

LLB 1.1(R)

Professional Course Odd Examination

November – December, 2021

(1st Semester)

BACHELOR OF LAW

Paper :LLB 1.1 (Revised)

(Constitutional Law - I)

Full Marks : 80

Time : 3 Hours

Instructions:

1. Questions should be attempted as per instructions.
2. Indicate the Questions No. clearly while attempting the answer.
3. Multiple choice answer should indicate the Question No., Sub. No., (if any) and the correct answer. For example-
 1. *Name the state capital of Mizoram.*
(a) *Lunglei* (b) *Aizawl* (c) *Champhai*Candidate should provide answer as **Q. No. 1:**
(b) Aizawl [Candidate should avoid writing only (b)]
4. The figures in the margin indicate full marks for the questions.

**I. Multiple choice questions. Choose the correct answers.
(1x20=20)**

1. On whose recommendation was the Constituent Assembly formed?
 - a) Cabinet Mission Plan
 - b) Govt. of India Act, 1935
 - c) Mountbatten Plan
 - d) Cripp's Mission
2. The Supreme Court held in which of the following cases that the preamble is part of the Constitution-
 - a) Berubari Case
 - b) A.K Gopalan Case
 - c) Balaji Case
 - d) Minerva Mills Case
3. The Constitution names our country as
 - a) Hindustan
 - b) Aryavarta
 - c) India, that is Bharat
 - d) Bharat
4. The British first came to India in -
 - a) 1640
 - b) 1612
 - c) 1642
 - d) 1600

5. In the Constitution of India, provision relating to the formation of new states can be amended by
- A Parliamentary resolution which should be ratified by majority of State Legislatures
 - A simple majority in each House of Parliament
 - 3/4th majority in the Parliament
 - 2/3rd majority in each House of Parliament constitutes the majority of total House of Parliament
6. In which of the following cases the Supreme Court held that if a body is an agency or instrumentality of a government it may be an authority under Article 12?
- Ujjambai v. State of U.P
 - R.D Shetty v. International Airport Authority of India
 - Electricity Board, Rajasthan v. Mohanlal
 - P.D Shamsharu v. Central Bank of India
7. The Supreme Court of India has adopted new approach for interpretation of the concept of 'equality' in
- State of West Bengal v. Anwar Ali Sarkar
 - Keshavanda Bharti v. State of Kerela
 - E.P Royappa v. State of Tamil Nadu
 - State of Karnatak v. Appa Balu Ingale
8. The provisions regarding Fundamental Rights in Part III of the Indian Constitution is contained in -
- Article 1-11
 - Article 12-35
 - Article 36-50
 - Article 51-65
9. Article 16(4A) which gives power to the State to make laws regarding reservation in favour of Scheduled Castes and Scheduled Tribes was added by the _____ Amendment to the Constitution of India-
- 77th
 - 76th
 - 86th
 - 92nd
10. Which among the following is not a fundamental right?
- Right to privacy
 - Right to speedy trial
 - Right to clean environment
 - Right to property
11. The authority competent to suspend the operation of Fundamental Rights guaranteed under the Constitution of India is-
- Supreme Court
 - President
 - Prime Minister
 - Parliament

