



UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 2nd Semester Examination, 2020

ADMINISTRATIVE LAW
PAPER CODE-CC06

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Answer any **three** questions not exceeding 200 words

1. (a) Explain the principle of Rule of Law and discuss its contribution to modern Administrative Law. 5+5
(b) Write a critical note on Dicey's concept of "Rule of Law".
2. (a) What do you understand by the term Delegated Legislation? State the reasons that led to the growth of Delegated Legislation in India. 5+5
(b) Discuss the parliamentary control over Delegated Legislation.
3. (a) Define Administrative law and give its scope. Discuss the reason for the growth of Administrative law. 5+5
(b) Explain separation of powers. To what extent is it followed in U.K and India?
4. (a) The doctrine of Audi Alteram Partem or the right to hearing has statutory recognized in India. Discuss. 5+5
(b) Write a critical note on "*Writ of Habeas Corpus*" with relevant case laws.
5. (a) Discuss the scope of Judicial Review of Administrative Actions in the light of Fundamental Rights. 5+5
(b) What are the principles of Judicial control over Administrative acts in India?
6. (a) State the doctrine of "Tortious Liability" as per Indian Law. 5+5
(b) Explain the concept of *Lokayukta* an anti-corruption ombudsman organization in the Indian states. How far has it been helpful to redress the citizen's grievances against administrative faulty? Explain.
7. Write short notes on any **four** of the following not exceeding 100 words: 5×4 = 20
 - (a) *Nemo debet esse iudex in propria causa*
 - (b) Public Interest Litigation
 - (c) Writ of Mandamus
 - (d) Central Vigilance Commission
 - (e) Injunction
 - (f) Mandamus.

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LL.B. (3 yr.) 2nd Semester Examination, 2020

LAW OF CRIMES-I
INDIAN PENAL CODE
PAPER CODE-CC07

Time Allotted: 2 Hours

The figures in the margin indicate full marks.

Full Marks: 50

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. What is meant by Mens Rea? Explain the dictum "ACTUS NON FACIT REUM NISI MENS SIT REA". How far a motive necessary for determining a crime? Are there any exceptions to the dictum of Mens Rea? Illustrate your answer. 10
2. (a) 'A' an illiterate boy servant of 8 years stole a new 'Parker' Fountain Pen worth Rs. 200/- from the table of his employer and sold to B, a student of law aged 21 years for Rs. 10/- only. Both 'A' and 'B' are put on trial. The former is charged with theft and latter for receiving the stolen property. How would you, as a judge, decide the case? 5
- (b) 'A' along with the child was crossing a river bridge. B appears suddenly on the bridge, picks up the child and threatens to throw it down into the river unless 'A' gives him his golden ring and the money bag. When 'A' refuses to part with the above objects, B put back the child on the bridge and runs away from the sight. What offence, if any was committed by B? 5
3. (a) "Legal insanity is different from Medical insanity". Discuss this statement. 5
- (b) A is attacked by a mob which attempts to kill him. A in exercise of his right of private defence fires at the mob, killing one of the several children mingled with the mob. What offence if any committed by A? 5
4. (a) What do you understand by "Abetment of an Offence"? Discuss with the help of decided cases and illustrations. 4
- (b) A married young woman, who was discarded by her husband, lived with her father and brother in Madras She became intimate with the accused who was her next door neighbour. The two ran away from Madras and eventually settled in Bombay. The woman's brother filed a complaint against accused for offences under Section 497/498 of Indian Penal Code. — Decide. 6
5. (a) A asked B to help him in committing murder of C. B agrees but nothing is subsequently done in pursuance of such an agreement. Can A and B be charged with offence of conspiracy? 5

- (b) What is Riot? Distinguish between Riot and Affray.
6. (a) 'A' with the intention of causing the death of an illegal child of tender age, exposes it in a desert place. Thereafter a passerby saves the child from dying. What offence has been committed by 'A'?
- (b) What does the offence of fabricating false evidence consist in?

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words:

5×4 = 20

- (a) Custodial rape
- (b) Distinguish between: Cheating and Criminal Breach of Trust
- (c) Criminal Intimidation
- (d) Unlawful assembly
- (e) 'Sedition' and explain the law relating to it
- (f) Solitary Confinement.

