

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE BY THE ASSAM STATE
ACADEMIC SESSION: 2012-13 (FOURTH SEMESTER) XXV, 2009
END-SEMESTER EXAMINATION (25 MAY 2013)

4.1 ECONOMICS

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 concepts of 'Tax Base' and 'Tax Liability'.
- 1.2 Define the meaning of the term 'Budget'.
- 1.3 Define the meaning of the term 'Public Finance'.
- 1.4 Define the concepts of Repo Rate and Reverse Repo Rate.

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 Discuss the role played by socio-economic issues like poverty and unemployment in the Indian economy.
- 2.2 What is 'Disguised Unemployment'? Discuss the inter-linkage between the agricultural sector and the industrial sector in fostering development of emerging economies like India.
- 2.3 "Special Economic Zones are very much essential for the development of developing economies like India". Produce reasons in support or in contrast of the statement.

4x4=16 MARKS

MODULE - II

- 2.4 Define the term 'Capital Market'. "SEBI is inevitable for the proper functioning of capital market in India". Give reasons **2+5=7**
- 2.5 Discuss the need of international organisations like The World Bank and the International Monetary Fund for the maintenance of stability in the world economy.
- 2.6 "The Monetary Policy brought out by The Reserve Bank of India along with the fiscal policy plays a very significant role in containing inflation in India"- Elaborate the statement.

SECTION THREE

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

- 3.1 Discuss the different rate schedules of taxation. Point out the advantages of indirect taxation over direct taxation.

9+5=14

- 2.7 Distinguish between 'Revenue Receipts' and 'Non-Revenue Receipts'. Outline the role played by public finance in developing and under developed nations.

3+4=7

- 2.8 What is the Impact and Incidence of taxation? Discuss the canons of a good tax system.
- 2.9 Discuss briefly the effects of taxation on production and growth, distribution and stabilisation.

9+5=14

- 3.2 Explain the Ability to Pay Theory of Taxation. Outline the relative advantages of the theory over the Benefit Principle of Taxation.
- 3.3 Discuss the impact of the World Trade Organization Agreements on developing economies like India. "The share of agriculture in the contribution made to India's GDP has gradually declined since the adoption of the planning process with more than 60% of the population engaged in this sector." - Give reasons supporting whether this shift is beneficial to the Indian economy or vice versa.

9+5=14

- 3.4 "In an emerging economy like India, the increasing trend of public debt is bringing instability and loss in credit worthiness of the nation." In the light of this statement analyse the problems related with the increase in public debt. Discuss the role played by government in containing the ever expanding public debt and suggest some remedial measures to tackle the problem.

7+7=14

2x14=28 MARKS

MODULE- III

MODULE- III

- 2.10 Mention the objectives of 'Public Debt'. Discuss briefly the effects of public expenditure on the economy.

3+4=7

- 2.11 What are the sources of public borrowing? Discuss the causes responsible for the increase in public debt of an economy.

- 2.12 What is 'Taxable Capacity'? Discuss the concept of 'Absolute Taxable Capacity' and 'Relative Taxable Capacity'.

3+4=7

8x7=56 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM
L.B. FIVE YEARS INTEGRATED COURSE^{ESTD. BY THE ASSAM GOVT. IN 2009}

ACADEMIC SESSION: 2012-13 (FOURTH SEMESTER)
END-SEMESTER EXAMINATION (30 MAY 2013)*
4.2 CONSTITUTIONAL LAW-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 Define the term 'Constitutionalism'.
- 1.2 What do you understand by the Doctrine of *Stare Decisis*?
- 1.3 Give the features of a Republic and Democratic form of Government.
- 1.4 What do you mean by a 'Court of Record'?

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 Discuss the main purpose and the significance of the Constitution.
- 2.2 Explain the doctrine of 'Separation of Powers'. Comment as to whether the doctrine is strictly followed in India.
- 2.3 Can the Preamble to the Indian Constitution be relied upon for the interpretation of the various provisions of the Constitution? Support your answer with the help of relevant case laws.

