

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
**B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015**  
**End Semester Examination (July, 2015)**  
**4.1 ECONOMICS - II**

Time: **2 Hours**  
Total Marks: **50**

**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 five questions from the following. All questions carry equal marks.**

1. What are the basic determinants of economic growth? Discuss briefly J.A. Schumpeter's theory of economic growth and development. 3+7
2. What is Gini Coefficient? In case of a mixed economy like India where industries are entrusted with the prime objective of accelerating the growth process and bringing in structural changes in the economy, what do you think is the best strategy to be followed by the policy makers to achieve the prime objective i.e. via excess of Social Overhead Capital (SOC) or via shortage of SOC? Give proper arguments in support of your answer. 3+7
3. What is structural unemployment? Illustrate the relationship between population growth and economic development. Suggest some ways to efficiently utilize the population factor for the benefit of the underdeveloped or the developing economies like India. 2+5+3
4. Critically discuss Prof. Arthur Lewis theory of 'Unlimited Supply of Labour Force'. Is this theory applicable in case of India? Give reasons in support of your answer. 7+3
5. What is linkage effect? "In the present era of acute globalization, technology has replaced all other factors of production as the most important factor in the production process." In the light of the above statement, highlight the interlinkage between technology and economic growth and development. 2+8
6. What do you mean by sustainable development? What are the basic obstacles in the path of achieving sustainable development? Briefly discuss the concept of 'Environment Kuznet Curve' with the help of proper illustration. 2+3+5

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**B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015**  
**End Semester Examination (Old Syllabus) (July, 2015)**  
**4.3 FAMILY LAW - I**

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

**INSTRUCTIONS:**

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

1. Discuss the contribution of personal laws to ameliorate and protect the rights of women in India. Support your answer with relevant legislations and on the basis of decided cases.
2. Ankit, a Hindu Male aged 18 and Bina a Hindu female aged 17, both residents of Jaipur were married as per Hindu rites and ceremonies. Bina wanted to pursue higher studies but she was always discouraged to do so by her husband and in-laws. After two years, since her marriage was becoming an impediment in her pursuit of higher studies Bina decided to dissolve her marriage with Ankit.

In the light of the given facts and circumstances, discuss the status of the marriage of Bina to Ankit as well as the legal remedies available to Bina. Support your answer with relevant provisions of the law and on decided cases.

3. Raj, a Hindu male resident of Vishakapatnam, a Naval Officer got married to Priya, a Hindu female and a doctor by profession in October, 2011 as per Hindu rites and ceremonies. In January, 2012, Raj wanted Priya to joint him in the Naval Officers' Ball and Dance party which Priya flatly refused as such Raj had to go to the party himself. At the party Raj was chided by his senior officers for being not able to bring his wife to the party. Raj felt embarrassed and humiliated because of the chidings.

On reaching home, Raj found that Priya enjoying doctors' party at their residence hosted by Priya which made him furious. In the heat of the moment Raj began to throw aspersions at Priya in the presence of all his colleagues. Priya took strong objection to Raj's behavior towards her. A heated argument ensued between them, in the melee Raj ended up slapping Priya. Angered and hurt Priya filed police complaint against Raj. The Next day Police came to arrest Raj on the ground of offence of cruelty under S. 498A of the *Indian Penal Code, 1860*. Distraught and embarrassed Raj filed for divorce against Priya.

In the light of the given facts and circumstances discuss the relevant provisions of law applicable in this case and the matrimonial remedies available to parties keeping in view the the sanctity of marriage and on decided cases.

P.T.O.

4. Atif, a Muslim man was married to Aliya, a Muslim woman. During the subsistence of their marriage, Atif entered into a second marriage with Laila, the aunt of Aliya.

Issues that can be raised from the case are:

- The concept and objective of marriage under Muslim.
- The concept of legal disabilities under muslim law.
- The status of the second marriage.

Support your answer with the relevant Muslim law and on decided cases.

5. Elucidate all the different forms of divorce under Mulim law and also, justify why some types of divorces are preferred over others.

