

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-14
MID-SEMESTER EXAMINATION (24-09-2013)
5.1 CONSTITUTIONAL LAW - II (FIFTH 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 term "State" as provided in the Constitution of India.
- 1.2 Explain Albert Venn Dicey's concept of Rule of Law. Whether "Rule of Law" is a basic feature of the Constitution of India? Support your answer with the relevant case-law.
- 1.3 Explain the concept of "A Welfare State." Which part of the Constitution of India embodies the concept of a "Welfare State"? Illustrate your answer with two provisions in this regard.
- 1.4 What is a "Preventive Detention Law"? Mention the constitutional safeguards against detention under a "Preventive Detention Law" under the Constitution of India.
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 Who is considered to be a minority under the Constitution of India? Discuss the cultural and educational rights of the minorities under the Constitution of India.

- 2.2 Discuss the ratio of the Supreme Court's judgment in *Indra Sawhney v. Union of India*, AIR 1993 SC 477 popularly known as the *Mandal Commission Case*.
- 2.3 Discuss the six freedoms under the Constitution of India. Mention the constitutional restrictions that can be imposed on their enjoyment.
- 2.4 A was dismissed from service as a result of an inquiry under the Public Service Enquiry Act, 1960, after the proceedings were held before the Enquiry Commissioner. Later on, he was prosecuted for having committed the same offence under the *Indian Penal Code, 1860* and the *Prevention of Corruption Act, 1988*. Can A claim the benefit of double jeopardy under Article 20(2) of the Constitution of India. Support your answer with reasons.
- 2.5 Can the Indian State be described as a Secular State? If yes, discuss the provisions reflecting the notion of "Secularism" under the Indian Constitution.

MODULE- II

- 2.6 Whether the right to property is a fundamental right under the Constitution of India? Discuss the constitutional provisions regarding this right under the Constitution of India.
- 2.7 Discuss the constitutional provisions relating to free and compulsory education under the Constitution of India. Support your answer with relevant case-laws.
- 2.8 Discuss the status of the right to free legal aid as a fundamental right. Support your answer with relevant case-laws.
- 2.9 Discuss the constitutional amendments which give primacy to certain directive principles over fundamental rights. Whether the laws placed in the Ninth Schedule for securing certain directive principles are immuned from judicial review. Support your answer with relevant case-laws.

- 2.10 Discuss the constitutional provision relating to the implementation of a *Uniform Civil Code* under the Constitution of India. Support your answer with relevant case-laws.

8x7=56 MARKS

SECTION THREE

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

- 3.1 "The decision of the Supreme Court in *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 has heralded a new legal revolution in the protection of the right to life and personal liberty under Article 21 of the Constitution of India". Support your answer with relevant case-laws of the Supreme Court.
- 3.2 "Public Interest Litigation has proved to be a boon for the realization of the basic human rights of the have-nots of the Indian society". Discuss.
- 3.3 "Fundamental duties under the Constitution of India are a constant reminder to the citizens to observe certain basic norms of democratic conduct and democratic behavior". Discuss with the help of the constitutional provisions in this regard.
- 3.4 Discuss the inter-relationship between the Fundamental Rights and the Directive Principles of State Policy under the Constitution of the India. Support your answer with relevant case-laws of the Supreme Court of India.

2x14=28 MARKS

M, one married sister, MS, one son S and one daughter D. D has two children DD and DS and S has a wife SW, and two children SD and SS. SS is married and has a wife, SSW, a son SSS and a daughter SSD. Determine the share of each and every member in the family if the total value of the property is Rs. 90 lakhs. Would your answer be any different if the family was domiciled in Guwahati?

2.10 Amongst Hindus one of the prime factors for the adoption of male child is due to pious obligation. With the 2005 amendment of the Hindu Succession Act, 1956, the pious obligation of the son clause had been done away with. Do you think such amendment will have any impact on the gender profile of children who are taken in adoption among Hindus? Critically answer.

8x7=56 MARKS

SECTION THREE

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

3.1 Write an essay on the concepts of 'Hindu Coparcenary' and 'Hindu Joint Family' as a unique contribution in the jurisprudence of family law.