12. If a law is found inconsistent with Article 13 of the Constitution but by subsequent amendment the inconsistency is removed, it will become enforceable by applying-
- Doctrines of Eclipse
 - Doctrines of Waiver
 - The prospective nature of Article 13
 - The retrospective nature of Article 13
13. Which one of the following cases was held that freedom of press is a fundamental right?
- State of West Bengal v. Anwar Ali Sarkar
 - Brij Bhushan v. State of U.P
 - Maneka Gandhi v. Union of India
 - Ajiz Basha v. Union of India
14. Which is not a correct statement regarding freedom of speech and expression?
- It is enshrined in Part III of the Constitution
 - It is not an absolute right
 - It cannot be amended
 - It can be suspended during emergency
15. The grounds for prohibition of discrimination against citizens not mentioned in Article 15(1) is-
- Religion
 - Residence
 - Caste
 - Place of birth
16. Which among the following articles of the Constitution of India abolishes the untouchability?
- Article 14
 - Article 15
 - Article 16
 - Article 17
17. Right against 'Double Jeopardy' is guaranteed under
- Article 20(1)
 - Article 20(2)
 - Article 20(3)
 - Article 21
18. By which Constitutional Amendment did Article 21A providing for right to education inserted in the Constitution of India?
- The Constitution (Eighty Third Amendment) Act
 - The Constitution (Eighty Sixth Amendment) Act
 - The Constitution (Ninetieth Amendment) Act
 - The Constitution (Ninety Second Amendment) Act
19. Which one of the fundamental duties relates to environmental protection?
- 51A (b)
 - 51A (c)
 - 51A (g)
 - 51A (f)

20. The harmony between Fundamental Rights and Directive Principles was laid down by the Supreme Court in-
- A.K Gopalan's Case
 - Golaknath's Case
 - Minerva Mill's Case
 - Champakam Dorairajan's Case

II. Write short notes on the following taking two (2) from each Unit. (6x10=60)

Unit - I

- Trace the historical background of the Indian Constitution till it came into force in 1950.
- Write down the salient features of the Indian Constitution.
- Discuss the meaning and objectives of the Preamble of the India Constitution.

Unit - II

- Who is eligible to apply for citizenship under the provisions of the Indian Constitution? Also state the status of a citizen who had migrated to Pakistan after 1947.
- Explain the concept of 'state' under the Indian Constitution.
- Discuss the fundamental right to equality as provided in Article 14 of the Constitution with relevant case laws.

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Unit - III

- What is meant by the term 'discrimination'? Explain in relation to the constitutional provision under Article 15.
- 'There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State'. Elaborate this statement.
- Discuss freedom of the press as a fundamental right under the provisions of the Indian Constitution.

Unit - IV

- Explain the concept of Ex-post facto laws using case laws for illustration.
- Discuss the facts and principles of law laid down in Maneka Gandhi v. Union of India.
- Critically examine the right to freedom of religion under Article 25 of the Indian Constitution.

Unit - V

- Explain the different types of writs which may be issued by the Supreme Court or High Court.
- Explain and illustrate with decided case laws the meaning and concept of Public Interest Litigation.
- Write down the fundamental duties of an Indian citizen as provided in Article 51A of the Indian Constitution.

******LLB/1.1/8******

LLB 1.2(R)

Professional Course Odd Examination

November – December, 2021

(1st Semester)

BACHELOR OF LAW

Paper :LLB 1.2 (Revised)

**(Law of Torts Including Motor Vehicle Accident and
Consumer Protection Act,1986)**

Full Marks : 80

Time : 3 Hours

**I. Multiple choice questions. Choose the correct answers.
(1x20=20)**

1. Basically tort is a species of
 - a) Criminal injury or wrong
 - b) Substantial injury or wrong
 - c) Civil injury or civil wrong
 - d) None of the option
2. Which one of the following cannot sue for breach of law of torts
 - a) An infant
 - b) A lunatic
 - c) Child in the womb
 - d) Convict
3. The rule of strict liability is based on the decision in
 - a) Donoghue Vs. Stevenson
 - b) Rylan Vs. Fletcher
 - c) Mc.MehtaVs.Union of India
 - d) Lumley Vs.Gye
4. Tort is a violation of
 - a) A right in personam
 - b) A right in rem
 - c) Both right in personam and right in rem
 - d) Neither right in personam nor right in rem

Instructions:

1. Questions should be attempted as per instructions.
2. Indicate the Questions No. clearly while attempting the answer.
3. Multiple choice answer should indicate the Question No., Sub. No., (if any) and the correct answer. For example-

1. *Name the state capital of Mizoram.*

(a) Lunglei (b) Aizawl (c) Champhai

Candidate should provide answer as **Q. No. 1:**

(b) Aizawl [Candidate should avoid writing only (b)]

