

BL/Sem IV/214

**B.A. LL.B. (Hons.) (Semester IV)
Examination, 2015-16**

Law

Paper : BLBH-225

**Professional Ethics and Professional
Accountabilty**

Time : Three Hours

Full Marks : 70

*(Write your Roll No. at the top immediately on the
receipt of this question paper)*

Note: Questins No1. is compulsory . Attempt **five**
questions in all. Marks are indicated
against each question.

1. Write short answer on any **seven** of the
following : 7×2=14
- (a) Do you think that an advocate may
handover the case to another advocate
when he finds himself too busy ?
 - (b) Can a sitting Judge of Allahabad High
Court commit contempt of the supreme
court ?
 - (c) What are the seven Lamps of Advocacy ?
 - (d) What do you mean by courts of Record ?

P.T.O.

- (e) Can an university fix a higher standard for admission in LL.B. course than those prescribed by Bar Council of India?
 - (f) Can a lawyer accept a brief against another member of Bar?
 - (g) What is Right to Pre- Audience?
 - (h) Whether an advocate is duty bound to defend terrorist ?
 - (i) On what extent an advocate can advertise his professional services?
 - (j) Whether the requirement of Bar council of India to pass its examination for practice violates Article 19 of the Indian Constitution ?
2. State the origin and development of legal profession in India. 14
3. What are the power and functions of State Bar Councils under Advocates Act, 1961? Who may be member of state Bar councils ? 14
4. Discuss the law relating to admission and enrollment of advocates. Can other nationals also be admitted as an advocate under Advocates Act, 1961 ? 14
5. Define the term 'Professional Misconduct.' Whether state Bar councils can take action against an advocate in case which is not directly related with profession? Your answer should be supported with relevant case laws. 14

OR

- (a) Ram Ji, who was defense counsel of a harden criminal in a case, holds periodic Press conferences (Which were telecast on news channels and also was published in news papers) on the progress of the case as well as on his aptitude of advocacy--- decide the liability of Advocate. 7×2=14
- (b) Shyam Ji, an advocate entered into agreement with his client that if Client wins the case, he will take twenty percent of the amount of damages and in case the client does not win the case, on fees will be taken by him.

— Whether he has committed any misconduct ?

6. Define the term Professional Ethics . What are the duties of an advocate towards his client?
14

OR

- (a) After his retirement from Law Department Petrochemical University , Professor Trigun Nath Joined the legal profession. His former student was District Judge in Sonali District, Where Trigun Nath was practicing legal profession. One day he appeared before District judge as a defence counsel in a case.

— Decide the liability of Advocate.

- (b) Shri Chakrapani Pandey, an advocate was also a part time law teacher in an university. Disciplinary action was taken by the University for assaulting a colleague and his services was terminated by the University. The State Bar Council also suspended his practice for two year for same misconduct-----Decide the validity of action.
7. Discuss the law on following conduct of Mr. Arjun Tiwari, an advocate. $3.5 \times 4 = 14$
- (a) Where he appears before District Court in DHOTI - KURTA, on the day of Navaratri.
- (b) Where, he hurled his shoes on a judge, out side of court campus.
- (c) Where, during the presentation of a case he said that I have no faith in the Judiciary.
- (d) Indicating a particular Judge, he said that I know him personally, he is a currpt Judge.
8. What do you mean by Contempt of Court? Discuss the Kinds of contempt and provisions relating to punishment as provided under Contempt of Courts Act, 1971. 14
9. Write short notes on any **two** of the following : $7 \times 2 = 14$
- (a) Limited Liability Partnership
- (b) Multi - Disciplinary Practice of Law.
- (c) Entry of Foreign Legal firms in India.
- (d) Bar- Bench Relations.

BL/Sem IV/213

**B.A. LL.B.(Hons.) (Semester IV)
Examination, 2015-16**

Law

Paper : BLBH-224

Law of Crimes - II (Special Crimes)

Time : Three Hours

Full Marks : 70

*(Write your Roll No. at the top immediately on the
receipt of this question paper)*

Note: Answer any **five** questions. The marks are indicated against each question.

