

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 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.
-

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

1. What do you mean by economic recession? Discuss briefly Prof. J.M. Keynes theory of economic growth and development. (3+7)
2. What are the various factors responsible for the economic backwardness of developing economies like India? With the help of Lorenz curve, establish the relationship between economic development and income inequality. (3+7)
3. Discuss the Critical Minimum Effort thesis as propounded by Prof. Harvey Leibenstein. Do you think such type of critically important level of national income can exist in any economy? Give reasons. (7+3)
4. Discuss briefly Rostow's stages of growth and development. Suggest some measures that may help economies like India to proceed towards the more developed stages as explained by Rostow. (7+3)
5. What is economic planning? Highlight the interlinkage between economic planning, economic growth and environment. (3+7)
6. What do you mean by 'Tragedy of Commons'? Why do you think such type of common tragedies occur in an economy? Suggest some measures to tackle the problem of 'Tragedy of Commons'. (4+3+3)

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 2015)
4.2 CONSTITUTIONAL LAW - I

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.
-

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

1. What are the important characteristics of a federal Constitution? How would you characterise your Constitution with what proper nomenclature? Whether the Constitution of India contains some modifications of the strict federal principles? Discuss elaborately.
2. Critically discuss the case of *Indra Sawhney v. Union of India*. Briefly state the reasons attributing to the amendment of the Constitution and adding Clauses (4A) and (4B) in Article 16(4) of the Constitution of India with the help of decided cases.
3. Discuss the Constitutional prohibition against self-incrimination as provided in Article 20(3) of the Constitution of India. Discuss the decision of the Supreme Court in *Selvi v. State of Karnataka* wherein certain scientific techniques have been held to be violative of Article 20(3).
4. Discuss whether the various freedoms provided in Article 19(1) of the Constitution of India can be recognised as guaranteed basic, valued and natural rights inherent in a person. Whether these rights are absolute? Discuss under what circumstances these rights can be controlled, curtailed or regulated by the State under Clause (2) of Article 19 by relying on important cases.
5. Discuss the aims and significance of the Directive Principles of State Policy. Discuss the inter-relationship between the Fundamental Rights and Directive Principles.
6. Discuss the consequences arising out of proclamation of Emergency in the Country made under Article 352 of the Constitution of India.

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 2015)
4.3 FAMILY LAW - I

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.
-

Answer any four questions from the following. All questions carry equal marks. (12.5 x 4)

1. Elucidate the following statement, “Hindu law may be described to be the ancient law of the Hindus rooted in the *Vedas* and announced in the *Smritis* as explained and enlarged in recognized commentaries and digest as supplemented and varied by approved usage.”
2. Discuss the validity of the following marriages under Hindu law:
 - (i) B marries G, who is his father’s mother’s father’s son’s son’s son’s daughter.
 - (ii) B, a hindu boy who is Twenty years old marry G a Hindu girl who is eighteen years old.Support your answer with relevant concept, provisions of Hindu law and on the basis of decided cases.
3. In an illustration Ajay, age 31 years, Hindu male residing in Ghaziabad, U.P. was married to Brinda, age 23 years, a Hindu female resident of Kamla Nagar, Delhi, according to Hindu rites and ceremonies on December 10, 2009. In April, 2010 Ajay, who was a Geologist got an opportunity to go to Europe to pursue Ph.D. in a reputed University for two years. Ajay believing that this was a golden opportunity decided to go to Europe. However, as it was not financially feasible to bring Brinda with him to Europe he left her behind with his parents in Ghaziabad, UP. While Ajay was away in Europe Brinda out of boredom reconnected with her college friends, as such she became very close with one of her male college friend named, Chetan. On one occasion Chetan invited Brinda for dinner at his house located in Outram Line, Delhi. When Brinda went for dinner at his place he tried to forcefully have physical relationship with her. Brinda, resisted him and somehow managed to come back to her matrimonial home in Ghaziabad. Brinda did not tell about the incident to anyone, however she jotted down about the incident in her personal diary. After the incident, she confined herself at home and never met her college friends again. Ajay, after completing his research came back to India in July 2012. On one occasion he chanced upon the personal diary of his wife, wherein he read about the incident that had happened between Brinda and Chetan. On reading it Ajay felt exasperated and thus in a fit of anger he ridiculed Brinda for the unexpected liaison. Feeling humiliated and embarrassed, Brinda packed her entire belongings and left for her paternal home in Kamla Nagar, Delhi. After that day there was no cohabitation between Ajay and Brinda for more than two years. In January, 2015 Ajay filed for dissolution of marriage.