4. The figures in the margin indicate full marks for the questions.

5. The propounder of Pigeon hole theory is
- Salmond
 - Austin
 - Winfield
 - Holland
6. The Maxim *Damnum sine injuria* means
- Violation of legal right
 - Damage without infringement of legal right
 - Violation of legal right with damage
 - Violation of personal property
7. Gloucester Grammer School case explains
- Injuria sine damno
 - Damnum sine injuria
 - Respondent superior
 - Remoteness of damage
8. The defence of Volenti non fit injuria is not available if
- The consent is obtained by compulsion
 - The consent is obtained by care
 - The consent is obtained under a mistake
 - The consent is obtained by compulsion, fraud and mistake
9. For Volentia non fit injuria to be available, it is necessary that
- The plaintiff does not know the risk is there
 - The plaintiff should give due care
 - The plaintiff knowing that risk is there, but still agrees to suffer the harm
 - The plaintiff do not agrees to suffer the harm
10. Under Vicarious liability, the liability is
- Joint only
 - Several only
 - Joint & Several
 - Base on facts
11. For 'False Imprisonment' there should be
- Total restraint on the liberty of a person
 - A partial restraint on the liberty of a person
 - Means of escape
 - Means of information
12. Action for defamation can be brought by
- An individual
 - A property
 - A company
 - An individual and a company

13. Which is Correct
- a) Public nuisance is a civil wrong
 - b) Public nuisance is an offence
 - c) Public nuisance is both civil wrong and offence
 - d) Public nuisance is permitted
14. The maxim Res Ipsa Loquitur is a
- a) Rule of Law
 - b) Rule of Procedure
 - c) Rule of Evidence
 - d) Rule of Negligence
15. An action for cattle trespass can be brought by
- a) The occupier of the land only
 - b) The family members of the occupier of the land
 - c) Guests and Strangers
 - d) The neighbors
16. 'Tort' which is derived from the Latin term *tortum* is
- a) A Hindi
 - b) An English word
 - c) A German word
 - d) A French word
17. Which is a correct statement for defamation case:
- a) A man 'X' made a statement that, 'All Lawyers are liars'
 - b) A man 'Y' made a statement that, 'All surgeons are butchers'
 - c) A man 'A' made a statement that, 'Mrs. 'Q' is pregnant'
 - d) A man 'B' made a statement that, 'Mr. M, a lawyer is a thief'
18. Special damage has got to be proved in an action for
- a) Trespass
 - b) Nuisance
 - c) False imprisonment
 - d) Defamation
19. The punishment awarded in the law of torts are :
- a) Unliquidated
 - b) Imprisonment
 - c) Fines
 - d) Both (a) and (b)
20. 'X' a driver of State vehicle, while returning from the workshop after getting the vehicle serviced, drove it negligently and killed 'Y' who was walking on the road. 'Y's widow sued the State Government for damages. The State

Government has a defence of:

- a) Statutory authority
- b) Inevitable accident
- c) None, as driving the Jeep back from the workshop is not a sovereign function
- d) Contributory Negligence

II. Write short notes on the following taking two (2) from each Unit. (6x10=60)

Unit -I

1. Define Tort. Explain the evolution of law of Torts.
2. Write short notes on the development of *Ubi Jus Ibi Remedium*
3. Distinguish between Malice in Law and Malice in Fact.

Unit-II

4. What do you understand by the term 'Personal capacity'? Support your answer with the help of Illustration.
5. What are the important elements of vicarious liability?
6. Can a person be held liable for the wrongful act of another person? If so, discuss the reason with the principle of vicarious liability.