1. What is culpable homicide ? Referring to decided cases distinguish culpable homicide and murder. 14
2. (a) Discuss essential elements of theft. When theft becomes robbery? Explain with suitable examples. 10
- (b) 'A' is an office - Assistant. He is posted in the office of the chief Engineer, PWD, Varanasi. On April 10, 2014 'A' dishonestly removes a confidential office file and makes it available for one day to a Private person. On next day i.e. April 11, 2014 'A' Recps the file back in the same almirah from where it was removed. Has 'A' Committed any offence ? 4

P.T.O.

3. (a) Describe the elements of bigamy under the Indian Penal Code, 1860. Is bigamy a strict liability offence? Discuss. 10
- (b) Sonalika a young woman of 28 years and 30 years old Ghanshyam were living together without marriage. Radheshyam, with the consent of Sonalika but without the consent of Ghanshyam, had sexual intercourse with her. What offence, if any, has Ghanshyam committed? 4
4. (a) Write an essay on law of sedition in India. 10
- (b) 'D' a spiritual leader, demand Rs. 1 Lakh from his disciple 'M' lest he should shower divine displeasure on 'M' and his family members. Out of fear, 'M' delivers money to 'D'. Has 'D' committed any offence. 4
5. (a) 'X' a young lady aged about 23 years, was pursuing Post-graduate course in Humanities. In that batch there was a handsome boy 'Y' aged about 25 years. Both of them gradually developed liking towards each other and wanted to marry. The families were opposed to this relationship for caste reasons. One day when 'X' and 'Y' were watching a movie together in a multiplex. 'F' the father of girl, came there and opened fire on both of them. 'X' died instantaneously and 'Y' was badly injured. Discuss the liability of father. 'F' 4

- (b) When provocation reduces the offence of murder to culpable homicide? Explain. 10
6. (a) Referring to decided cases, discuss the offence of kidnapping from lawful guardianship. 10
- (b) A girl of 20 years age was living with her parents. She took intoxicating substance and became unconscious. Ramesh took there girl away without the consent of her parents. Has Ramesh kidnapped the girl from lawful guardianship ? 4
7. (a) Define 'unlawful assembly' and point out the difference between 'common object' and 'common intention.' 10
- (b) There was a family dispute between Kumar and Prasad. They came to blows over the use of cattle trough. Kumar shouted for help and on his cry six persons assembled there with sticks and agricultural implements. Can this assembly of six person be called as unlawful assembly ? 4

8. With the help of suitable examples,
distinguish, the following. 14

- (a) Rioting and Affray
- (b) Theft and Extortion
- (c) Kidnapping and Abductions
- (d) Robbery and dacoity.

Printed Pages : 7

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BL/Sem IV/212

**B.A. LL.B. (Hons.) (Semester IV)
Examination, 2015-16**

Law

Paper : BLBH - 223

Constitutional Law -II

Time : Three Hours

Full Marks : 70

*(Write your Roll No. at the top immediately on the
receipt of this question paper)*

Note: Question No. 1 is compulsory. Attempt **five** questions in **all**. **All** questions carry equal marks. Marks are indicated against each question.

1. Write short answers on any **seven** of the following. 7×2=14

- (a) Right to Marry
- (b) NOTA
- (c) Right to property
- (d) Importance of fundamental duties
- (e) Doctrine of eclipse
- (f) Composite culture

P.T.O.

(g) Importance of Directive Principles of State Policy

(h) Late night petition

(i) curative petition

2. The Government of West Bengal in the year 2015, in view of the fact that women were not getting their due share for public employment decided to take certain remedial measures. on 2.1.2015, it issued G.O.M.S No. 2, General Administration (Services- A) Department stating policy decisions taken by the State Government in respect of reservation of women in public services, to a specified extent. In pursuant to this policy decision, Rule 22-A was introduced in the West Bengal State and subordinate service Rules under Proviso to Article 309 of the Constitution of India. It reads as follows:

"22-A - Notwithstanding anything contained in these Rules or Special or ad- hoc Rules-"

- (a) In the matter of direct recruitment to the post for which women are better suited than men, preference shall be given to women, provided that such absolute preference to women shall not result in total exclusion of men in any category of post.

