

2014

INDIAN PENAL CODE

Paper : 3.1

Full Marks : 80

Time : 3 hours

*The figures in the margin indicate full marks
for the questions*

1. Choose the correct answer : $1 \times 10 = 10$

(a) The maxim 'actus non facit reum, nisi mens sit rea' is developed by

(i) Common Law Courts

(ii) Equity Courts

(iii) Sardar Nizammat Courts

(iv) None of the above

(b) The Indian Penal Code was drafted by

(i) John Stephen

(ii) Lord Macaulay

(iii) John Salmond

(iv) All of them

- (c) The Penal Code is
- (i) procedural law
 - (ii) adjective law
 - (iii) substantive law
 - (iv) Both (i) and (ii)
- (d) Section 34 of the Indian Penal Code
- (i) is a rule of evidence
 - (ii) creates a substantive offence
 - (iii) Both (i) and (ii)
 - (iv) Neither (i) nor (ii)
- (e) Under Section 45 of the Indian Penal Code, life denotes
- (i) both life of human being and animal
 - (ii) life of a human being
 - (iii) life of an animal
 - (iv) life of either human being or animal
- (f) Abettor is a person
- (i) who is innocent
 - (ii) who commits offence
 - (iii) who instigates the commission of offence
 - (iv) against whom the offence is committed

- (g) Sedition has been defined in
- (i) Section 124 A
 - (ii) Section 124
 - (iii) Section 141
 - (iv) Section 121
- (h) Grievous hurt has been defined in
- (i) Section 319
 - (ii) Section 320
 - (iii) Section 321
 - (iv) Section 324
- (i) The subject matter of theft
- (i) can be intellectual property
 - (ii) can be immovable property
 - (iii) can be movable property
 - (iv) All of the above
- (j) Sex with a girl through fraudulent consent amounts to
- (i) rape
 - (ii) simple physical assault
 - (iii) molestation
 - (iv) attempt to rape

2. Write short notes on the following : $2 \times 5 = 10$

- (a) Attempt
- (b) Abetment by criminal conspiracy
- (c) Ingredients of Section 299
- (d) Dacoity
- (e) Assault

3. Define 'crime'. What are the stages involved in the commission of crime? Briefly state them. $4 + 8 = 12$

Or

"Crime is a revolt against the whole society and attack on the civilization of the day." Elucidate the statement. 12

4. What do you mean by administration of justice? Write different theories of punishment in this context. $4 + 8 = 12$

Or

Distinguish between Common intention and 12

(5)

5. Define 'necessity'. In which cases necessity may be pleaded? Discuss. 12

Or

Write an essay on right of private defence as a ground for exemption from criminal liability.

6. What are the explanations to Section 299 of the Indian Penal Code and when does culpable homicide amount to murder? Discuss. 12

Or

Distinguish between the following : $6 + 6 = 12$

- (a) Kidnapping and Abduction
- (b) Wrongful restraint and Wrongful confinement

7. What is criminal misappropriation of property? Distinguish it with criminal breach of trust. $6 + 6 = 12$

Or

Distinguish between the following : $6 + 6 = 12$

- (a) Theft and Extortion
- (b) Robbery and Dacoity

2014

CRIMINAL PROCEDURE CODE

Paper : 3.2

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

1. Choose the correct one :

1×10=10

- (a) Certain provisions of the CrPC (Amendment) Act, 2008 became effective from 31-12-2009/30-08-2008/12-10-2010.
- (b) 'Victim' has been defined in Section 2(W)/2(Wa)/2(Y) of the CrPC.
- (c) The Code of Criminal Procedure extends to the whole of India, except to Tribal areas/State of Nagaland/State of Jammu and Kashmir.
- (d) Pre-arrest bail cannot be granted by the Chief Judicial Magistrate/Sessions Court/High Court.
- (e) Police may arrest without warrant as provided in Section 39/41/41A of the CrPC.