MODULE- II

- 2.4 Elaborate the grounds for the issuance of the writ of 'Certiorari'. How is 'Certiorari' different from the writ of 'Prohibition'?
- 2.5 Attempt an explanatory note on the Advisory Jurisdiction of the Supreme Court of India. Whether the advice tendered by the Supreme Court in exercise of its advisory jurisdiction is binding on the President? Explain in the light of case laws.
- 2.6 Explain the constitutional provisions relating to the qualifications and disqualifications of the members of the Parliament.

MODULE- III

- 2.7 Elaborate the Privileges and Immunities enjoyable by a Governor of a State.
- 2.8 Discuss the procedure for the introduction and passing of a Money Bill.
- 2.9 Give an explanatory note on the powers exercisable by a High Court as charted out in the Constitution of India.

MODULE- IV

- 2.10 Discuss the grounds authorizing the proclamation of State emergency by the President and the constitutional mechanism pertaining to it. What is the status of justiciability of such proclamation of emergency?
- 2.11 "The State of Jammu and Kashmir holds a peculiar position under the Constitution of India." Examine the statement and point out the salient features of the Constitutional position of Jammu and Kashmir.
- 2.12 Give the Constitutional framework of the distribution of taxing power between the Centre and the States.

8x7=56 MARKS

SECTION THREE

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

- 3.1 The federal feature of the Indian Constitution can be characterized as a 'Co-operative Federalism'. Analyse the statement in the light of such features observed in the Constitution which promotes co-operative federalism.
- 3.2 Elucidate the principles employed by the judiciary in the interpretation of the three lists in the VII Schedule of the Indian Constitution.
- 3.3 Elaborate the functions and powers exercisable by the Governor in the light of the constitutional framework provided in the Constitution of India.
- 3.4 Define the term 'Political Defection'. Discuss the need for having Anti-Defection Law and the constitutional provisions relating to it. Critically comment on the exclusion of the power of judicial review under Para -7 of the X-Schedule of the Indian Constitution.

2x14=28MARKS

SECTION THREE

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

3.1 Describe the socio political position of the Arabs before and after the advent of Islam? Also explain the contribution of Islam in the unification and development of the legal system in the Arabian Peninsula.

3.2 In the light of rampant offence of bigamy and illegal marriage of children among certain section of the Hindu community, discuss the importance of registration of Hindu marriage. Substantiate your answer with the help of relevant statutory provisions and decided cases.

3.3 A was a Muslim who converted to Hinduism to marry B, a Hindu. After one year of marriage A reconverted to Islam with the consent of B and married C. Because of this there develop much acrimony between A and B. A filed for dissolution of marriage under section 13 (1) (iii) of the Hindu Marriage Act, 1955.

Issues that arose from the case:

- Is A entitled to bring a suit for dissolution of marriage under section 13 (1) (iii) of the Hindu Marriage Act, 1955?
 - Does the consent of wife B be taken as a ground for dissolution of the marriage under the Act?
 - Will the suit for dissolution of marriage act as a benefit for wrong committed by the petitioner under section 23 of the Act?
- Decide the case on the basis relevant provisions of the act and decided cases.
- 3.4 Write an essay on the importance of maintenance as constitutional mandate to protect and safeguard the basic human rights of destitute women, children and infirmed aged persons under the Indian Legal System?

2x14=28 MARKS

MARKS- ONE HUNDRED (100)

SECTION ONE

TIME- THREE (3) HOURS

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

1.1 Please write down the religious duties of a pious Muslim person.

1.2 Is Muslim marriage a contract or a divine order? Justify your answer.

1.3 Please mention the faults grounds of divorce under the Hindu Marriage Act, 1955.

1.4 What is the difference between maintenance pendent life and maintenance?

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 note on the need for shift in emphasis from the past fault to future needs when there is irretrievable break down of marriage between spouses.
- 2.2 Succinctly describe the significance of legislation as source of Muslim law? Support your answer with relevant the legislations in India.
- 2.3 In a patriarchal society like India what do you think are the roles of family to bring about equalization of man and woman? Support your answer with relevant statutory provisions and legislations.