LLB/1.2/7

Unit-III

7. Discuss the rule of Strict Liability formulated by Justice Blackburn in the case of Rylan Vs. Fletcher (1866).
8. What is 'Nuisance'? Explain the different kinds of nuisance.
9. Write short notes on :
 - (i) Negligence
 - (ii) Remoteness of damage

Unit-IV

10. Define the terms 'Assault and Battery'. Distinguish them from mayhem with the help of suitable illustrations.
11. Explain the term 'Torts affecting Freedom' with special reference to malicious prosecution.
12. Write short notes on:
 - (i) Libel and Slander
 - (ii) Torts against Property

Unit - V

13. What do you mean by the term 'Consumers'? Discuss briefly the right of consumers.
14. State the general provisions of remedies available under the Motor Vehicle Act, 1988.
15. Write short notes on:
 - (i) Unfair Trade Practices
 - (ii) Consumerism

******LLB/1.2/8******

LLB 1.3(R)

Professional Course Odd Examination

November – December, 2021

(1st Semester)

BACHELOR OF LAW

Paper :LLB 1.3 (Revised)

(Law of Contract)

Full Marks : 80

Time : 3 Hours

Instructions:

1. Questions should be attempted as per instructions.
2. Indicate the Questions No. clearly while attempting the answer.
3. Multiple choice answer should indicate the Question No., Sub. No., (if any) and the correct answer. For example-
 1. *Name the state capital of Mizoram.*
(a) *Lunglei* (b) *Aizawl* (c) *Champhai*Candidate should provide answer as **Q. No. 1:**
(b) Aizawl [Candidate should avoid writing only (b)]
4. The figures in the margin indicate full marks for the questions.

**I. Multiple choice questions. Choose the correct answers.
(1x20=20)**

1. An agreement enforceable by law is a contract under Section ___ of the Act, 1872
 - a) 2 (b)
 - b) 2 (d)
 - c) 2 (h)
 - d) 2 (i)
2. Intention to create legal relation was found in the case of :
 - a) Rudul Shah v. State of Bihar
 - b) Carlil v. Carbolic Smoke Ball Co.
 - c) Balfour v. Balfour
 - d) Tweed v. Atkinson
3. The rule of privity of contract has taken firm roots in the English Common Law as held in
 - a) Deck v. Perry
 - b) Beswick v. Beswick
 - c) Balfour v. Balfour
 - d) Tweed v. Atkinson
4. The essential elements of a valid contract is under Section ___ of the Act, 1872
 - a) Section 10
 - b) Section 10A
 - c) Section 11
 - d) Section 12

5. ___ of the Indian Contract Act 1872 states the rule – ‘no consent, no agreement’
- a) Section 13
 - b) Section 15
 - c) Section 17
 - d) Section 19
6. An agreement is unlawful if the court regards it as against public policy
- a) Trading with enemy
 - b) Agreement with government officials
 - c) A valid contract
 - d) All of the above
7. The case of Mohori Bibi v. Dharmodas Ghose is related to:
- a) Minor’s contract
 - b) Contingent Contract
 - c) Wagering Contract
 - d) All of the above
8. An agreement without free consent is ___
- a) Voidable
 - b) Valid
 - c) Void
 - d) Illegal
9. A contract may be discharged in ___ or in ____ .
- a) Negative, positive
 - b) Conduct, performance

- c) Breach, payment
 - d) All of the above
10. Under Section 40, the contract should be performed by ___
- a) By operation of law
 - b) By third party
 - c) Persons by whom promised is to be performed
 - d) None of the above
11. The rule for impossibility of performance can be found under the ___
- a) Doctrine of Privity of Contract
 - b) Doctrine of Restitution
 - c) Doctrine of Unjust Enrichment
 - d) Doctrine of Frustration
12. ___ of the Indian Contract Act 1872 states the provision for the time of performance of a contract.
- a) Section 52
 - b) Section 53
 - c) Section 54
 - d) Section 55
13. The quantum of damages is fixed by the court on the basis of ___
- a) Remoteness of damage
 - b) Time of damage
 - c) Seriousness of damage
 - d) All of the above