3.2 Partition means severance of status as member from the coparcenary and the Hindu joint family. In such a scenario where majority of the Hindu family are heading towards nuclear family due to industrialization, do you think the Hindu joint family concept will die its own slow death. Elucidate your answer with relevant explanations and illustrations.

3.3 Trace the development of Hindu law in its endeavor to the protection of Hindu women right to property law with special reference to Rukmabai case.


3.4 Critically examine and write whether the 2005 Amendment of the Hindu Succession Act, 1956, will be able to bring about a more egalitarian society among Hindu males and females?

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NATIONAL UNIVERSITY AND JUDICIAL ACADEMY ASSAM
B.A., LL.B. FIVE YEAR DEGREE PROGRAMME
ACADEMIC SESSION: 2013-14
MID-SEMESTER EXAMINATION (23-09-2013)
5.2 FAMILY LAW - II (FIFTH SEMESTER)

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

ESTD. BY THE ASSAM ACT XXV, 2009



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

1.1 What is the difference between Separate Property and Joint Family Property under Hindu law?

1.2 Briefly discuss the role of karta in a Hindu Joint Family?

1.3 Explain briefly how Hindu succession law impacted the Hindu coparcenary?

1.4 Write a short note on the pious obligations of a Hindu son to repay debts of father.

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 A Mitakshara coparcenary consists of Baldev, the Karta and his two adult sons, Ram and Shyam and a minor son, Munna. The family lives in Patparganj in Delhi. They have extensive coparcenary properties in the form of agricultural land in Jhajjar, Haryana. Baldev sold the land to Vikash and utilizes the sale proceeds for the following purposes:

- (i) making additions to and improvement of the family house;
- (ii) seeking admission for Munna's education abroad and
- (iii) for the marriage of Baldev's 26 years old sister.

Ram and Shyam challenged the alienations even if he was the karta, on the ground that it was not binding on them as they never consented to such transaction. Decide whether the karta's business transaction with Vikash could be

effected? Also, discuss the repercussion of the alienation shall have on the status of the Hindu Joint Family headed by Baldev?

2.2 Byomkesh is a native of West Bengal, but a resident of Saurashtra in Gujarat, working as diamond merchant. In 1984 he married a Gujarati woman. From the marriage he had one son Rahul and a daughter Ruhi. Both the children were major and were aged 27 and 23 each. In 2010, Byomkesh suffered huge financial losses in his business due to global recession, because of which he suffered severe cardiac arrest and died intestate. Byomkesh left behind a shop, two acres of land and a house where all the families were residing.

From the above illustration, decide how the properties of Byomkesh shall be devolving to the surviving members of the family? Also, explain the difference between Mitakshara School and Dayabhaga School through the same illustration.

2.3 What do you understand by the concept of 'Gift Due to Love and Affection'? Can Karfa make alienation of the coparcenary property due to love and affection? Elucidate your answer on the basis of the decided cases.

2.4 Raviraj had three sons, S1, S2 and S3. S3 died when he was a minor. S1 married W, they had two children, a boy, B and a girl, G. S1 died due to certain complication that developed owing to a car accident he had met. S2 married F, but he died issueless. Raviraj made a will, and according to the will the coparcenary property of the family must be shared half by both the grandchildren. Since both the grandchildren were minor, the will stated that F shall be the caretaker of the property till they attain majority. And if any the grandchildren happen to die before attaining majority the property must solely vest on F. B died before he could attain majority.

Decide and discuss on the basis of decided cases, what legal remedies are available to W to prevent the share of B from going in the hands of F?

2.5 A, a Hindu male inherits a plot of land from his maternal grandfather F in 1990 and a year later a house from his

grandfather A's son, S, seeks a partition of this house and the plot of land claiming half share in each. Would he succeed? Discuss.

MODULE- II

2.6 Kumar, a male Hindu, governed by the Mitakshara School, had two sons Rajiv and Sachin. The family lived in Bangalore. Rajiv was a social activist who lived in a rented house in Delhi along with his wife Hiya. Unfortunately, Rajiv met with a severe heart attack on April 7, 2011 while going on hunger strike for Jan Lokayukta and was admitted to a private Nursing Home. He wrote a letter on April 10, 2011 expressing his intention in unequivocal terms to separate from the joint family. He executed a will on April 13, 2011 with respect to his undivided interest in favour of his wife Hiya and died on the same day. The letter was delivered to other members of the family on April 16, 2011.

