

2016

CONSTITUTIONAL LAW-II

Paper : 2.1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks / Choose True **or** False
1×10=10
 - a. Oath or affirmation of the President of India is mentioned under Art of the Constitution of India (60/61).
 - b. There shall be a Parliament for the Union which shall consist of the Governor and two Houses. (True/False)
 - c. Under Art..... every High Court shall be a Court of Record. (126/215)
 - d. A judge of the Supreme Court is appointed under the hand and seal of (the Chief Justice of India / The President of India)

Contd.

- e. Under Article 249, the Parliament is empowered to make laws on list (Union/State).
 - f. According to Art. 165, no tax shall be levied or collected except by authority of law. (True/False).
 - g. The proclamation under Art. 360 will cease to operate at the expiration of month(s) unless before the expiration of that period it has been approved by Parliament. (one/two).
 - h. Article 5 of the Constitution of India can be amended by Parliament by majority. (simple/special)
 - i. According to Art. Parliament is empowered to impose restrictions on trade, commerce and intercourse in the public interest. (302/304)
 - j. The Civil Servant shall not be reduced in rank by an authority equivalent to the appointing authority. (True/False)
2. Write short notes on : 2×5=10
- a. Vice-President's Qualification
 - b. Judicial Activism
 - c. Co-Operative Federalism

- d. Grounds for Financial emergency
- e. Meaning of Trade, commerce and Intercourse

3. Write a brief note on the different privileges enjoyed by the members of the Parliament and State Legislature. Discuss the differences between parliamentary privileges and the Fundamental Rights. 8+4=12

OR

Explain the powers and functions of the Governor. Trace the relationship of the Governor with the Council of Ministers. 8+4=12

4. Discuss the following 6+6=12
- a. Removal of Judge
 - b. Independence of Judiciary

OR

Write an exhaustive note on the Jurisdiction of the Supreme Court of India. Make a comparative note on Art. 32 and Art. 226 of the Constitution. 9+3=12

5. Discuss the scheme of distribution of legislative powers between the Union and the States under the Constitution. What are the reasons for which Centre has been made more powerful? 8+4=12

Contd.

OR

Write brief note on :

6+6=12 Total number of printed pages-7

- a. Financial relation between Union and the State
- b. Contingency Fund.

19 (3-II) FMLW-II

2016

FAMILY LAW-II

Paper : 2-2

Full Marks : 80

Time : Three hours

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

6. Discuss the emergency provisions under the Constitution. What are the changes made by the Constitution (Forty-Fourth Amendment) Act in Art 352 ? 8+4=12

OR

Why is amendment necessary ? Discuss the various modes of amendment of the Constitution of India. Is there any limitation upon the Constituent power of Parliament ? 2+6+4=12

7. What is Doctrine of Pleasure ? Discuss the Procedural safeguards guaranteed to the Civil Servant under Art. 311(2) of the Constitution of India. Is there any exception ? 3+5+4=12

OR

"Trade, Commerce and Intercourse throughout the territory of India shall be free". Discuss. Make a comparative discussion on Section 92 of the Australian Constitution and Art. 301 of the Constitution of India. 9+3=12

1. Choose the correct option : 1×10=10
- (i) The Muslim Personal Law (Shariat) Application Act, 1937 is prospective/retrospective in its application.
 - (ii) The word "personal law" is used in contradiction to/to agree with "territorial law".

- (iii) As interpreted by the Supreme Court of India, pre-emption on the ground of vicinage is constitutional/unconstitutional.
- (iv) The rules of Islamic law of succession and inheritance are to be found in the Holy Quran/legislations.
- (v) In the eye of law, a will is technically called a disposition inter vivos/testamentary disposition.
- (vi) The property proposed to be disposed of by waqf must be tangible/intangible property.
- (vii) On the basis of the decided cases, a grant to an Idgah has been declared to be valid/invalid object of waqf.
- (viii) The requirement of registration is mandatory/optional in respect of a gift of immovable property.