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**End Semester Examination (July, 2015)**  
**4.4 INDIAN PENAL CODE**

Time: **2 Hours**  
Total Marks: **50**

**INSTRUCTIONS:**

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

1. Mr. X, a blacksmith, is taken captive by a gang of robbers and is forced to break open the doors of a house for the robbers to enter and commit robbery. Mr. X concedes to the demands of the robbers and breaks open the doors of the house.

Based on the above facts discuss the criminal liability of Mr. X. What are the two components that have to be present at the time of commission of an offence in order to impose criminal liability on a person? Discuss any **one** of them in details with the help of suitable case laws. (10)

2. Ms. Shahida and Mr. Swapan had been dating each other for six months. One day Ms. Shahida told Mr. Swapan that she did not want to continue the relationship because her Parents had fixed her marriage with another man of her caste and that she had met him and had agreed to marry him. Mr. Swapan became aggressive and threatened Ms. Shahida with dire consequences if she did not break off the marriage.

Two months later, Mr. Swapan saw Ms. Shahida's wedding card and he got extremely angry. The next day, Mr. Swapan waited for Ms. Shahida to come out of her house and then threw acid on her face which disfigured her face completely.

- a. Under what section of *Indian Penal Code, 1860*, can Mr. Swapan be convicted? What is the punishment prescribed for such an offence? Give reasons for your answer. (4)
  - b. Explain the nature of the injuries that can be categorised as "grievous hurt" as provided for in the *Indian Penal Code, 1860*. (6)
3. On 20<sup>th</sup> February 2014, at about 6 am, Mr. Subodh was found dead inside his house with several knife injuries on his neck and other vital parts of his body. On the same day, the police arrested Mr. Pranay and sent him to be medically examined. His medical examination revealed that he had a deep cut injury on his head and several knife injuries on various parts of his body. Mr. Pranay stated in his defence that Mr. Subodh was known to him from before and had also borrowed 2 lacs of rupees from him. At about 5.30 am, on that fateful morning, when he was going for his morning walk, Mr. Subodh invited him to his house for a cup of tea. While he was drinking tea, suddenly Mr. Subodh attacked him with a knife and succeeded in causing injuries on his body. Hence he picked up a knife was lying there and used the same and killed Mr. Subodh.
    - i. Has Mr. Pranay committed any offence? Support your answer with appropriate sections of law. (3)

P.T.O.

- ii. State the circumstances under which the right of private defence of the body extends to the causing of death or any other harm to the assailant. (7)
- 4. "All murders are culpable homicide but not vice versa". Elaborate the statement with reference to the appropriate provisions of law. (10)
- 5. Ali and Jim steal some fruits in a large quantity from an orchard. When both of them were stealing the fruits Alok saw them. On seeing Alok, both Ali and Jim beat him senseless with a stick and run away with the stolen fruits.
  - i. What offence has been committed by Ali and Jim? Explain in detail. (5)
  - ii. With reference to the case above, supposing on seeing Alok, both Ali and Jim beat him senseless with a stick and run away without taking the stolen fruits.
    - a. What offence have both Ali and Jim committed? Give reasons for your answer. (3)
  - iii. What is Extortion? Explain with suitable illustrations. (2)
- 6. The Criminal Law Amendment Act, 2013 has brought several changes in *The Indian Penal Code, 1860*. Elucidate in detail the changes incorporated in the Section 354 and Section 376 of *The Indian Penal Code, 1860*. (10)

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**End Semester Examination (July, 2015)**  
**4.5 CONTRACT - II**