Hiya, being the only heir of her deceased husband, claims the coparcenary interest of her husband under the will. Can she succeed? Give reasons.

2.7 X dies intestate in 2004, and leaves behind his parents F and M, surviving spouse W, two sons S₁ and S₂, two daughters D1 and D2. S1 during the lifetime of X, had converted to Christian faith and had married a Christian girl. X left behind property worth Rs. 50 lakhs. Ascertain the shares of the aforesaid heirs in X's property.

(a) if X was a male Hindu

(b) if X was a female Hindu and the property was acquired by her.

2.8 Critically comment on the following statement:

The Hindu Succession Act, 1956 post the 2005 Amendment has made a substantial difference in determining the character of property under the Classical Hindu law.


2.9 A, a male Hindu, dies in Delhi as an undivided member of Mitakshara coparcenary in 2006, and is survived by his mother

more to do an unlawful act, or to do a law... act by unlawful means", this is called as *Mulchy dictum*, however, the Indian Penal Code provides that a mere agreement is sufficient to impose liability with the requirement of the overt act – in the light of this positions discuss thoroughly the offence of Criminal Conspiracy in the Indian Penal Code.

3.4 What are the differences between the approaches of Section 149 and Section 34 of the Indian Penal Code? Discuss in light of some of the prominent cases decided by the Courts in India.

2x14=28 MARKS

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B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-2014
MID SEMESTER EXAMINATION (25-09-2013)
5.3 INDIAN PENAL CODE (FIFTH SEMESTER)



MARKS: ONE HUNDRED (100)

TIME: (3) THREE HOURS

SECTION ONE

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

- 1.1 Define the term 'Crime' as has been defined by Kenny Discuss the important features of crimes which are implicit in his definition.
- 1.2 Based on the discussion which took place in the class, define the concept of crime in your own words.
- 1.3 Discuss the stages of crime in Criminal Law with the help of suitable illustrations.
- 1.4 The defence of mistake was allowed in the case of *R. v. Toloson* but not in *R. v. Prince's* case – Why did court allow it – Discuss.

4x4=16 MARKS

SECTION TWO

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

MODULE – I

- 2.1 "The legal concept of insanity widely differs from that of the medical concept. It is only insanity of a particular or appropriate kind which is regarded as insanity of law that will excuse a man from criminal liability" – in the light of the

- above statement, discuss the relevance of the Mc Naughten Rules in the Indian Criminal Law as a defence of insanity.
- 2.2 Critically analyse various Theories of Punishments which are provided under the administration of criminal justice system.
 - 2.3 Illustrate the various requirements of joint liability and discuss critically the meaning of "criminal act" which was discussed in the case of *R. v. Nirmal Kant Roy*.
 - 2.4 "Joint liability under Section 37 of the Indian Penal Code, 1860 widely differs than the joint liability under Section 34 of the Indian Penal Code". Discuss them with the help of suitable illustrations.
 - 2.5 "A state has no business telling a man sitting alone in his own house what books he may read and or what films he may watch." This statement proclaims that the law has no role to criminalise the moral behaviour of individuals. Analyse this stance critically.

MODULE –II

- 2.6 A communal riot broke out between some Sindhi refugees and the local Muslims. Subsequently, mob broke into the building in which one of the shops belongs to brother of "X" looted. Later the mob started beating on his doors. Then X fired two shots which caused the death of a man and injured three others – discuss this illustration in the light of specific sections under the Indian Penal Code, 1860.
- 2.7 The famous Common Law doctrine says that "Necessity know no law" – which means "by necessity, is meant a situation where conduct promotes some value higher than the value of the literal compliance of the law" – in the light of this doctrine, discuss the essential conditions of doctrine of necessity in the Indian Criminal Law.

