

Printed Pages : 7

Roll No.

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.

$$7 \times 2 = 14$$

- (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 to 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 ~~bit~~ bit incorrect 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 kinds of arguments would you advance and does in it why? 14+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

(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.

(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 ab initio, 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 Hajong Tribes who migrated to India in 1964-69 and were settled in the state of Arunachal Pradesh. Decide. 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.

9. Comment on any two of the following.

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

- 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.

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

(a) Rioting and Affray

(b) Theft and Extortion

(c) Kidnapping and Abductions

(d) Robbery and dacoity.

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

Time : Three Hours

Full Marks : 70

BL/Sem IV/213
B.A. LL.B.(Hons.) (Semester IV)

Examination, 2015-16

Law Paper : BLBH-224
Law of Crimes - II (Special Crimes)

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.

2. (a) Discuss essential elements of theft. When theft becomes robbery? Explain with suitable examples.

(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 ?

3. (a) Describe the elements of bigamy under the Indian Penal Code, 1860. Is bigamy a strict liability offence ? Discuss.

(b) Sonalika a young women 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 intercours with her. What offence, if any, has Ghanshyam committed ?

10

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 of go to 'D'. Has 'D' committed any offence.

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'

2

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Roll No.

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.

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.

Roll No.....

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

Law

BLBH-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 damned 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.

Do you agree with this statement? Examine.

10

- (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".

In the light of the above statement, discuss the duties of the bailee under the contract of bailment.

10

- (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.

Examine the validity of the pledge.

4

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."

Commenting on this statement, discuss the rights and liabilities of an undisclosed principal.

10

- (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'.

Examine the liability of 'B'.

4

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Roll No.....

B.A. LL.B (Hons) Semester IV Examination, 2016-17

Subject : Law

Paper No : BLBH-221: Political Science V

Time: Three Hours Full Marks: 70

[Write your Roll No. at the top immediately on the receipt of the Question Paper]

SECTION A

Note: Answer each question within 50 words. Each question carries 2 marks.

1. (a) IMF (International Monetary Fund)

(b) *Act East Policy of India*

(c) *Islamophobia*

(d) Democratic Peace

(e) Summit Diplomacy

SECTION B

Note: Answer the following in about 250 words. Each question carries 10 marks.
(10X3)

2. How far do you think there is continuity and change in the nature and scope of International Relation? Comment.

OR

Define National interest. What is the various type of national interest?

P.T.O.

(2)

3. Discuss the difference between Old Diplomacy and New Diplomacy.

OR

Define Balance of Power. Discuss the various types of Balance of Power.

4. Analyze the role of ideology in the formation of National Interest.

OR

Discuss the various theories on the origin of the cold war.

SECTION C

Note: Answer the following questions. Each question carries 15 marks.
(15X2)

5. Define International Terrorism. Discuss the various factors for the causes of the International Terrorism.

OR

How far do you think Balance of power is relevant in the present world? Is there is a Balance of Terror?

6. Briefly discussed the impact of cold war on International Relations.

OR

From 'Panchsheel' to 'Panchamrit', analyze the changing nature of India's foreign policy from Nehruvian Era to Modi Times.

B.A.LL.B. (Hons.) SEMESTER II EXAMINATION 2016-17**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: ATTEMPT FIVE QUESTIONS IN ALL. QUESTION NO. 1 IS COMPULSORY. ALL QUESTIONS CARRY EQUAL MARKS. MARKS ARE INDICATED AGAINST EACH QUESTION.**

1. Write short answers on any seven of the following: **7X2= 14**
 (a) New Public Administration (NPA)
 (b) Grapevine
 (c) POSDCORB
 (d) Unity of Command
 (e) Gangplank
 (f) Graicunas formula
 (g) Indirect Recruitment
 (h) Zero-based Budgeting (ZBB)
 (i) Rule of lapse
 (j) PAC
2. Critically examine the role of Public Administration in the modern welfare state. **14**
3. Comment on the following: **2X7= 14**
 (a) Relationship between Public Administration and Law
 (b) Responsive Administration
4. Describe the principle of hierarchy and critically examine its significance in an organisation. **14**
5. Discuss in detail the meaning, elements, types and principles of Promotion. **14**
6. Write an essay on the conception and significance of public relations in the administration. **14**
7. Discuss the various methods of legislative and judicial control over the administration. **14**
8. Comment on any two of the following: **2X7=14**
 (a) Primacy of the Functional Basis
 (b) Position Classification
 (c) CAG

B.A.LL.B (HONS.) SEMESTER IV EXAMINATION 2016-17**LAW****BLBH-223 : Constitutional Law-II****Time: Three Hours****Marks : 70**

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

Note: Attempt five questions in all. Question no. 1 is compulsory. Marks are indicated against each question.