- (b) In the matter of direct recruitment to the post for which women and men are equally suited, other things being equal, preference shall be given to women to an extent of at last 30% of the post in each category of OBC, SC and ST quota.
- (c) In the matter of direct recruitment to posts which are reserved exclusively for being filled by women only.

Mr. J.K. Singh an advocate filed a writ petition in Calcutta High Court challenging the rules on the ground that it was violative of Art. 14 and 16 (4) and seriously affected all male unemployed person in the State of West Bengal. A single Judge of High Court of Calcutta upheld the validity of Rule 22-A In Appeal before the High Court, Division Bench, struck down the portion of Rule 22-A Sub Rule (b) .

- (i) Do you think that decision of single Bench of Calcutta High Court is correct if so, why?
- (ii) Suppose, you are appearing for the petitioner before Division Bench, what arguments would you advance any why ?

- (iii) You have been appointed as Counsel by State of West Bengal to challenge the decision of Division Bench. What arguments would you advance and why? 4+4+6=14

3. Under Article 16 (4) of the Constitution, the State has the power to reserve post for backward classes of citizens in government jobs. In the light of the Constitutional provisions and latest case law answer the following 4+4+6=14

- (a) Can caste be equated with class?
- (b) Can reservation be made at the promotion stage?
- (c) Can reservation quota exceed 50 percent of the Seats for which recruitment is to be made in a particular year?

4. (a) Discuss the original jurisdiction of the Supreme Court of India. 7+7=14
- (b) "Article 14 cannot be cribbed, cabined and confined within the doctrine of classification." Elucidate in the light of decisional law.

5. Examine the concept of Basic structure of the Constitution. Argue for and against the concept of basic structure in the context of the power of Parliament to amend the Constitution.

14

6. Mr. X filed a public interest litigation before Gujarat High Court seeking a declaration that the action and the notification issued by the state Government which blocked and banned access to mobile internet services in the State of Gujarat as void abinitio, ultra-vires and unconstitutional. The petitioner also sought a permanent restraint on the State and its officers from imposing a complete or partial ban on access to internet mobile/broadband as it violates Article 14, 19, 21 of Constitution of India and consequently beyond the power of the State Government under the relevant laws.

14

7. (a) *A petition was filed under article 32 of the Constitution for citizenship Rights of Chakmas of Arunachal Pradesh.* The said petition was filed against the Union of India through the Ministry of Home Affairs to grant citizenship to the Chakmas and Hajanj Tribes who migrated to India in 1964-69 and were settled in the state of Arunachal Pradesh. Decide.

7+7=14

- (b) A man who is terminally ill or in persistent vegetative state wishes that he may be permitted premature extinction of his life. He asked his doctor also to assist him in accelerating the process. Doctor declines his request and the patient attempts to commit suicide, but fails.
- (i) Do you think that he is guilty of any offence? Give reasons.
 - (ii) Whether Art. 14 is violated by 309 of I.P.C. ?
 - (iii) Whether right to die is included in the right to life? Substantiate your answer with cogent reasons.
8. (a) Mr. V.K Sharma filed a Public Interest Litigation before the Supreme Court of India. Mr. Sharma requested the Court to declare the practice of santhara in the Jain religion as illegal and unconstitutional. Decide.

- (b) Banaras Hindu University an autonomous institution under the Ministry of Human Resources framed a service regulation under which services of any employee could be terminated at any time without assigning any reason X, a permanent Professor, who was removed from the services on the basis of above regulation seeks your help to move the Supreme Court. Indicate your advice and the reasons therefore.