- 2.8 Discuss the difference between the plea of "Self-Defence" and the "Necessity" with suitable illustrations.
- 2.9 Discuss the guilt of "Z" in the following illustrations:
 1. "Z" a prisoner escapes from the Jail when it is on fire.
 2. "Z" a member of the crew of a ship, under the order of the Captain, throws 10 passengers into the sea in order to save the ship and crew being sunk.
 3. "Z" and "W" while swimming in a sea after shipwreck got hold of a plank which is not large enough to support both. "Z" pushes off "W" as a consequence "W" drowned.
- 2.10. Discuss the historical development and origin of Criminal Law in India. Does the Indian Penal Code 1869 truly suits to the needs of Indian Society?

8x7=56 MARKS

SECTION THREE

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

- 3.1 Discuss the distinction between "Similar Intention" and "Common intention" in light of the decisions rendered by the Courts in *R. v. Mahabubsha* (1945) Law Weekly Mad Vol. 58, p. 368, *Berendra Kumar Gosh v. R* (1924), 52 Cal. 197 P.C., and *Pandurang v. State of Hyderabad* AIR 1955, SC 216.
- 3.2 "Mens rea is of the important elements of crime, but in the Indian Penal Code there is no specific mention of the element of Mens rea." In such circumstances how do you see the relevance of Mens rea in the Indian criminal legal system?
- 3.3 In *Mulcahy v. R* (1868), LR HL, 306, the English Common Law courts decided that "A conspiracy consists not merely in the intention of two or more but in the agreement of two or



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B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-14
MID-SEMESTER EXAMINATION (26-09-2013)
5.4 CRIMINAL PROCEDURE CODE (FIFTH 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 "Narcotic Drug" and "Psychotropic Substance" under the Narcotic Drugs And Psychotropic Substances Act, 1985. Mention the operations prohibited by the Act.
- 1.2 What is a "Complaint"? Whether the Report of a police officer is deemed to be a "Complaint"?
- 1.3 Define "Bails" and "Bonds" under the Criminal Procedure Code.
- 1.4 What is a "Charge"? What should be the contents of a "Charge"?

4x4=16 MARKS

SECTION B

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 Explain the different types of Criminal Justice System. Analyze under which type the Indian criminal justice system falls?
- 2.2 Distinguish between "Cognizable Offence" and "Non-Cognizable Offence". Support your answer with suitable illustrations.

- 2.3 Define an "Inquiry" and an "Investigation" under the *Criminal Procedure Code*. How does an "Inquiry" differ from an "Investigation"?
- 2.4 A Magistrate, on receipt of information that there is a habitual thief within his jurisdiction, draws up proceedings against him for taking security for good behaviour. After taking evidence in the matter, he is satisfied that the person against whom proceedings have been drawn up should execute a bond with securities and makes an order accordingly. State whether the proceedings in the present problem constitute a "Trial". Support your answer with reasons.
- 2.5 Examine the rights of an arrested person under the Constitution of India and the *Criminal Procedure Code*. Whether a Narco-Analysis Test is permissible during investigation of a criminal case? Support your answer with the Supreme Court citation in this matter.

MODULE- II

- 2.6 What is an "Anticipatory Bail"? What conditions may be imposed under the *Criminal Procedure Code* in granting an "Anticipatory Bail"?
- 2.7 Discuss the right of an accused to a speedy trial with the help of the relevant provisions under the Constitution of India and under the *Criminal Procedure Code*.
- 2.8 Discuss the concept of Pleas of *Autrefois acquit* and *Autrefois convict*. Whether these pleas are applicable under the *Criminal Procedure Code*? Support your answer with a suitable illustration.
- 2.9 Discuss the procedure of trial in the Court of Sessions after the framing of charge but before the cross-examination under the *Criminal Procedure Code*.

- 2.10 The death sentence passed by the Court of Session shall not be executed unless it is confirmed by the High Court. Discuss with the help of the relevant provisions of the *Criminal Procedure Code*.

8x7=56 MARKS

SECTION THREE

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

- 3.1 Examine the status of an Absconder under the *Criminal Procedure Code*.
- 3.2 Discuss the procedure of search and seizure of the person and property of a woman including a Pardanashin Lady under the *Criminal Procedure Code*. Support your answer with a suitable illustration.
- 3.3 "Bail is an unqualified, absolute and an indefeasible right on the accused to be released". Comment on this statement with the help of the relevant provisions of the Constitution of India and the *Criminal Procedure Code*.
- 3.4 "Separate trial is the rule of Joinder of Charges and joint trial the exception". Discuss the statement with the help of the relevant provisions of the *Criminal Procedure Code*.