1. Write short answers on any seven of the following: $7 \times 2 = 14$
 - a) Status of River Ganga/Yamuna as living person.
 - b) Negative equality
 - c) Horizontal and vertical reservation
 - d) Consequential seniority
 - e) Catch-up rule
 - f) Carry forward rule
 - g) Right to privacy
 - h) Right to know
 - i) Doctrine of prospective over ruling
 - j) Waiver of Fundamental Right

2. (a) Do you think that the following institutions/ union can be brought within the expression 'other Authorities' under Article 12 of the Constitution of India? $4 \times 2 = 8$
 - i. Institute of Constitutional and Parliamentary Studies (ICPS)
 - ii. National Council of Educational Research and Training (NCERT)
 - iii. Allahabad University Students Union
 - iv. Banaras Hindu University

- (b) Banaras Hindu University while admitting students on merit give some weightage to the students who pass examination from Banaras Hindu University. Decide the Validity of such weightage. 6

- (a) A petition asking for mercy killing of Six years old girl Vinita has been filed by her mother. Vinita is suffering from a serious ailment for which there is no effective treatment. Decide and refer to relevant case law. 6

- (b) Maneka Gandhi is having a profound impact on the administration of criminal justice in India. In the light of the above statement, explain the following: 4x2=8
- Execution of death sentence
 - Fair trial
 - Right to bail
 - Right to Legal Aid.
4. In what manner is our constitution secular? Examine the scope and constitutional limit in which religious freedom is available to an individual in India? 14
5. Discuss the ambit of electronic media and social media as part of freedom of speech and expression, as guaranteed under Article 19(1)(a) and Article 19(2) of the Indian Constitution. Show your acquaintance with the latest case law. 14
6. All these years, Article 368 has seen a tug of war between the Constituent power and power of judicial review. In the light of recent development, explain the power of parliament to amend the constitution. Is there any limitation in this regard? 14
7. Comment on any two of the following : 7+7=14
- Justice J.S. Verma committee and effectuation of Fundamental duties.
 - Writ of Mandamus.
 - Advisory Jurisdiction of the Supreme Court of India.
8. Write critical short notes on any two of the following : 7+7=14
- Judicial activism and Judicial Overreach.
 - Aadhar Card and right to privacy
 - Special leave petition (Art-136) and Contempt of Court (Art 129)
 - Relationship between Fundamental Rights and Directive Principles of State Policy.

B.A. LL.B. (HONS.) SEMESTER IV EXAMINATION 2016-17**LAW****BLBH-224 : Law of Crimes-II (Special Crimes)****Time: Three Hours****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. Discuss the circumstances when does culpable homicide amount to murder? Refer to decided cases, and suitable examples. 14
2. (a) Discuss the essential elements of kidnapping from lawful guardianship, and distinguish it with abduction. 10
 (b) 'A' conveys to a minor 'B'- resident of N.C.R., Delhi to the State of Jammu and Kashmir without the consent of the person legally authorised to consent on behalf of 'B'. Has 'A' committed any offence? If yes, give your answer while referring relevant provisions of law and suitable illustrations. 04
3. (a) What are essentials necessary to constitute an offence of Theft? Explain with suitable illustrations and distinguish it with extortion. 10
 (b) 'A' gave his personal computer for its repairing to 'B'. 'B' did not complete all necessary repairing work within stipulated time. While coming to receive P.C., 'A' forcibly removed the P.C. from 'B's shop without payment of the sum demanded by 'B' for partial repair work already done. What offence, if any, has been Committed by 'A'? Give your answer in the light of legal provisions. 04
4. (a) "In all Robbery there is either theft or extortion." Elucidate the statement with suitable illustrations. 10
 (b) 'A' meets 'Z' on the high road, shows a pistol, and demands 'Z's Purse. 'Z' in consequence, gives his purse to 'A'. What offence, if any, 'A' has committed? Explain. 04
5. Discuss the law of Sedition contained under section 124-A of the Indian Penal Code. Do you feel that the law of Sedition has assumed controversial importance largely on account of change in the body politic? Suggest any change to the section 124-A, I.P.C. 14
6. (a) What is Rioting? With the help of illustrations, discuss its essential ingredients. When is a person said to be a member of an unlawful assembly? 10
 (b) 'A' and 'B' are two brothers. They were quarreling and abusing each other on a public road in a town; and a large crowd gathered; and the general traffic was jammed. Whether 'A' and 'B' are guilty of any offence? 04
7. (a) Describe the elements of 'Bigamy'. What are the exceptions to this offence? Discuss. 10