In light of the given facts and circumstances discuss the relevant legal principles and provisions of Hindu Law and on the basis of decided cases.

4. Discuss the validity of the following marriages under Muslim law:

- (i) B, a Muslim male divorced his wife by pronouncing the triple *talaq* in drunken stupor but continue to cohabit with her as husband and wife.
- (ii) A, a Muslim male performed marriage with the sister of his first wife during the subsistence of his marriage with his first wife.

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

5. Elucidate the significance of the concept of law of adoption under Hindu law on the basis of relevant principles of Hindu law, legal provisions and on decided cases.

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 2015)
4.4 INDIAN PENAL CODE

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.
-

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

1. “The doctrine of *mens rea* has no application to offences in general under *The Indian Penal Code, 1860* unlike its counterpart, the common law. Though the framers of the IPC have not mentioned *mens rea* in the IPC, the doctrine has been incorporated in two ways.”
 - i. In what ways has the concept of *mens rea* been incorporated into the IPC? (2 marks)
 - ii. State any four offences in the IPC where no element of *mens rea* is required to be proved, for fixing criminal responsibility on the offender. (2 marks)
 - iii. With the help of illustrations distinguish between Intention, Motive and Negligence. (6 marks)
2. John, Jack, Shyam and Alok jointly plan to beat up Mahesh. While Mahesh is being assaulted, his daughter Malati, intervenes and tries to protect her father from the four assailants. John rapes Malati. While retreating from the house, Shyam picks up Mahesh’s mobile phone and takes it with him.

In the light of the above facts answer the following questions

 - a. What are the offences that John, Jack, Shyam and Alok are liable for committing? (3marks)
 - b. Are all of them liable for rape of Malati and theft of the mobile phone? Give reasons for your answer. (3marks)
 - c. State any four differences between Section 34 and section 149 of Indian Penal Code, 1860. (4marks)
3. A fire breaks out in a residential colony. On seeing that the fire was spreading rapidly, Mr. Suraj pulls down houses in order to prevent the conflagration from spreading and causing more damage to life and property.
 - a. What offence, if any, has Mr. Suraj committed? Can he claim exemption from criminal liability? Support your answer with appropriate sections of law. (5 marks)
 - b. The common law principles of *Ignorantia facti excusat* and *ignorantia juris non excusat* have been embodied in ss. 76 and 79 of The Indian Penal Code, 1860. Explain with suitable illustrations and case laws. (5 marks)
4. State and explain with appropriate sections of law, the circumstances under which the right of private defence of property extends to the causing of death or any other harm to the assailant. Support your answer with suitable illustrations. (10 marks)

5. Shyam hits Raju on his face. Raju is by this provocation gets into a fit of rage and anger. Chandan, a bystander, intending to take advantage of Raju's rage and anger and with the intention of causing the death of Shyam, puts a knife into Raju's hand for that purpose. Raju kills Shyam with the knife.
- i. Has Shyam committed any offence? Give reasons for your answer. (2marks)
 - ii. What offence, if any, has Chandan committed? (2marks)
 - iii. When does culpable homicide not amount to murder? Support your answer with appropriate illustrations and provisions of law. (6 marks)
6. Distinguish between any two of the following: (5x2=10 marks)
- i. Wrongful Restraint and Wrongful Confinement.
 - ii. Kidnapping and Abduction.
 - iii. Theft and Extortion

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 2015)
4.5 CONTRACT - 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.
-