2x14=28 MARKS

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

SECTION ONE

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

- 1.1 What is a Company? Write two advantages and disadvantages of company.
- 1.2 Explain the term 'Certificate of Commencement of Business'.
- 1.3 What do you understand by 'Lifting of Corporate Veil'?
- 1.4 Explain the term 'Call on Share'.

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 Discuss the different types of company and briefly discuss their characters.
- 2.2 Write a note on 'Doctrine of Ultra Vires'.
- 2.3 "The Articles of Association defines the duties, the rights and power of the governing body as between themselves and the company at large and they also define the mode and form in which the business of the company is to be carried on and the mode and form in which changes in internal regulations of the company may from time to time." Discuss.
- 2.4 What are the differences between Company and Partnership Firm?

- 2.5 "From the date of its incorporation, a company becomes in law a different person altogether from the members who compose it." Discuss.

MODULE - I

- 2.6 Explain the meaning of the expressions 'Equity Share' and 'Preference Share'. Is there any difference between them?
- 2.7 Discuss the role and duties of a 'Debenture Trustee'.
- 2.8 Who can be a member of the company? Discuss the various mode of acquiring membership.
- 2.9 What do you understand by the term 'Misstatements in Prospectus'? Discuss the persons liable for misstatements in prospectus.
- 2.10 What do you understand by shares at premium and discount? Discuss when a company can issue shares at discount.

8x7=56 MARKS

SECTION THREE

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

- 3.1 Who is a Promoter? Discuss the duties and liabilities of a promoter.
- 3.2 "The Memorandum of Association is a document which contains the fundamental conditions upon which alone the company allowed to be incorporated" Explain. Discuss the contents of Memorandum of Association and its scope of alteration.
- 3.3 What do you understand by the term 'Share Capital'? Discuss the different types of share capitals. Whether a company can alter its share capital, if yes how?
- 3.4 What is a Prospectus? Is it necessary that every company has to issue its prospectus? Discuss the different types of prospectus.

2x14=28 MARKS

- 1.4 A executes a deed of immovable property in favour of B and registers the document. B is not informed about the gift. A changes his mind and revokes the gift. Thereafter B comes to know about the gift and property. Decide.

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-1

- 2.1 "Transferability of property is the general rule 'but non-transferability is an exception.'- Justify the statement with the help of the provisions of Transfer of Property Act 1882.
- 2.2 Explain the rule against perpetuity. What are the exceptions to the rule against perpetuity? Illustrate pointing out the distinction between the English and the Indian Law.
- 2.3 "He who accepts the benefits under the instruments, must adopt the whole of it." Explain with the help of suitable illustrations.
- 2.4 Distinguish between the following with the help of suitable illustrations-
- a) Movable Property and Immovable property
 - b) Vested Interest and Contingent Interest
- 2.5 Write short notes on the following-
- (a) Permanent Settlement
 - (b) Ryotwari Settlement

MODULE-II

- 2.6 Discuss the provisions relating to fixation of fair rent and protection against eviction under the Assam Urban Area Rent Control Act, 1972.

- 2.7 Define the Sale. What are the rights and liabilities of a buyer and seller in a sale?
- 2.8 How can the transfer of actionable claims effected and what are the rights and liabilities of the transferee after the transfer. Illustrate with suitable examples.
- 2.9 Define the term lease. How can a lease be determined? Point out the difference between lease and licence by citing certain important case laws.
- 2.10 Who is a Universal donee and what is the extent of his liability?

8X7=56 MARKS

SECTION THREE

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

- 3.1 "An absolute restraint on alienation is void but a partial restraint is not." Comment explaining the rules against inalienability.
- 3.2 Discuss in brief the post constitutional development with respect to agricultural land.
- 3.3 Explain the maxim, "Once a mortgage always a mortgage" with special reference to clog on equity of redemption. Illustrate your answer with the help of suitable examples citing case laws.
- 3.4 Discuss the effects of Colonial Revenue Administration-
- a) Inequalities in land holdings
 - b) Land going to the market

2x14=28 MARKS