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FAMILY LAW-II
PAPER CODE-CC09

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. (a) "Whatever the Prophet gives accepted, and whatever he forbids you abstain from it." (Lix:7). In this context, elaborate the various kinds of tradition. 5
- (b) The division between the Sunni and Shia originated in the dispute concerning the question of Imamat, on the spiritual leadership of Islam. On this context, differentiate the various sects under Muslim law. 5
2. (a) Under Muslim law, Talaq is the mere arbitrary act of a Muslim husband who may repudiate the wife at his own pleasure with or without cause. He can pronounce the Talaq at any time. It is not necessary for him to obtain prior approval of his wife for the dissolution of their marriage. 5
Discuss the validity of the statement given above with the help of suitable case laws.
- (b) Is the presence of wife essential at the time of divorce? Discuss. 5
3. Discuss the validity of the following marriage under Shia and Sunni law: 10
 - (a) A 14-year-old girl is given in marriage by her father to an 18-year-old man
 - (b) Faiz marries Julie, a Roman Catholic Christian
 - (c) Salim marries Ruksat who is his mother's sister's daughter
 - (d) Mirza Khan married Gulbadan despite protests from his other wives
 - (e) Nazir married the pregnant widow of his friend Aman, two weeks post the death of Aman.

4. (a) One Ali Abdullah claimed to be the son of Marina Bibi by Taimur Ali and affirmed the marriage between Marina Bibi and Taimur Ali and acknowledgment of his sonship by the deceased Taimur Ali, and on that affirmation sued Saima Begum, the deceased Taimur's daughter's son and others for a share of inheritance.

Will Ali Abdullah get a share of inheritance if he fails to prove that the deceased Taimur acknowledged him as his son or married to Marina Bibi?

- (b) Is it not necessary that an acknowledgement should be expressed, it may also be implied. In this context, what are the conditions of a valid acknowledgement?
5. (a) Shoaib, who was aged fourteen years was contracted in marriage by his father with Haseena Begum aged thirteen years. Shoaib never liked Haseena from the very beginning. After three years of being married, he decided to repudiate the marriage. Will such repudiation be valid? Explain.
- (b) Imtiaz is a minor who owns a lot of movable and immovable property. Who are the persons in order of preference who can be the guardian of Imtiaz?
6. (a) Discuss the validity of Will made by the person committing suicide.
- (b) The legatee must be competent to take the legacy or bequest. In the light of the above statement, explain the requisites of a valid will with the help of case laws.

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words:

5×4=

- (a) Khula
(b) Acceptance of Hiba
(c) Legal incidents of Waqf
(d) Void (Batil) Marriage
(e) Kinds of Ijma
(f) Consent for Nikah.

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SPECIAL CONTRACT

PAPER CODE-CC10

Time Allotted: 2 Hours

Full Marks: 50

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GROUP-A

Attempt any *three* questions not exceeding 200 words

10×3 = 30

1. (a) What is the doctrine of ratification under law of agency? State the essential ingredients of rule of ratification. 5
- (b) Discuss the liability of sub-agent. 5
2. Explain ostensible authority of an agent. Discuss the extent of liability of the principal to third parties, when an act is done by an agent within the ostensible authority. 10
3. "Liabilities of a Surety is co-extensive with that of the Principal Debtor, unless it is otherwise provided by the Contract". Elucidate the above statement with the help of decided cases. 10
4. "The laws relating to contract of indemnity is not exhaustive." In the light of the above statement elucidate the nature of contract of insurance in India with the help of decided cases. 10
5. The doctrine of Caveat Emptor is based on the concept that the buyer must ordinarily buy goods after satisfying himself of their quality and fitness and the seller is under no obligation to disclose defect, if any of the goods. It is subjected to certain exceptions. In this context answer the following questions: 5+5
 - (a) Ram purchased timber from Hari for the express purpose of using it as furniture of his house. But it was subsequently found unfit for the same. Decide whether in this case Ram will have right to avoid the contract or the doctrine of Caveat Emptor will apply? State the reason.
 - (b) P purchased a robot for his son S after seeing the sample displayed in the showcase. While playing with the robot S's eye was injured. P sued the shop keeper. Examine the liability of the shopkeeper to P.

6. A has a motorcycle that he sells to B who leaves the motorcycle in the possession of A while he is out of town. Identify the bailee in the above case and state his obligation towards that good.

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words:

5×4 = 20

- (a) Pledge
- (b) Liabilities of Outgoing partners
- (c) Holder in due course
- (d) Differences between Promissory note and Bill of Exchange
- (e) Crossing of cheque
- (f) Rights of finder of goods.

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CONSTITUTIONAL LAW-II

PAPER CODE-CC08

Time Allotted: 2 Hours

Full Marks: 50

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GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. What is proclamation of an emergency? Explain the procedure of proclaiming national emergency. 4+6
2. What is federalism? Explain the features of federalism and the difference between the federal structure of USA and India. 10
3. Explain the case of S.R. Bomai vs. U.O.I. 10
4. What are the safeguards provided to civil servants under the Constitution? Explain. 10
5. Explain the procedure for amending the Constitution. 10
6. What is judicial Activism? Whether it should be encouraged or discouraged. Comment your views on it. 10

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words:

5×4 = 20

- (a) Explain federalism
- (b) Explain the constitution of supreme court
- (c) Explain doctrine of pleasure
- (d) Explain money bill
- (e) Election of Inter-State Relation.

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