- (ix) As interpreted by the Apex Court in the Shahbanoo's case, the mandates of Section 125 of the Code of Criminal Procedure, 1973 are applicable/inapplicable to Muslim divorced wives.
- (x) In the absence of legal guardian, the duty of appointing a guardian for the protection and preservation of the minor's property fall in the Waqf Board/Court.

2. Write short notes on :

2×5=10

- (i) Legal incidents of waqf
- (ii) Essentials of valid muslim marriage
- (iii) Judicial divorce in Muslim law
- (iv) Hiba-bil-Iwaj and Hiba-ba-Shart-ul-Iwaj
- (v) Doctrine of consent.

3. Is Muslim Personal Law (Shariat) an integral part of the Indian Legal System?

Discuss the extent of application of Muslim Personal Law in India in the light of mandates of Section 2 of the Muslim Personal (Shariat) Application Act, 1937.

2+10=12

Or

Is "Judicial precedent" a source of Islamic Law and Jurisprudence in India?

Discuss with the help of judicial pronouncements of the Supreme Court of India in the landmark Shahbanoo's case as to how did the judicial precedents of the Apex Court modify the strict application of the orthodox Muslim Law of Maintenance in respect of a divorced wife in this country.

2+10=12

4. What are the different schools of Muslim Law? How did they separate from each other?

Write a detail account on the orthodox schools of Islamic Law and Jurisprudence.

4+4+4=12

Or

Discuss the salient features of the Muslim Law of marriage.

5. What are the extrajudicial forms of divorce in Muslim Personal Law?

How do they differ from the intervention of the courts in respect of divorce petitions filed by wives u/s 2 of the Dissolution of Muslim Marriage Act, 1939?

Discuss, briefly, the grounds of divorce as provided under this Act.

4+2+6=12

Or

Define the term 'dower'. Is it a consideration or an obligation? Give your own views with the help of decided cases.

6. How did the Hanafi School of Islamic Jurisprudence define the term 'waqf'?

Write a brief account on the provisions of Muslim Personal Law with regard to how waqf can be created.

4+8=12

Or

Define the terms "guardian" and "minor". Does the "law of puberty" govern the Muslims, in India, in respect of the issues relating to guardianship?

Discuss the different categories of guardianship as recognised in Muslim Personal Law with special reference to "Guardianship in Marriage".

2+2+2+6=12

7. What is Uniform Civil Code? Is there any specific provision for it under the Constitution of India?

What are the major hindrances on the path of implementation for achieving the goals of Uniform Civil Code? Discuss.

4+2+6=12

Or

Do the provisions of the Indian Succession Act, 1925 apply to Muslims in India?

What is the existing law, in this regard, for a Muslim whose marriage was registered under the Special Marriage Act, 1954? Discuss the conditions for registration of muslim marriages under the Act of 1954.

2+2+8=12

2016

LAND LAWS OF ASSAM

Paper : 2.4

Full Marks : 80

Time : Three hours

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

1. Answer the correct one : $1 \times 10 = 10$
- (a) During the British Period (1832 to 1835) the land revenue was collected by _____. (Mauzadars/Ryots)
- (b) The real owner of all the lands in a state is _____. (People/Government)
- (c) There are _____ types of estates prevalent in Assam. (3/4)
- (d) For the recovery of an arrear the order for the attachment and sale of defaulter's movable property can be given by _____. (The Court/The Deputy Commissioner)

Contd.

(e) The Assam (Temporary settled areas) Tenancy Act was enacted in the year _____. (1971/1972)

(f) For occupancy rights a person have to hold land continuously for _____. (3 years/2 years)

(g) The protection from eviction under the Assam Non-Agricultural Urban Areas Tenancy Act, 1955, is available only when the tenancy is of _____. (land/house)

(h) The object of the Assam Non-Agricultural Urban Areas Tenancy Act is to regulate the tenancy of _____. (Urban areas/Rural areas)

(i) The standard rent under the Assam Urban Areas Rent Control Act, 1972 is an amount fixed in _____. (perpetuity/revised after 5 years)

(j) The grounds for eviction of a tenant under the Assam Urban Areas Rent Control Act, 1972 is provided in _____. [section 5(1)/section 5(2)]

Write on the following :

2×5=10

(a) The Mauzadari system

(b) La-Khiraj estate

(c) Non-occupancy Tenant

(d) Tenant

(e) Pucca structure.