MODULE- II

- 2.4 A, a boy and B, a girl, got married at the age of 21 and 13 respectively. Discuss the status of their marriage under the provisions of the *Hindu Marriage Act, 1955*? What legal remedy does B has if she wanted to opt out of the marriage. Support your answer with relevant provisions of the above mentioned Act and the decided cases.
- 2.5 Please trace the evolution of Hindu marriage from holy union to human contract. Also, briefly discuss the impact of commercialization of Hindu marriage on the institution of marriage among Hindus.
- 2.6 A, a Muslim man is married to B, a Muslim woman. During the subsistence of their marriage, A entered into a second marriage with C, the sister of B.
- Issues that can be raised from the case are:
- The status of the second lady, is it void or irregular?
 - Can a Muslim man perform marriage with the sister of his first wife?
- Support your answer with the relevant Muslim law and on decided cases.

MODULE- III

- 2.7 Please write a short note on the implications divorce has on the personality of a person undergoing divorce. Also, trace the evolution of the Guilt Theory to the Faulty Theory and its impact on the divorce law in India.
- 2.8 In an illustration A and B were married according to Hindu marriage rites and ceremonies. After two years of marriage, A went to a foreign country for business purposes. Meanwhile B, the wife, came in contact with her ex-lover, C. On one such occasion C forcefully had physical relationship with her without her consent. Afterwards B became remorseful and jotted down the same in her personal diary. After A had returned from his business trip, on one occasion he chanced upon the personal diary of his wife. After reading the entire incident, he ridiculed her

for her unexpected behavior. The wife then packed her entire belongings and left for her paternal home. After that day there was no cohabitation for more than two years. Discuss the case in the light of relevant provisions of the *Hindu Marriage Act, 1955* and also on the basis of decided cases.

- 2.9 Under the Muslim law, there are different forms of divorce. Elucidate all the forms of divorce and justify why some types of divorces are preferred over others.

MODULE- IV

- 2.10 A Hindu man X, an Engineer and Hindu woman Y, a Home-maker, were married according the proper rites and ceremonies of Hindu marriage. After two years of marriage, a daughter Z was born to them. However, due to certain irreconcilable differences they started living apart as per the provision of judicial separation. It was noted that it had been more than four year since the judicial separation. Though the wife was a dependent person the care and protection of the girl child was solely on her. The husband had meanwhile moved for the dissolution of marriage under the section 13 (1-A) (i) of the *Hindu Marriage Act, 1955*. In the light of the illustration given above discuss the concept of maintenance under the *Hindu Marriage Act, 1955* and *Hindu Adoption and Maintenance Act, 1956*. Support your answer with relevant provisions from the Acts and decided cases.
- 2.11 Discuss the concept of Nafaqah? Do you think that Muslim couples can form a prenuptial agreement that in case of divorce the wife shall not claim maintenance from the husband? Also please elucidate the relevance of the *Muslim Women (Protection of Rights on Divorce) Act, 1986*.
- 2.12 What is the rationale behind reading the concept of civil matter of maintenance into the *Criminal Procedure Code, 1973* vide Ss 125- 128. Justify your answer with logical reasoning and on the basis of the Constitutional vision.

SECTION THREE

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

3.1 A, a Principal Debtor at the time of taking loan from B, a Bank executed an Agreement of hypothecation of goods in favour of the said Bank and C stood as surety for the loan granted to A by the Bank. A failed to repay the loan when due. Bank sued A and C to recover the loan. Due to negligence of Bank, A had disposed off hypothecated goods.

- a) Does C have any remedy against A?
- b) Does C stand discharged towards the Bank? Give reasons.

3.2 A instructs B, a merchant to buy a ship for him. B employs a ship surveyor of good reputation to choose a ship for A. The surveyor makes the choice negligently and the ship turns out to be unseaworthy and is lost.