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(Turn Over)

(2)

- (f) Criminal Courts and offices are constituted under the provision of IPC/CPC/CrPC.
- (g) Attachment of property of a person absconding can be ordered under Section 83/82/84 of the Code of Criminal Procedure.
- (h) Plea Bargaining has been inserted in Chapter XXI/XXI-A/XX of the CrPC.
- (i) Public nuisance is found within Chapter VI/IX/X of the Code of Criminal Procedure.
- (j) The Code of Criminal Procedure, 1973 was enacted by the Parliament in the twenty-fourth year/twenty-fifth year/thirtieth year of the Republic of India.
2. Write short notes on the following : $2 \times 5 = 10$
- (a) Complaint
- (b) Pleader
- (c) Summons to produce document or thing
- (d) Recall of witnesses when charge altered
- (e) Withdrawal of complaint

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(Continued)

(3)

3. Write a note on constitution of Criminal Courts under the provision of the Code of Criminal Procedure. Whether the High Court and the Supreme Court can be established under the Code while they are also functioning as Criminal Courts? Explain. $8+4=12$
- Or
- What recourse can be made when there is dispute with regard to possession of immovable property? Discuss in the light of Sections 145 and 146 of the CrPC. 12
4. What is First Information Report? Evaluate its evidentiary value. $6+6=12$
- Or
- What are the different kinds of bail? Which courts are empowered under the provisions of the Code of Criminal Procedure for direction to release the person seeking anticipatory bail? Discuss fully. $2+10=12$
5. How is a trial before the Court of Sessions conducted by the Prosecutor? Explain. 12
- Or
- What is the procedure adopted by Magistrate of taking cognizance of an offence on complaint?

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(Turn Over)

(4)

6. Discuss the procedure of a trial of warrant case instituted otherwise than on police report. 12

Or

Discuss the procedure of trial of summons cases by Magistrate.

7. Write short notes on the following : 4×3=12

- (a) Appeal and Revision
- (b) Cognizable Offence and Non-cognizable Offence
- (c) Final Report and Charge Sheet

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19 (3) CRPC 3.2

Total No. of printed pages = 4

19 (3-III) JURP 3.3

2013

JURISPRUDENCE

Paper : 3.3

Full Marks – 80

Time – Three hours

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

1. Fill in the blanks : 1×10=10
- (i) The word "jurisprudence" is derived from a Latin word —. (jurispruden / jurisprudentia)
 - (ii) Another name of analytical school is — (ethical / imperative) school.
 - (iii) Austin attributes — (right / command), sanction, duty and sovereign as the four essential attributes of positive law.
 - (iv) Kelson described law as a — (normative science / formal science).
 - (v) For realist school, — (judges / legislators) are the law makers.

[Turn over

(vi) According to Holland, ownership is the — (plenary control / physical control) over an object.

(vii) Gauhati University — (is / is not) a legal person.

(viii) Obligation includes a duty —. (in personam / in rem)

(ix) Procedural law regulates affairs — (outside/ inside) the Courts.

(x) — (Feminism / Positivism) demands for emancipation, equality and liberation of women.

2. Write notes on the following : $2 \times 5 = 10$

(a) Precedent

(b) Liability

(c) Meaning of analytical school

(d) Duty

(e) Legal persons.

3. Write a critical note on the nature and scope of jurisprudence. 12

Or

What do you mean by "administration of justice"?
Discuss the theories of punishment. $2 + 10 = 12$

4. Discuss the contribution of Von Savigny to legal thought. Explain the term "Volkgeist". Can you apply "Volkgeist" in India ? $6 + 3 + 3 = 12$

Or

Critically examine Bentham's contribution to analytical positivism. Do you find any contextual relevance of Benthamism to modern Indian jurisprudence ? $8 + 4 = 12$

5. Give a brief history of the Natural Law. Do you agree that nineteenth century is associated with decline of natural law ? $8 + 4 = 12$

Or

Answer the following :

12

(a) Social engineering

(b) Social solidarity.

6. Give an account of the different theories of property. Distinguish between movable and immovable property. $8 + 4 = 12$

Or

What are the different modes of acquisition of ownership ? What are the different kinds of ownership ? $6 + 6 = 12$

18/19 (3-III) JURP 3.3

(3)

[Turn over

7. Discuss the implication of natural law in Indian legal system. 12

Or

Answer the following : 12

- (a) Non-violence
- (b) Sadachar
- (c) Concept of Dharma.

