied. Examine the main differences observed in the key expressions '**ought to be**' as used in the above assertions by applying the Theory of Natural Law and Hans Kelsen's Theory of Norms. Support your explanations with apt illustrations.

2.5 Mr. R, a citizen of India, was arrested on the ground that he had committed a crime. The state officers maintained that all procedures

laid down in the relevant statute was complied with before and after his arrest. However, Mr. R was neither given the opportunity to know the grounds for his arrest nor was he allowed to engage any legal practitioner of his choice. Mr. R alleges that his fundamental and natural right has been violated by the officers.

How would you decide the above matter if you were a hard core Natural Law Philosopher? Use any landmark case law to substantiate your decision.

2.6 Discuss the main factors which led to the rise of the Analytical School as an influential school in the 20<sup>th</sup> century?

#### MODULE-III

2.7 Illustration 1: Mr. X enters a bank, points a loaded gun towards Mr. Y, a banker and **threatens** to shoot him if he fails to handover the money in the locker. Y, **fearing** for his life '**obliges to**' follow the **command** of X and thus, hands over the money to X.

Illustration 2: Mr. P, a tax officer issues **an order** to all **people in general**, to pay the tax within the time stipulated in the order. The people pay the tax since they are '**under the obligation**' to pay it. Analyse the two situations illustrated above by using the key words italicised and in the light of H.L.A. Hart's critical attack against the Theory of Command propounded by John Austin.

2.8 In the Republic State of Perzenia, the Constitution of Perzenia is regarded as the law of the land and is binding on all the state officials. A situation arises when a new military regime manages to overthrow the government of Perzenia and it also issues certain new commands in the form of a new Constitution to run the country. The new regime further orders that the old Constitution of Perzenia shall henceforth be not binding on the new regime.

In the above situation, how John Austin and Hans Kelsen would have treated the legality of the new Constitution introduced by the new Regime? Present your answer by making a comparative chart of the differential approach which could be there from the point view of the two Jurists.

2.9 Mr. P, an external observer who knew nothing about the rules of playing a game of chess comments and criticizes on the manner of moving the 'QUEEN" by the chess players. This is absurdity.