- a) Who will be bound to make good the loss to A? Give reasons.
- b) Will B be responsible for the negligence of the ship surveyor to A?
- c) Write a detailed note on the law relating to Sub-Agency?

3.3 Discuss the circumstances in which specific performance of contract is enforceable and specific performance of contract is not enforceable.

- 3.4 Discuss the remedies available to Seller and Buyer against each other for breach of contract.

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 (FOURTH SEMESTER)**

**END-SEMESTER EXAMINATION (27 MAY 2013) ★ ASSAM ★
4.5 LAW OF CONTRACT-TWO**

MARKS: ONE HUNDRED (100)

SECTION ONE

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

1.1 Rahul, a fraudulent person, pretending to be a man of credit, induced Prakash to give him a valuable ring in return for his cheque which proved worthless. Before the fraud could be discovered, Rahul pledged the ring with Arun. Decide

the validity of the Pledge?

1.2 X empowered his agent Y to borrow a loan from a Bank. Y forged the signature of X to obtain the loan from a Bank to meet the business exigencies. When the Bank brought this to the notice of X, X ratified the act of the Agent. Decide

the validity of ratification?

1.3 Discuss the aims and object of the Specific Relief Act, 1963?

1.4 Explain the wide meaning of the term 'Goods' under The Sale of Goods Act, 1930?

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 Define a 'contract of indemnity'? State the difference between the Indian Law and the English Law of Indemnity. An Auctioneer was in possession of certain furniture which was claimed by Amit, the owner as well as by Sumit. Amit demanded delivery of the furniture and the Auctioneers in turn asked for an Indemnity bond, but received no reply. Thereafter, they delivered the furniture to Amit.

Sumit successfully through a Court Order proved his ownership and recovered the price from the Auctioneers. Whether the Auctioneers are entitle to recover Indemnity from Amit. Decide.

2.2 Discuss the rights and options available to a Pawnee where Pawner makes default?

A tailor pledges his sewing machine with the Bank and obtained a loan. The bank allowed the property to be used by the tailor, since they were an essential part of his business. Subsequently, the tailor sold it to another person. Is Pledge with the Bank constituted?

2.3 A becomes surety to C for B's conduct as a manager in C's Bank on a fixed salary. Afterwards, without the consent of A, B and C contract that B's salary shall be raised and he shall also become liable for $1/4^{\text{th}}$ of the losses of the Bank. Due to B's negligence the Bank loses a sum of money. Now A is called upon to make good the loss. Decide.

MODULE - III

- 2.7 What are the conditions to be fulfilled by a person to file a suit when he disposed of immovable property under the Specific Relief Act, 1963? Justify your answer with case laws.
- 2.8 "Where a person contracts to sell immovable property with an imperfect title and the property is encumbered for an amount not exceeding the purchase money, the purchaser has the right to compel the seller to redeem the mortgage and obtain a valid discharge and then specifically perform the contract in its favour" Comment. Please justify your answer with the help of relevant case laws.
- 2.9 "The relief for specific performance lies in the discretion of the court and the court is not bound to grant such relief merely because it is lawful to do so. The exercise of the discretion to order specific performance would require the court to satisfy itself that the circumstances are such that it is equitable to grant decree for specific performance of the contract". Discuss the cases in which the court may properly exercise discretion not to decree specific performance?

MODULE - II

2.4 The Government gave a purchase offer to the Managing Director of a Company, who having no authority to do so, accepted it. It gave an option to the Company to ratify the Contract. In the meantime, the Government had withdrawn the Offer and thereafter, the Company ratified. The Company sued the Government for specific performance. Decide?

2.5 Write short notes on any two:

- Right of Lien
- Delegatus non potest delegare*
- Rights of the Finder of Goods

2.6 A takes a bicycle from B on rental basis. Brakes of the bicycle are not in good condition. A is injured because of Brake failure.

- Discuss the liability of B in respect of Damages?
- Whether B has breached any duty?