Total No. of printed pages = 4

19 (3-III) REMD 3.4

2013

**ELEMENTS OF RESEARCH /
RESEARCH METHODOLOGY**

Paper : 3.4

Full Marks – 80

Time – Three hours

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

1. Fill in the blanks : 1×10=10

- (i) The observation made which are not essential for the decision reached is called — (stare decisis / obiter dicta).
- (ii) Tort is a civil wrong. (True / False)
- (iii) An enactment is made by — (Legislature / Executive).
- (iv) Official decision of a court given at the end of a trial is — (notification / judgment).

[Turn over

(v) To construe according to the policy and purpose behind the statute is called ——— (Golden rule/Mischief rule) of interpretation.

(vi) The interview based on flexible and non-pre-determined question is ——— interview. (structured / unstructured)

(vii) An idea formed beforehand which has less value than the generally formed view is ———. (experimentation / hypothesis)

(viii) A Publish book available in a law library is a ——— (primary / secondary) source of data.

(ix) Case study is a kind of ——— analysis. (qualitative / quantitative)

(x) Stratified sampling is a type of ———. (probability / non-probability)

2. Write short notes : $2 \times 5 = 10$

(i) Explain the term ratio decidendi of a case.

(ii) What is notification ?

(iii) What is the necessity of interpretation of statutes ?

19/19(3-III) REMD 3.4 (2)

(iv) Write the significance of formulation of research problem.

(v) Mention the utility of library in legal education.

3. Define Civil and Criminal Law. Make a comparative note on Civil and Criminal law. $6+6=12$

Or

Write an exhaustive note on Case law technique. 12

4. What is legal material ? How do you find legal materials ? $6+6=12$

Or

Write short notes : (any two) $6 \times 2 = 12$

(i) Enactment

(ii) Judgment

(iii) Reports of commissions.

5. "The words of an enactment are to be given their ordinary and natural meaning and if such meaning is clear and unambiguous, effect should be given to a provision of a statute." –Discuss the above in the light of Literal rule of interpretation of statute. 12

19/19(3-III) REMD 3.4 (3)

[Turn over

Or

Discuss in details about the Golden rule of interpretation of statutes. Why is it also called the modifying method of interpretation ?

8+4=12

6. What is legal research ? Briefly explain the major steps involved in doing legal research.

2+10=12

Or

What is research design ? Discuss its significance in research. Explain the characteristics of good research design.

2+4+6=12

7. "The sample should represent the characteristics of the population as closely as possible like a reflection in a mirror to the original." –What is sampling ? When is it suitable to use in research ? Write a brief note on advantages and disadvantages of sampling method.

3+3+6=12

Or

Write an elaborate note on interview and observation method as tools of research.

6+6=12

19 (3) ALDR 3.5

2014

ALTERNATE DISPUTE RESOLUTION

Paper : 3.5

Full Marks : 60

Time : 2 hours

The figures in the margin indicate full marks for the questions

Answer Question Nos. 1 and 2 and any four from the rest

1. Write True or False of the following : 1×6=6

- (a) The Arbitration Act was enacted in 1940.
- (b) The primary goal of ADR is the resolution of disputes without litigation.
- (c) Arbitral award does not include an interim award.
- (d) Arbitration agreement must be signed by the parties.
- (e) The number of Arbitrators shall not be even number.
- (f) The Arbitral Tribunal is not bound by the Code of Civil Procedure.

2. Write short notes on the following : $2 \times 3 = 6$

- (a) Arbitral Award
- (b) Legal Representative
- (c) International Commercial Arbitration

Answer *any four* questions : $12 \times 4 = 48$

- 3. Discuss in detail various modes of Alternative Dispute Resolutions (ADR). 12
- 4. What are the essentials of an arbitration agreement? Discuss the power of the arbitrator to rule on his own jurisdiction under Section 16 of the Arbitration and Conciliation Act, 1996. 12
- 5. Discuss the recent development of ADR. 12
- 6. What is Arbitration Tribunal? Discuss the provisions relating to jurisdiction and powers of Arbitration Tribunal. 12
- 7. Discuss in detail the ADR Provision under the Indian Contract Act, 1872. 12

OR

8. Write short notes on the following : $4 \times 3 = 12$
- (a) Arbitration
 - (b) Essentials of arbitration
 - (c) Award