3. Discuss the history of Land Revenue System during Ahom Rule and the Paiks. 12

Or

Discuss the different classes of tenure during the British period.

4. What are the rights of land holder under the Assam Land and Revenue Regulation, 1886 ? Discuss the power of State Government to make rules for the disposal of Government lands and ejectment therefrom of unauthorized occupiers. 6+6=12

5. What is occupancy right ? How are occupancy rights acquired by a person under the Assam (Temporarily Settled Areas) Tenancy Act, 1971 ? 3+9=12

Or

What is fair rent ? What are the grounds for enhancement of rent ? Describe the procedure for enhancement of rent.

3+3+6=12

6. Define Tenant under the Assam Non-Agricultural Urban Areas Tenancy Act, 1955. Whether a subtenant can derive his title from a tenant ? Discuss the protection of a tenant from eviction.

12

Or

Discuss the different circumstances under which the rent of a tenant may be enhanced.

7. Explain the different grounds for eviction of a tenant by the Landlord under the Assam Urban Areas Rent Control Act, 1972.

12

Or

What is standard rent ? How a standard rent can be determined under the Assam Urban Areas Rent Control Act, 1972 ?

total number of printed pages-4

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2016

CRIMINAL PSYCHOLOGY

Paper : 2-4

Full Marks : 80

Time : Three hours

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

Group-A (Compulsory) 1×10=10

Fill in the blanks with appropriate words :

1. (a) The concept of crime is _____.
(Static/Dynamic)
- (b) Crime is a _____ wrong. (Public/Private)
- (c) _____ theory pre-supposes criminals are the product of society. (Sociological/Economical)

Contd.

- (d) _____ is a potential cause of social disorganisation. (Mobility/Reality)
- (e) Terrorism is a _____ crime. (organised/conventional)
- (f) Psychology is the study of _____. (behavioural attitude/physical appearance)
- (g) Psychological depravity of a person have important bearing on _____. (criminality/sociability)
- (h) Suicide is the outcome of _____ trend of criminals. (psychological/mythological)
- (i) The Sikh terrorist activities during 1984-87 is purely _____ in nature. (Psychological/Territorial)
- (j) The theory of differential association centers round the idea _____ on the criminal for violation of law in a favourable or unfavourable conditions. (Influence/Dispel)

Group-B (Compulsory)

2×5=10

Write short answers of the following :

- Culture Conflict
- Sin and crime
- Broken family
- Atavism
- Female criminality.

Group-C (Compulsory)

12×5=60

Answer **any five** of the following.

- Make an elaborate discussion on Bio-physical factors and criminal behaviour of an individual by analysing crime.
- Discuss the theory of differential association of understanding criminal behaviour and suggest the ways for treatment of such criminals.
- Define "Terrorism". Make a distinction between Conventional Crimes and Terrorism.

6. What are the different abusive substances ? Total 1
Write salient features of Narcotic Drugs and Psychotropic Substance Act 1985. Mention the different enforcement agencies involved in curbing the menace of drugs and other abusive substances.
7. Write the different crimes that can be committed against women as provided under Indian Penal Code and other statutory legislations in India.
8. Explain lawful and unlawful homicide with examples. How homicide is different from 1.
suicide ?
9. How do you understand the concept of Social defence ? How it is helpful for rehabilitation of criminals ?
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2016

SPECIAL CONTRACT

Paper : 2.5

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) Section 129 of the Indian Contract Act defines _____. (Continuing guarantee / Contract of guarantee)
- (ii) According to section 128 of the Indian Contract Act, the liability of the surety is co-extensive with that of the _____.
(Creditor / Principal debtor)
- (iii) An agent who for extra remuneration undertakes the liability to guarantee the due performance of the contract by the other party is called _____.
(Commission agent / Del-credere agent)

Contd.