7+7=14

9. Comment on any **two** of the following .

7+7=14

- (a) Removal of a Judge of the Supreme Court
- (b) Concept of secularism
- (c) Freedom of electronic media/ social media and right to privacy.

Roll No.....

B.A. I.L.B. (Hons.) Semester IV Examination, 2015-16

Law

BL.BII-226: Specific Contract

Time: - Three Hours

Full Marks: 70

(Write your Roll No. at the top immediately on the receipt of this question paper)

Note: - Answer any **five** questions, including **Question No 1** which is compulsory.1. Answer any **seven** questions.

(7x2=14)

- (a) Discuss the principle of law laid down in Adamson V. Jarvis.
- (b) Differentiate between 'Independent liability' and 'Guarantee'.
- (c) Can a guarantee for a void debt be enforceable?
- (d) Does a surety discharge from liability, when the main contract becomes impossible?
- (e) What do you mean by 'Right of Subrogation under Section 140 of the Indian Contract Act, 1872'?
- (f) 'A' hires the carriage of 'B'. The carriage is unsafe, though 'B' is not aware of it and 'A' is injured. Is 'B' responsible to 'A' for the injury?
- (g) What do you mean by "Pledge by hypothecation"?
- (h) Who is a "del-credere agent"?
- (i) When an agent is personally liable to the third party?
- (j) What do you mean by "Agency by Holding out"?

2. (a) "You need not be damnified before you claim to be indemnified".

Commenting on this statement discuss the law relating to indemnity in India.

Is the law on indemnity in India different from England?

10

- (b) 'X' Company acted as the commission agent of 'Y' firm and bought certain goods in that capacity for the firm, which they failed to take. The supplier of goods became entitled to recover from the company certain sum of money as damages for breach. The company went into liquidation before paying the claim. The official liquidator proceeded against the firm. Examine the liability of the firm.

4

3. (a) "The liability of the surety is co-extensive with that of the principal debtor, unless it is otherwise provided by the contract".

In the light of the above statement discuss the extent of Surety's liability.

10

- (b) One 'D' guaranteed a bank's loan. A default having taken place, 'D' was sued. Discuss the liability of 'D' without exhausting remedies against the principal debtor.

4

P.T.O.

4. (a) "The obligation of a bailee is a contractual obligation and springs only from the contract of bailment. It cannot arise independently of a contract. 10
Do you agree with this statement? Examine.
- (b) Certain vehicles and goods belonging to one 'M' were seized by the State acting under a Sea Customs Act. The goods while in the custody of the State were lost. Examine the liability of the State as a bailee under the Indian Contract Act, 1872. 4
5. (a) "No cast-iron standard can be laid down for the measure of care due from a bailee and the nature and amount of care must vary with the posture of each case". 10
In the light of the above statement, discuss the duties of the bailee under the contract of bailment.
- (b) 'A' hired a wooden shop from 'B'. The wooden shop was burnt by a mob during communal riots in the city. Examine the liability of 'A' under the contract of bailment. 4
6. (a) Discuss the law relating to pledge by a person other than the owner. 10
- (b) 'A' induced 'B' to give him a valuable ring in return for his cheque, which was worthless. Before the fraud could be discovered, 'A' pledged the ring to one 'C', who in good faith and without notice of 'A's defect in title received it. 4
Examine the validity of the pledge.
7. (a) "The rule which permits an undisclosed principal to sue and be sued on a contract to which he is not a party, though well-established is itself an anomaly." 10
Commenting on this statement, discuss the rights and liabilities of an undisclosed principal.
- (b) 'A', who owes 500 rupees to 'B', sells 1000 rupees worth of rice to 'B'. 'A' is acting as an agent for 'C' in the transaction, but 'B' has no knowledge nor reasonable ground of suspicion that such is the case. Can 'C' compel 'B' to take the rice without allowing him to set-off 'A's debt? 4
8. (a) While referring to statutory provisions and relevant case law, discuss the law relating to creation of an agency by Ratification. 10
- (b) In an auction sale of cut timber of forest on 24th December, 2015, 'A' made the highest bid and his bid was accepted by Divisional Forest Officer. The payment was to be made in four installments, of which the first was paid immediately. The rest installments were to be paid subsequently, and for this payment 'B' stood as surety. The auction was ratified by the Chief Conservator of Forests, and the sale deed was signed by him on 3rd May, 2016. A week before the Chief Conservator of Forests had ratified the contract, a fire had broken out and the goods purchased by 'A' had been destroyed by fire. 'B' filed a suit for declaration that he was not liable to pay the 2nd, 3rd and 4th installments as surety for 'A'. 4
Examine the liability of 'B'.