MODULE - IV

- 2.10 B, offers to purchase and A accepts to sell a stack of firewood lying on A's premises for Rs 1000/- According to the terms of Contract, buyer had to take delivery of the firewood on a certain day i.e., on 1st June after payment of the price. Before payment and while the firewood is on A's premises, on 20th June, it is accidentally destroyed by fire. A now wants to recover the price from B. Decide?
- 2.11 Explain the differences between:
- Sale and Agreement to Sell
 - Sale and Hire-Purchase Agreement.
- 2.12 Discuss the principle of 'Caveat Emptor'. State exceptions to the Rule with the help of the decided cases.

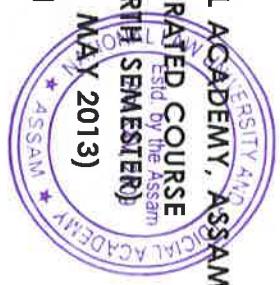
8X7 = 56 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

**B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ESTD. BY THE ASSAM GOVERNMENT**

**ACADEMIC SESSION: 2012-13 (FOURTH SEMESTER)
END SEMESTER EXAMINATION (31 MAY 2013)**

4.6 JURISPRUDENCE- II



MARKS- ONE HUNDRED (100)

SECTION ONE

TIME - THREE (3) HOURS

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

- 1.1 Write a short note on the distinction between Liberty and a Claimed Right.
- 1.2 Distinguish between Mediate and Immediate Possession.
- 1.3 Write a short note on Civil Justice System.
- 1.4 What do you understand by the term Radical Feminism?

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 Man's natural right, fundamental right, human right and legal right look different and separate. Discuss the rights of individual in the context jurisprudential concept of right?
- 2.2 Discuss the sanctity of right vis-à-vis the corresponding liability of duty and obligation.
- 2.3 "Theories of legal personality are indeed fascinating in their analogy and ideologies. However, they do not always provide safe guide for lawyers and judges in their daily tasks." Critically analyse the given statement and discuss the right of the unborn child and dead person.

MODULE- II

- 2.4 In the light that possession has different connotations critically analyse the concept of legally valid possession as opposed to criminal possession.
- 2.5 In today's time of globalised economy, discuss the relevance of Karl Renner's Theory of Ownership to protect the permanent ownership of natural resources of the indigenous people.
- 2.6 What is the distinction between 'Intention' and 'Negligence'? Also explain the concept of *damnum sine injuria* in the light of the distinction between intention and negligence.

MODULE- III

- 2.7 What do you understand by the term Principles of Civil Justice? How has it helped in the development of security and social unity?
- 2.8 Discuss the dismal condition of administration of criminal justice system in India in the light of recent brutal assault cases against woman or girl child. What alternative remedial punishments for offences against women/ girl child would you suggest?
- 2.9 Do you think that a rapist should be punished to death? Elucidate the kinds of criminal punishments and the grounds of justification for punishments.

MODULE- IV

- 2.10 Discuss the nature and significance of Critical Legal Studies.
- 2.11 Briefly discuss the emergence of Feminist Legal Theory. Do you agree with the feminist legal scholar's focus that the "laws" are inherently biased and historically promoting women subordination – give clear analysis?

2.12 Discuss how the Critical Legal Studies Theory can contribute to our understanding of law.

8x7=56 MARKS

SECTION THREE

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

- 3.1 Discuss the emergence of "Rights" in Modern Liberal Democratic Constitutions. Are these rights really contributing to address the inequalities which are existing in the current globalised society?
- 3.2 "Ownership denotes the relation between a person and an object forming the subject matter of his ownership. It consists in a complex of rights, all of which are rights *in rem*, being good against the entire world and not merely against a specific person." – Salmond Critically analyse the above statement in the light of self ownership as propounded by Robert Nozick.
- 3.3 Discuss elaborately how substantive justice to protect the rights of women, children, old people, disabled, dalits and tribal people is enforce through civil and criminal justice administration system ?
- 3.4 "The work of the Critical Legal Studies movement constituted an attack not only on particular laws, but on the very concept of the 'rule of law' that is inherent to liberal democracy." Discuss.
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2x14=28 MARKS