- (iv) A _____ sets under the control and direction of principal.
(sub agent/substituted agent)
- (v) Clubs are the form of _____.
(Partnership/Association of peculiar nature)
- (vi) Principal of holding out as provided under section 28 of the Indian Partnership Act is based on the _____.
(Doctrine of vicarious liability / Doctrine of estoppel)
- (vii) A stipulation in a contract of sale, which is collateral to the main purpose of the contract is called _____.
(Conditions/Warranty)
- (viii) _____ are goods identified and agreed upon at the time a contract of sale is made.
(Ascertained goods/Specific goods)
- (ix) Registration with Registrar of Limited Liability of Partnership is _____.
(optional / compulsory)
- (x) Maximum number of partners under Limited Liability of Partnership is _____.
(20/unlimited)

2. Answer the following questions : $2 \times 5 = 10$

- (i) What is F.A.S contract and F.O.B contract under contract of sale?
- (ii) Define Bailment.
- (iii) Mention the kinds of agent.
- (iv) Define Partnership at will and particular partnership.
- (v) Define holding out under Limited Liability Partnership Act, 2008.

3. Define surety. Explain the rights of surety against the principal debtor, creditor and co-sureties. $3+3+3+3=12$

Or

Define Pledge. Who can pledge? Explain the rights of pawnee. $2+4+6=12$

4. Explain ratification. State in detail the essentials of a valid ratification. $4+8=12$

Or

Who is an Agent and Principal? Discuss the rights of Agent and duties of Principal. $2+2+8=12$

5. Define Partnership. Explain in detail the rights and duties of the partners. $2+5+5=12$

What is dissolution of a firm ? Discuss in detail the modes of dissolution of a firm. 3+9=12

6. What is Condition and Warranty under Sales of Goods Act 1930 ? Distinguish between Condition and Warranty. When breach of condition can be treated as breach of warranty ? 4+4+4=12

Or

Discuss the duties of seller and buyer. What are the modes of delivery of goods ? Explain the rules regarding delivery of goods.

2+3+7=12

7. Write short notes on : 3+3+3+3=12
- (a) Whistle blowing
 - (b) Relationship of partners
 - (c) Registration and effect of conversion
 - (d) Extent of liability of limited liability partnership

under Limited Liability Partnership Act 2008.

Or

Explain the nature and scope of Limited Liability Partnership Act 2008. 12

Total number of printed pages-4

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2016

JURISPRUDENCE-II

(Old Course)

Paper : 2-6

Full Marks : 80

Time : Three hours

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

Answer **any five** questions.

Write short notes on : **(any four)**

4×4=16

(a) 'Jurisprudentia'

(b) Volkgeist

(c) Positivism

(d) Strict liability

(e) Legal rights and Constitutional rights

(f) Feminist Jurisprudence.

2. (a) Define State. What are the Primary and Secondary functions of State?

Explain the relationship between 'State' and 'Law'. $2+3+3=8$

(b) What do you mean by "administration of justice"? Discuss the different theories of Justice. $2+6=8$

3. (a) Define Possession and Ownership.

(b) Explain the essentials of Ownership.

(c) Explain Possession in Fact and in Law.

(d) State different modes of acquisition of possession. $4+4+4+4=16$

4. (a) Define the term 'Rights', 'Duties' and 'Liabilities'.

(b) Explain the relationship between 'Rights' and 'Duties'.

(c) Write about 'Rights in Rem' and 'Rights in Personam'. $5+5+6=16$

5. (a) Define Obligation.

(b) Explain three kinds of solidary obligation.

(c) 'Obligation arising from contract.' — Explain. $5+5+6=16$

6. (a) Write about the contribution of John Austin.

(b) Discuss John Austin's Imperative Theory of Law.

(c) Narrate HLA Hart's concept of law as a system of rules. $5+5+6=16$

Contd.

7. Explain the following : *(any four)*

4×4=16

- (a) Roscoe Pounds' 'Social Engineering'
 - (b) Duguits' 'Social Solidarity'
 - (c) 'Dharma' and Rule of Law
 - (d) Kelsom' Pure Theory of Law
 - (e) Ground-norm
 - (f) Human Rights and Natural Law Theory.
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