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Roll No.

B.A. LL.B (Hons.) SEMESTER IV EXAMINATION 2015-16**LAW****BLBH - 222 : Political Science - VI**

Time : Three hours

Max. Marks : 70

*(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)***NOTE : QUESTION PAPER IS DIVIDED INTO THREE SECTIONS. ALL QUESTIONS FROM EACH SECTION IS COMPULSORY.****Section - A****NOTE : WRITE SHORT ANSWERS ON THE FOLLOWING IN ABOUT 50 WORDS. EACH QUESTION CARRIES 2 MARKS.**

1. Explain the following :
 - a) Public - Private administration dichotomy
 - b) Spam of Control
 - c) Legislature control over administration
 - d) On entry training
 - e) Performance audit

Section - B**NOTE : ANSWER EACH OF THE FOLLOWING QUESTIONS IN ABOUT 250 WORDS. EACH QUESTION CARRIES 10 MARKS.**

2. Examine the scope of public administration.
OR
Discuss the role of Public Administration in the modern state.
3. Discuss features of decentralisation.
OR
Examine the short comings of rank classification.
4. What is the importance of public relations in public administration? Explain.
OR
Discuss the principles of budget.

Section - C**NOTE : ANSWER EACH OF THE FOLLOWING QUESTIONS IN ABOUT 400 WORDS. EACH QUESTION CARRIES 15 MARKS.**

5. Suggest measures to make administration responsive.
OR
Make a comparison between direct and indirect recruitment.
6. Describe the means of delegating authority.
OR
Throw light upon the system of audit that is prevalent in India.

B.A. LL.B (Hons.) SEMESTER IV EXAMINATION 2015-16**LAW****BLBH - 221 : Political Science - V****Time : Three hours****Max. Marks : 70***(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)***NOTE : QUESTION PAPER IS DIVIDED INTO THREE SECTIONS. ALL QUESTIONS FROM EACH SECTION IS COMPULSORY. MARKS ARE INDICATED AGAINST EACH QUESTION.****Section - A****NOTE : WRITE SHORT ANSWERS ON THE FOLLOWING IN ABOUT 50 WORDS. EACH QUESTION CARRY 2 MARKS.**

1. a) LEAGUE OF NATIONS
 b) SAARC
 c) ISIS
 d) MARSHALL PLAN
 e) PANCHSHEEL

Section - B**NOTE : ANSWER EACH OF THE FOLLOWING QUESTIONS IN ABOUT 250 WORDS. EACH QUESTION CARRY 10 MARKS.**

2. Analysis the Nature and Scope of International Relations? Do you think it is ever changing?
 OR
 Define National Interest. What are the various types of National Interests?
3. Discuss the difference between Old Diplomacy and New Diplomacy.
 OR
 Define Balance of Power. Discuss the various types of Balance of Power.
4. Analyse the role of ideology in the formation of National Interest.
 OR
 Discuss the various theories on the Origin of Cold War.

Section - C

5. Critically analyse the instruments and methods for the promotion of National Interests.
 OR
 How far do you think that Balance of Power is relevant in today's world?
6. Briefly discuss the impact of Cold War on International Relations.
 OR
 Critically analyse the basic Principles and Objectives of Indian Foreign Policy.

