

NLUJAA

National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): II-Year, IV-Semester (Academic Year: 2017-18)

Special Repeat Examination (October, 2017)

Subject Code: 4.4 Indian Penal Code

Time: **2:30 Hrs.**

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.
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Answer any five out of the six questions:

1. (i) Explain with appropriate sections of law and case laws, 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.

(ii) Diganta, a man of 30 years, was at a party with his friends. After a night of enjoyment and drinking too much alcohol he comes out of the party and gets into his car. He then takes out a gun and goes back to the party shouting his intention to kill Akash, with whom he had quarrelled with earlier and then shoots and kills Akash.

(a) Is there any plea under the Indian Penal Code 1860 (IPC) that Diganta can take to exempt him from criminal liability? State the grounds to be established by a person who wants to claim exemption from criminal liability under Section 85 IPC.

(8+6=14)
2. Salim knowing that Vikas is suffering from such a disease that a blow is likely to cause his death, hits him with the intention of causing bodily injury. Vikas dies in consequence of the blow. However, the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in sound state of health.

(i) Explain with suitable sections of law what offence has been committed by Salim?
(ii) State and explain in detail the four exceptional circumstances under which culpable homicide does not amount to murder?

(6+8=14)
3. Arun throws acid on the Jina's face after she refused to marry him and disfigures her face and neck.

(i) Has Arun committed any offence? Justify your answer.
(ii) Mention the kinds of hurt which are designated as "grievous" in the Indian Penal Code 1860.

(4+10 =14)

4. (i) What is meant by “Robbery” and “Dacoity”? Mention their aggravated forms with appropriate sections of law.
(ii) Distinguish between Dishonest Misappropriation of Property and Criminal Breach of Trust.

(7+7=14)

5. Distinguish between any two of the following:

- (i) Kidnapping and Abduction.
(ii) Theft and Extortion

(7x2=14)

6. The Nirbhaya gang rape case in Delhi triggered widespread protests across the country which resulted in a plethora of changes in *The Indian Penal Code*, 1860 (IPC). Elucidate in detail the changes incorporated through *The Criminal Law Amendment Act*, 2013 in the IPC.

(14)

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Time: **2:30 Hrs.**

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Question number 1 is compulsory. Answer any four out of the remaining five.

1. (a) It is said that a right is present when there is a presence of a duty correlated to it. However, rights can also be understood as something which is right to obtain. In the light of this assertion make a difference between positive and negative rights.

- (b) Similar to the above another distinction has been made between civil and political rights on the one hand and socioeconomic rights on the other. To what extent do you think the above distinction is justifiable? Discuss, in the light of Henry Shue's critique of the above distinction.

(6+8)

2. What do you understand by Obligation and how is it different from duty? With the help of relevant examples examine the different kinds of solidary obligations.

(6+8)

3. By examining the various general theories of property explain how property rights differ from human rights or personal rights.

Critically examine the various theories of the origin of property. How would you justify the existence of private property?

(5+5+4)

4. It is said that all legal personality involves personification but not all personified things are legal personality, explain. Critically examine legal personality of animals. Do you think animals have rights?

(4+6+4)

5. Critically examine the concept of possession and discuss why it is considered as a legal, non-legal and a pre-legal concept. How would you differentiate between possession and ownership?

(6+8)

6. (a) With the help of relevant illustration critically examine the idea that A's claim right might entail a correlative duty on the part of 'B', but 'A's liberty does not entail any duty on 'B' not to interfere.
- (b) Article 20(3) of the part III of the Indian Constitution says that no person accused of any offence shall be compelled to be a witness against himself. Critically discuss this right in the light of the Hohfeld's analysis of Jural relations.

(7+7)

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