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

1. (5+5 marks)
 - (a) Define bailment. Explain how a bailment may result without the owner actually delivering the goods to the bailee.
 - (b) A, delivers to B, a carrier, some explosives in a box without disclosing this fact to B. B does not take extra ordinary care required for such goods. The box explodes. As a result, a porter is injured. Discuss the liability of A.
2. (5+5 marks)
 - (a) When is the contract of guarantee held to be invalid? Does the creditor's omission to sue the principal debtor within the period of limitation discharge the surety?
 - (b) A stands as surety for the good conduct of B who is employed by a bank on a monthly salary of Rs 1600. Three months after when the financial position of the bank deteriorates, B agrees to accept a monthly salary of Rs 1200. Two months after, it is found that the B has been misappropriating cash all through. Decide on the liability of A.
3. (5+5 marks)
 - (a) Discuss the rights available to the Pawnee where the Pawner makes default.
 - (b) 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 it was an essential part of business. Subsequently the tailor sold it to another person. Is the pledge with the bank constituted?
4. (5+5 marks)
 - (a) Write a note on the test of determining the existence of partnership.
 - (b) Explain the principle laid down in Cox v Hickman (1860) 8 HLC 269.

P.T.O.

5. (5+5 marks)

- (a) P employs A as his agent in selling his (P's) gold watch. A is instructed not to sell the gold watch for less than Rs 400. A buys the watch himself and hands over Rs 400 to P; who is quite satisfied with the price and does not ask for the name of the buyer. P discovers the identity of the buyer few weeks later after A has resold the watch for Rs 600. Can P claim Rs. 200 from A?
- (b) What do you mean by 'delegation of authority' in a contract of agency? Write a note on the personal liability of the agent.

6. (5+5 marks)

- (a) Goods were sold and sent by the sellers at the request of the buyer to the shipping agents of the buyer and were put on board of a ship by those agents. Subsequently they were re-landed and sent back to the sellers for the purpose of re- packing. While they were still in the possession of the seller, the buyer became insolvent. The seller refused to deliver the goods to the person who was appointed by the court to receive the goods on behalf of the buyer except on payment of price. Can the seller refuse to deliver the goods?
- (b) Discuss the rights of an unpaid seller against the goods in the light of the above example.

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II Year – IV Semester: Academic Year: 2014-2015
Repeat Examination (August, 2015)
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.
 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 ordinary idea of the personality of a human being is said to commence existence on the birth and cease to exist at the death. However, the law recognizes certain exceptions in case of an unborn child. Describe with illustration the various cases in which the law recognizes the rights of an unborn person.

In the light of your answer above discuss whether imposition of a duty of care upon pregnant women towards unborn child would interfere with bodily integrity, privacy and autonomy leading to their diminishing personhood. (6+4 Marks)

2. Define and differentiate between the Will theory and Interest theory of Rights.

With adequate examples explain how would you relate these theories with the Hohfeldian analysis of legal rights?

What would be the implication of the above theories on the idea of 'right to die'?

(4+3+3 Marks)

3. Explain the general idea of private property from the perspective of integrated theory.

How does the classical liberal theory and new liberal theory differ in their approach to private property?

Explain and differentiate, with adequate examples, between various proprietary rights in *re aliena*. (3+3+4 Marks)

4. Differentiate between possession in fact and possession in law.

B had asked A to lend him a shilling. A pulls from his pocket what he thought was a shilling and handed it over to B. Later B discovered that he had been given a sovereign by mistake, but he none the less spends the sovereign and thereby converts it to his uses. Explain with sufficient illustrations whether B had Possession, Detention or Custody.

(5+5 Marks)

5. 'Change is the Law of the nature', the statement is also true in respect of 'law and society relationship'. It is generally stated that, there are mainly two processes of social change, namely evolution and revolution. The point can be easily proved from revisiting world history.

Here, can we say that social transformation is a necessary 'evil'? In the light of the stated thought, critically discuss the purpose of law and social transformation. Can all examples of social change be termed as 'development'? Justify your answer with the help of examples and class discussions. (10 Marks)

P.T.O.

6. What do you mean by term, 'negligence'? What are its essential elements? In the present days of complex human interactions there is the great scope of negligence jurisprudence. Do you think that present scope of negligence jurisprudence is good for dispensing justice? Develop your answer with the help of various examples and class discussion.

(10 Marks)

* * * * *