

Professional Course Examination, November/December 2019

(1st Semester)

BACHELOR OF LAW

Paper : 1.1

(Constitutional Law-I)

(Revised)

Full Marks : 80

Time : 3 hours

*The figures in the margin indicate full marks for the questions*Answer **five** questions taking **one** from each Unit**UNIT—I**

1. What is Preamble? Write its significance to a constitution. Trace the origin and evolution of the Indian Constitution. 2+4+10=16
2. The Indian Constitution is known as the lengthiest Constitution in the world. Do you agree with the statement? Give your reasons in support of your answer. 16

UNIT—II

3. What is a State as defined by Article 12 of Indian Constitution? From the light of the Article examine whether the following are State giving suitable examples in support of your answer : 2+7+7=16
- (a) Statutory corporation
- (b) Registered society
4. Examine in detail the provisions of the Doctrine of Equality in the Constitution of India and explain its limitations, if any. 12+4=16

UNIT—III

5. By citing decided case(s), discuss the constitutional provisions for relaxation of educational qualifications on the basis of race, caste and religions exclusively for admissions into academic institutions in India. 16
6. The Government of State X places a ban on television channels broadcasting scenes and stories of communal riots within that State. Mr Y challenges the ban in the High Court on the ground that it violates his right to information. Will Mr. Y succeed? Decide the matter in your court. 16

UNIT—IV

7. Write short notes on any *two* of the following : 8+8=16
- (a) Maneka Gandhi vs. Union of India, AIR 1978, SC 597
- (b) Safeguarding against arrest and detention
- (c) Rights against exploitation
8. What is secularism? Clearly explain the concept of 'Secular State' in the context of India, stating the constitutional provisions. 4+12=16

UNIT—V

9. Write notes on any two of the following :

8+8=16

- (a) Judicial Writs
- (b) Right to Property
- (c) Public Interest Litigation
- (d) Article 51A

10. "The Directive Principles of State Policy and the Fundamental Rights are complementary and supplementary to each other." Comment on the statement, examining the relationships between the two in the context of Judicial decisions constitutional amendments.

16

Professional Course Examination, November/December 2019

(1st Semester)

BACHELOR OF LAW

Paper : 1.2

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

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer **five** questions, taking **one** from each Unit

UNIT—I

1. What is Torts? Discuss the essential elements of tortious liability. 16
2. "All torts are civil wrong, but all civil wrongs are not torts." Justify the statement with leading cases. 16

UNIT—II

3. Critically examine 'vicarious liability' of the State for the tortious acts of its employees under Article 300 of the Constitution of India, 1950 with relevant case laws. 16
4. Examine the general rule that master is not liable for the torts of his servant. Are there any exceptions to it? 16

UNIT—III

5. Define negligence. Explain the essential elements of 'negligence' with the help of decided cases. 16
6. Write short notes on any *two* of the following : 8+8=16
- (a) Strict liability
 - (b) *Res ipsa loquitur*
 - (c) Kinds of nuisance

UNIT—IV

7. Define defamation. Discuss briefly the various defences available in an action for defamation. 3+13=16
8. Write short notes on any *two* of the following : 8+8=16
- (a) Malicious prosecution
 - (b) Discuss 'Assault' and 'Battery' with the help of decided cases
 - (c) *M* is fast asleep in a room and *Y* closes the main door of the room from outside and opens it before *M* wakes up. Whether *Y* is guilty of falsely imprisoning *M* while he is asleep?

UNIT—V

9. Define and explain the terms 'consumer' and 'services' under the Consumer Protection Act, 1986 with decided case laws. 16
10. Explain the procedure for making complaint to the District Forum. 16

OR

Explain in detail the composition, appointment and jurisdiction of National Commission.

Professional Course Examination, November/December 2019**(1st Semester)****BACHELOR OF LAW****Paper : 1.3****(Law of Contract)****(Revised)****Full Marks : 80****Time : 3 hours***The figures in the margin indicate full marks for the questions***Answer five questions, taking one from each Unit****UNIT—I**

1. "All contracts are agreements but all agreements are not contract." Explain.

16

2. (a) "An offer cannot be accepted once it has been terminated." Explain when an offer ceases to be capable of acceptance.

8

- (b) "Consideration is past, present and future." Explain.

8

UNIT—II

3. Arjun is a leading seller of the mobile phones in the city. His neighbour Mohan is 15 years old. Arjun knowing the age of Mohan entered into a contract with him for a supply of mobile phones for a sum of ₹ 10 lakhs to him. When Arjun sent the consignment of the mobile phones, Mohan refused to take them and dishonoured the contract. Arjun sues Mohan for the damages suffered by him. Discuss the legal outcome of the situation, outlining the effects of a Minor's agreement. 16
4. (a) Harry with an intention to deceive Rahul into buying his cement factory falsely stated that his factory is capable of producing 2000 kg of cement per day. However, in reality, the factory only has a production capacity of 500 kg/day. Rahul gets induced and agrees to buy the factory. Is it a valid contract? 8
- (b) Explain mistake of fact and mistake of law. 8

UNIT—III

5. Explain the obligations of a party to contract under the Indian Contract Act, 1872. 16
6. Explain the principles of the Doctrine of Frustration with relevant case laws. 16