14. The case of Hadley v. Baxendale is related to ____
- Suit for restitution of property
 - Suit for damages
 - Suit for specific performance
 - Suit for injunction
15. Quasi contract is based on the principle of ____
- Quantum Meruit
 - Theory of Unjust Enrichment
 - Specific performance of contract
 - Equal work for equal pay
16. ____ provides the provision for compensation for loss or damages caused by breach of contract.
- Section 73
 - Section 74
 - Section 75
 - Section 76
17. The Specific Relief Act 1963 came into force on
- 11th December 1963
 - 12th December 1963
 - 13th December 1963
 - 14th December 1963
18. ____ of the Specific Relief Act 1963 provides persons who cannot be awarded specific performance
- Section 12
 - Section 14
 - Section 16
 - Section 18
19. Grant of a mandatory injunction is regulated by ____ of the Specific Relief Act, 1963
- Section 33
 - Section 35
 - Section 37
 - Section 39
20. Section 34-35 of the Specific Relief Act 1963 contains provisions for ____
- Cancellation of instruments
 - Declaratory decrees
 - Recovering possession of property
 - All of the above
- II. Write short notes on the following taking two (2) from each Unit. (6x10=60)**

Unit - I

- A contract is an agreement enforceable by law. Explain.
- Explain the doctrine of privity of contract with exceptions.
- Write notes on the principle of law laid down in:
 - Balfour v. Balfour
 - Carlil v. Carbolic Smoke Ball Co.

LLB/1.3/6

Unit – II

4. Explain the factors which vitiate the validity of a valid contract.
5. Distinguish between wagering agreement and contingent contract.
6. Explain:
 - a) Persons disqualified by law
 - b) Legality of object

Unit – III

7. Explain the principles of the Doctrine of Frustration.
8. Distinguish between Actual Breach of Contract and Anticipatory Breach of Contract.
9. Write notes on:
 - a) Performance of contract.
 - b) Discharge of contract by novation

Unit – IV

10. Explain the remedies for breach of contract under the Indian Contract Act 1872.
11. Explain the provisions of quasi contract under the Indian Contract Act 1872.

LLB/1.3/7

12. Write note on the principle of law laid down in:
 - a) Hadley v. Baxendale
 - b) Cravan Ellis v. Cannon Ltd.

Unit – V

13. Explain the provisions under which a court can order cancellation of instrument.
14. Explain the following:
 - a) Rectification of instrument
 - b) Kinds of Injunction
15. Write short notes on:
 - a) Declaratory Decree
 - b) Preventive Relief

******LLB/1.3/8******

LLB 1.4(R)

Professional Course Odd Examination

November – December, 2021

(1stSemester)

BACHELOR OF LAW

Paper :LLB 1.4 (Revised)

(Family Law - I)

Full Marks : 80

Time : 3 Hours

**I. Multiple choice questions. Choose the correct answers.
(1x20=20)**

1. One of the following is an ancient source of Hindu Law
 - a) Digest
 - b) Legislation
 - c) Precedent
 - d) Journal
2. The word Smriti literally means
 - a) What was heard
 - b) What has been remembered
 - c) What has been seen
 - d) What was done
3. Hindu law being sacrosanct implies
 - a) It is a sacred law
 - b) It is holy
 - c) It is divine and just
 - d) It is not merely holy and divine but a hallowed law whose validity cannot be questioned.
4. A Christian man by faith becomes an admirer of Hinduism and starts practicing and preaching it means
 - a) He becomes a Hindu convert
 - b) He can profess both Hinduism and Christianity
 - c) He is considered a Hindu and needs ceremonies for confirmation.
 - d) He does not belong to Hindu by merely professing or practicing it.

Instructions:

1. Questions should be attempted as per instructions.
2. Indicate the Questions No. clearly while attempting the answer.
3. Multiple choice answer should indicate the Question No., Sub. No., (if any) and the correct answer. For example-
 1. *Name the state capital of Mizoram.*
*(a) Lunglei (b) Aizawl (c) Champhai*Candidate should provide answer as **Q. No. 1:**
(b) Aizawl [Candidate should avoid writing only (b)]
4. The figures in the margin indicate full marks for the questions.