Time: **2 Hours**  
Total Marks: **50**

**INSTRUCTIONS:**

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

1. (5+5)
  - (a) What is the real test of determining the contract of agency? Discuss the rights conferred upon the agent in the contract of agency.
  - (b) A, an individual goes to a firm of solicitors to seek advice regarding some matters relating to his property to become more useful in his interests. An employee of the firm gets the title deeds of the property transferred in his own name by giving him the belief that the aim of this transaction is to make the property more income going for that man. Discuss the liability of the firm in light of the above case.
2. (5+5)
  - (a) What are the grounds of discharge of surety?
  - (b) A person who is the plaintiff sold felled timbers to another person, the payment of which was to be made in four installments. The defendant was the surety. In case of the default of any payment the plaintiff retained the right of further removal of the timber and sells the rest to realize the price. On default of payment the buyer was never prevented from removing the timber. Discuss the liability of the defendant.
3. (5+5)
  - (a) Explain various duties of a bailee.
  - (b) 'There is a standard of care for all cases of bailment'- Justify the statement with decided case laws.
4. (5+5)
  - (a) What do you mean by 'commencement of liability of the indemnifier' in a contract of indemnity? Explain with decided case laws.
  - (b) Is there a difference between Indian law and English law on the above point?

P.T.O.

5.

(5+5)

- (a) 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 the contract, the buyer had to take the delivery of the firewood on a certain day, i.e. on June 1<sup>st</sup> after the payment of the price. Before the payment was actually made and while the wood was still on A's premises, on 20<sup>th</sup> June, it was destroyed by fire. A. now wants to recover the price from B. Decide.
- (b) When is a seller of goods deemed to be an unpaid seller? What are his rights against:
  - (i) The goods
  - (ii) The buyer personally.

6.

(5+5)

- (a) Define partnership? What is the mode of determining partnership? Support your answer with case laws.
- (b) The plaintiff advanced a sum of money to two persons for carrying out business. The persons agreed to carry on the business subject to the control of the plaintiff in several respects. He was to receive a commission of 20% on all profits. Subsequently the property of the firm was mortgaged to the plaintiff and he released the right to commission. Decide the position of the plaintiff in the above case.

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**4.6 JURISPRUDENCE – II**

Time: **2 Hours**  
Total Marks: **50**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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**Answer five questions from the following (Q. No. 1 is Compulsory). All questions carry equal marks.**

1. “The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto the husband, whom she cannot retract.”- Mathew Hale.

Recently, in India with regard to the question whether marital rape can be criminalized a minister has viewed: *"It is considered that the concept of marital rape, as understood internationally, cannot be suitably applied in the Indian context due to various factors e.g. level of education/illiteracy, poverty, myriad social customs and values, religious beliefs, mindset of the society to treat the marriage as a sacrament, etc,"*

Based on the class discussions as well as on the basis of various provisions as were discussed, do a critical analysis of the above statements by relating it to appropriate theories. (10)

2. “A judge who is insulated from the demands of the political majority whose interests the right would trump is, therefore, in a better position to evaluate the argument”- Ronald Dworkin.

In the light of the above statement critically analyze and weigh between the considerations of policy and principle in finding the right answer in hard cases? (10)

3. Make an analysis of the various definitions and theories of property and explain whether property refers to the proprietary entitlement or to the thing owned.

In the light of the various discussions in the class and based on your readings critically examine whether we have a property right in our body . (5+5)

4. Make a comparative analysis of the various definitions discussed on Ownership from the classical period to the modern period by identifying and highlighting the underlying causes of this shift. Explain with adequate examples the difference between ownership status of a trustee and of an agent. It is said that contingent ownership is more than mere *spes acquisitionis* i.e. Chance, Explain. (5+3+2)

P.T.O.

5. 'Both Law and society are supplementary to each other', the said proposition is evident from our deliberations related to day to day life. Today it is the 'multidisciplinary' nature of law which is governing human life from cradle to grave.

In the light of the said statements critically discuss the concept of law and social transformation. Further, discuss how legal theory plays a crucial role in meeting the needs of society. Elaborate your answer with the help of various examples and from your class discussions. (10)

6. Negligence is the one of the most important part of the concept of liability. Discuss the various essential elements of negligence. Further discuss its relation with the principles of *injuria sine damnum* and *damnum sine injuria*. Elaborate your answer with the help of various examples. (10)

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