UNIT—IV

7. Explain the remedies which are available to the injured party upon breach of contract. 16
8. Define 'Quasi Contract'. Explain the legal obligations of such contract with illustrations and relevant case laws. 16

UNIT—V

9. Explain the provisions of law under Specific Relief Act, 1963 as to when an instrument can be rectified and mention who can claim the rectification. 16
10. Explain the following : 8+8=16
- (a) Cancellation of instrument
- (b) Injunction

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Professional Course Examination, November/December 2019

(1st Semester)

BACHELOR OF LAW

Paper: 1.4

(Family Law—1)

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer **five** questions, taking **one** from each Unit

UNIT—I

1. Who are Hindus? Discuss in detail the important sources of Hindu law. 16

2. Define 'Dharma'. Briefly explain the application of Hindu law. 16

UNIT—II

3. (a) Write a short note on the essential conditions of valid marriage under the Hindu Marriage Act, 1955. 8

(b) How is a valid marriage arranged under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014? 8

4. Explain briefly the important features of the Special Marriage Act, 1954. 16

UNIT—III

5. Justify the following illustrations with the help of decided case : 8+8=16

(a) Mr. A, a father, has a wife and two minor sons. A died leaving behind his undivided interest in the joint family. The widow alienated the property. The younger son challenged on the ground that women cannot be a coparcener and Karta. Will he succeed? Justify.

(b) Mr X, the Karta of a Hindu joint family, contracts a loan for legal necessary and family purposes. Soon after he received loan, Mr. X passed away leaving his debts. Give your answer based on Doctrine of Pious Obligations and decided case.

6. Who is Karta? Explain the importance of powers of the Karta of Hindu joint family.

16

UNIT—IV

7. Discuss the important changes brought about by the Hindu Succession Act, 1956 in the Hindu law of inheritance.

16

8. What do you mean by the term 'Stridhana'? Explain the law relating to widow's estate provided under the Hindu Succession Act, 1956.

16

UNIT—V

9. Write short notes on the following :

8+8=16

(a) *De facto* guardian

(b) Testamentary guardian

10. Discuss in detail the essential elements of a valid adoption as given under the Hindu Adoption and Maintenance Act, 1956.

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Professional Course Examination, November/December 2019

(1st Semester)

BACHELOR OF LAW

Paper : 1.5

[Criminal Law—I (Indian Penal Code)]

(Revised)

Full Marks : 80

Time : 3 hours

*The figures in the margin indicate full marks for the questions***Answer any five questions, taking one from each Unit****UNIT—I**

1. Examine the maxim, '*Actus non facit reum, nisi mens sit rea*' highlighting relevant provisions of IPC with leading decisional law. Is there any exception to the element of *mens rea* principle under IPC? What is its applicability in other statutory offences? 16
2. Write short commentary of any two of the following : 8×2=16
 - (a) Life imprisonment is the rule and death sentence is an exception
 - (b) Possible parties to the crime under English and Indian Criminal Laws
 - (c) Classification of crimes under English and Indian Criminal Laws

UNIT—II

3. Write short commentary of any *two* of the following with leading cases : $8 \times 2 = 16$

- (a) The law with regard to the right of private defence of the body and limitations to the exercise of the right
- (b) Principle of joint criminal liability
- (c) Sedition

4. Discuss the liability of any *four* of the following by giving reasons and relevant Sections of Indian Penal Code : $4 \times 4 = 16$

- (a) A instigates B to give false evidence. However, B refuses to do so.
- (b) A received a divine order in his dream to sacrifice his child of five years of age. He carries out the order and kills his son.
- (c) A takes a small piece of chalk from B's possession without B's consent.
- (d) A is at work with a hatchet the head flies off and kills B who is standing by.
- (e) A, a landholder, knowing of the commission of a murder within the limits of his estate, willfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake.

UNIT—III

5. (a) State and explain offences of wrongful restraint and wrongful confinement with illustrations. 10

- (b) A wanted to end his life. He has purchased poison and kept it ready for consumption during night hours but he was arrested by police in the evening. Is A liable? Discuss. 6

6. Write short notes on any *two* of the following with leading cases : $8 \times 2 = 16$

- (a) Grievous hurt
- (b) Sexual harassment
- (c) Culpable homicide not amounting to murder

UNIT—IV

7. (a) Define kidnapping and distinguish kidnapping from abduction. 8
- (b) A by pledging as diamonds articles which he knows are not real diamonds, intentionally deceives Z and thereby dishonestly induces Z to lend money. What is the liability of A? 4
- (c) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately. Has A committed any offence? 4
8. Write short commentary of any two of the following with relevant Sections and leading cases : 8×2=16
- (a) Trafficking of person as an offence under IPC
- (b) Marital rape under IPC
- (c) "In all robbery, there is either theft or extortion."

UNIT—V

9. (a) What are offences relating to marriage? Explain any two offences relating to marriage. 10
- (b) B makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. Is B liable? 6
10. (a) Define offence of defamation. State and explain any four exceptions to defamation. 8
- (b) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. Has A committed any offence? 4
- (c) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. Has A committed any offence? 4

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