5. Which one is not the condition for a Hindu marriage
- Neither party has a spouse living at the time of marriage
 - The parties are within the degrees of prohibited relationship
 - The parties are not sapindas of each other
 - The bridegroom has completed the age of 21 years at the time of marriage.
6. Concealment of pre-marriage pregnancy by the respondent is a ground which falls under
- Void marriage
 - Voidable marriage
 - Valid marriage
 - Fraud marriage
7. Under the Special Marriage Act 1954, the notice of intended marriage is given to the officer of the district where at least one of the parties to the marriage has resided for a period of
- Not less than 30 days immediately preceding the date on which such notice is given
 - Not less than 2 months preceding the date on which such notice is given.
 - Less than 30 days preceding the date on which such notice is given
 - 1 year to the particular residence.
8. When a man leaves his house and lives with a woman in the woman's house as husband and wife is called
- Luhkhung
 - Fan
 - Inru
 - Tlandun
9. Coparcenary consists of
- Father and his three male lineal descendants
 - Father and his four male lineal descendants
 - Father and his three male lineal ascendants
 - Father and his four lineal male ascendants
10. Pick out the wrong statement
- There can be more than one karta.
 - After the death of the father, the senior most male member became the karta.
 - Mother can be karta in the absence of father.
 - If the coparceners agree, a junior male member can be a karta.
11. Which of the following does not fall under Joint family Property?
- Doctrine of accretion
 - Doctrine of blending
 - All Ancestral property
 - Government grants

12. Which of the following statement is false?
- a) Adopted son has the same right of partition as the natural born son and his shares will be equal.
 - b) In partition, the right of minor coparcener is lesser than that of major coparcener.
 - c) When coparcener is absent at the partition time, a share has to be allotted to him.
 - d) In case no share is reserved for a son in a womb, he can, after his birth, demand reopening of partition.
13. One of the important provisions brought out by the Hindu Succession (Amendment) Act 2005 is
- a) The daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as the son
 - b) Daughter of the coparcener can claim half of the father's property.
 - c) Daughter can become Karta as birthright
 - d) Daughter can succeed all the sons in succession.
14. For succession of a hindu female property, five entries of heirs are formed. The Second entry i.e Entry (b) comprises of
- a) Heirs of husband
 - b) Heirs of the father
 - c) Heirs of the mother
 - d) Sons and daughters of a predeceased son or daughter
15. When a person traces his relationship with another wholly through males, he or she is
- a) Collaterals
 - b) Agnates
 - c) Cognates
 - d) Ascendants
16. One of the following does not fall under the category of Class I Heirs of a Hindu male
- a) Mother
 - b) Daughter
 - c) Son of a predeceased daughter
 - d) Father
17. A person who takes continuous interest in the welfare of the minor's person or in the management and administration of his property without any authority of the law is called
- a) Guardianship by affinity
 - b) De facto guardian
 - c) Testamentary guardian
 - d) Natural guardian
18. If the adoption is by a female and the person to be adopted is male, the adoptive mother should be atleast older to the child by
- a) 18 years
 - b) 21 years
 - c) 15years
 - d) 20 years

Unit – II

19. Which one is incorrect? No person shall be capable of being taken into adoption unless-
- He or she is a Hindu
 - He or she has not completed the age of fifteen years
 - He or she has already been adopted
 - He or she has not been married
20. Welfare of child is paramount consideration in granting custody of minor.
- Gaurav Nagpal vrs Sumedha Nagpal
 - Githa Hariharan vrs Reserve Bank of India
 - Nirmala vrs Nelson Jeyakumar
 - Jai Prakash Khadria vrs Shyam Sunder Agarwala

II. Write short notes on the following taking two (2) from each Unit. (6x10=60)

Unit - I

- Explain the meaning of the expression Hindu with reference to the relevant provisions under the Hindu Marriage Act 1955. (6)
- Discuss equity, justice and good conscience as the modern sources of a Hindu law. (6)
- How is custom considered to be the sources of a Hindu Law? (6)

- Examine the validity of a marriage between:
 - 'A' and his stepmother's sister
 - 'B' with his maternal aunt's daughter's daughter.
 - 'A' with her father's father's brother's son's son.
- Explain the meaning of void marriages under the Hindu Marriage Act 1955 and state the grounds of void marriage.
- Write notes on:
 - Grounds for dissolution of marriage under the Mizo Marriage, Divorce & Inheritance of Property Act, 2014.
 - Objects and reasons of the Indian Christian Marriage Act, 1872.

Unit – II

- Discuss the differences between the joint Hindu family and the Mitakshara coparcenary.
- What is gains of learning? If 'A', who is a doctor by profession bought a property out of his earnings and his son 'X' claim a partition out of this property, will he succeed? Decide.
- Who is a karta of the Hindu Joint family? What are the powers of karta with respect to the joint family property?

Unit – IV

10. Explain the succession of a male Hindu through Class I heirs.
11. Write notes on:
 - a) Important features of the Hindu Succession (Amendment) Act, 2005.
 - b) Intestate succession
12. What is Stridhan? If Rani is gifted a huge sum on her wedding which she deposited in her personal bank account and died after a year, her husband Ram and her sole brother Shyam claim the amount as her sole heir under the Hindu Succession Act, 1956. Who will succeed? Decide.
15. Examine the validity of adoption made by Mrs X who is 19 years of age adopting a boy aged 2 yrs under the Hindu Adoption and Maintenance Act 1956. Also write down the conditions laid down to be fulfilled for persons to be adopted.

******LLB/1.4/10******

Unit – V

13. Write notes on:
 - a) Testamentary guardians
 - b) Maintenance of wife under section 18 of the Hindu Adoption and Maintenance Act, 1956
14. Define guardian as laid down under the Hindu Minority and Guardianship Act, 1956. Who are the natural guardians of a Hindu minor?

LLB 1.5(R)

Professional Course Odd Examination

November – December, 2021

(1stSemester)

BACHELOR OF LAW

Paper :LLB 1.5 (Revised)

(Criminal Law - I)

Full Marks : 80

Time : 3 Hours

I. Multiple choice questions. Choose the correct answers.

(1x20=20)

1. The Indian Penal Code came into force on :
 - a) 1st September, 1862
 - b) 1st October, 1872
 - c) 6th October, 1860
 - d) 1st January, 1862
2. Who was the Chairman of the Committee that drafted the Indian Penal Code :
 - a) B.R Amdedkar
 - b) Lord Macaulay
 - c) James Stephen
 - d) Justice Coke
3. The term Offence define in the Indian Penal Code means :
 - a) Any act made punishable by the IPC
 - b) Any act made punishable by the IPC or any special law or local law in certain cases
 - c) Only (a)
 - d) None
4. In executing a sentence of solitary confinement, such confinement shall in no case exceed _____ a time :
 - a) 12 days
 - b) 13 days
 - c) 14 days
 - d) 15 days

Instructions:

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 1. *Name the state capital of Mizoram.*
*(a) Lunglei (b) Aizawl (c) Champhai*Candidate should provide answer as **Q. No. 1:**
(b) Aizawl [Candidate should avoid writing only (b)]
4. The figures in the margin indicate full marks for the questions.

5. To established that the act lies within the one of the general exception
- The burden of proof lies on the prosecution
 - The burden of proof lies on the accused
 - The burden of proof lies on both prosecution and the accused
 - The burden of proof lies on the Court
6. The maxim ignorantia juris non excusat stands for
- Ignorance of fact is no excuse
 - Ignorant of law is no excuse
 - Ignorant of fact is excusable
 - Ignorant of law is excusable
7. The consent is not a valid consent under section 90:
- If given under a fear of injury or misconception of fact
 - If given by a person of unsound mind
 - If given by a child below 12 years of age
 - All the above.
8. Right to private defence is:
- Available under all circumstances
 - Available where there is time to have the recourse to the protection of public authorities
 - Available where there is no time to have recourse to the protection of public authorities
 - All of the above.
9. Culpable homicide is not murder, if it is committed under:
- Grave & sudden provocation
 - Self-intoxication
 - Irresistible impulse
 - All the above.
10. When a woman was taking bath in her bathroom 'X' captures the image in his mobile and upload it on her facebook page. What offence has been committed by 'X'?
- Sexual assault
 - Insulting modesty of a woman
 - Voyeurism
 - Stalking
11. A person voluntarily obstructs another person so as to prevent that person from proceeding in any direction in which that person has a right to proceed is said to cause
- Wrongful confinement
 - Wrongful restraint
 - Both (a) & (b)
 - None of the above
12. Assault can be caused by:
- Gestures
 - Preparations
 - Both (a) & (b)
 - Neither (a) nor (b)

13. When in the committing of theft, hurt or wrongful restraint is caused to the person, the offence is:
- Extortion
 - Robbery
 - Dacoity
 - Theft only
14. In all robbery there is :
- Theft
 - Extortion
 - Either theft or extortion
 - Cheating
15. An employer deducting the employees' contribution under Employees Provident Funds & Miscellaneous Provision Act, from the wages payable for credit to the fund, but does not deposit the same with the Fund, is guilty of committing:
- Criminal misappropriation under section 403 of IPC
 - Criminal breach of trust under section 405 of IPC
 - Theft under section 378 of IPC
 - No offence.
16. A property is called stolen property under section 410 of IPC if its possession has been transferred by:
- Theft
 - Robbery
 - criminal misappropriation
 - all the above

17. A trespass becomes a criminal trespass if it is with an intention :
- To commit an offence
 - To intimidate
 - To annoy
 - All the above
18. House Trespass can be committed by entering into or remaining in any building, tent or vessel used as :
- Human dwelling
 - Place of worship
 - Place for custody of property.
 - All the above.
19. A, having joint property with Z in a horse, shoots the horse, intending thereby to cause and knowing that he is likely to cause wrongful loss to Z. A has committed
- No offence because the horse is jointly owned by him and B
 - Mischief
 - Cheating
 - None of the above
20. In which of the following case Adultery was decriminalized by the Supreme Court.
- Joseph Shine vs. Union of India
 - Balbir Singh vs. State of Punjab
 - Satish Kumar Batra vs. State of Haryana
 - Mohd Hoshan vs. State of AP

II. Write short notes on the following taking two (2) from each Unit. (6x10=60)

Unit - I

1. What is crime? Discuss the different stages in the commission of crime
2. Explain in brief the various theories of punishment.
3. Explain the maxim “ Actus non facie reum nisi mens sirea”

Unit - II

4. Explain the scope of criminal liability of a child.
5. Discuss the difference between common intention and common object.
6. What is abetment ? Discuss the different forms of Abetment under the Indian Penal Code.

Unit - III

7. “Every murder is culpable homicide but every culpable homicide is not murder”. Discuss the different instances in which culpable homicide is murder. Give suitable illustration.
8. What is Hurt ? Explain the different kinds of hurt that are designated as Grievous hurt.

9. ‘A’ built a wall across a path along which ‘Z’ has a right to pass, ‘Z’ is thereby prevented from passing”. In the light of the illustration explain the offence committed by ‘A’ towards ‘Z’. Also discuss the difference between wrongful restrain and wrongful confinement.

Unit - IV

10. What is Rape? Explain the recent developments in Rape Law.
11. Explain the difference between theft and extortion.
12. Examine the essential ingredients of the offences of Criminal misappropriation of property and criminal breach of trust.

Unit - V

13. “A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z”. Discuss the liability of A and also explain the essential ingredients of the offence committed by A.
14. What is adultery? Discuss the constitutional validity of Adultery.
15. Define Defamation. What are exceptions to the offence of Defamation?