- (b) 'A', a Hindu husband, married under Hindu Law, by embracing Islam, solemnizes a second marriage. Whether the apostate husband would be guilty of the offence under section 494 of the Indian Penal Code? Discuss in the light of provision contained under I.P.C., 1860.
8. Write short notes on any two of the following : 7x2=14
- a) Adultery
 - b) Dacoity
 - c) Provocation-as an exception to reduce the offence of murder to culpable Homicide
 - d) Affray

Roll No.....

B.A. LL.B. (Hons.) SEMESTER IV EXAMINATION 2016-17

LAW

BLBH-225 : Professional Ethics and Professional Accountability

Time: Three Hours

Marks : 70

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

Note : Questions No.1 is compulsory. Attempt five questions in all. Marks are indicated against each question.

1. Write short answer on any Seven of the following : 7x2=14
 - a) Is the passing certificate of All India Bar Examination is necessary requirement for enrolment as an advocate?
 - b) Who prepares and maintains the "Common Roll" of advocates and how it is done?
 - c) When an innocent publication may be accepted as defense in contempt cases?
 - d) What is difference between Safeguards and defenses available to the contemnor?
 - e) When, how and by which legislation, the dual justice delivery system was abolished in India?
 - f) What was the main impact of Legal Practitioners Act, 1879 on legal profession?
 - g) What actions may be taken against an advocate in case of professional misconduct?
 - h) What remedies are available to an advocate in case of non-payment of his fees?
 - i) Can a citizen of Bangladesh, may be enrolled as an advocate in India?
 - j) What is Multi-Disciplinary Practice of law?
2. Discuss and critically examine the historical development of legal profession in India. 14
3. Elucidate the constitution, powers and functions of Bar Council of India under Advocates Act, 1961. 14
4. Define the term 'Bar-bench Relationship'. What are the existing and proposed mechanisms to maintain this relationship in India? 14
5. Discuss the 'Law' on following conducts of Mr. Mahesh Kumar Trivedi, an advocate: 4x3.5=14
 - a) Where in summer season he appears before District Court without wearing black coat.
 - b) Where he celebrated birthday of his daughter in presence of number of judges and advocates.
 - c) Where he appears before a court as a counsel, in which his sister-in-law was judge.
 - d) Where he was dancing in a marriage party under influence of Vodka and Video of the same was uploaded by his wife of Facebook.
6. "The constitutional freedom of speech and expression is not absolute and final law. Any time reasonable restrictions may be imposed against it". 14

- Examine the above statement in the light of relevant decided cases and provisions of contempt of Court, 1971.

7. Give your suggestion in following cases:

2x7=14

- (a) Mr. Kayamat Kishore Pandey was a practicing advocate of Lucknow Bench. One day during presentation of a case he threatened a Judge. Thereafter, he was charged and held guilty for misconduct as well as contempt of Court. Consequently the High Court awarded one thousand Rupees fine and suspended his license of practice only for 15 days.
- (b) Mr. Rajendra Singh Kamat was a counsel for his client in a case related to attempt to murder. Position of that case was not in favour of his client and only due to this reason Mr. Kamat sent a threatening letter to the opposite party and instructed to withdraw the case against his client.

In turn the second party filed a complaint against him before State Bar Council Under Section 35 of the Advocates Act, 1961 in which he contended that it was done in the interest of my client.

8. Write short notes on any two of the followings :

2x7=14

- (a) Duties of Advocates towards clients.
- (b) Entry of foreign legal firms in India.
- (c) Advertisement by Advocates.
- (d) Procedure in Case of other misconduct.

B.A.LL.B. (Hons.) Semester IV Examination 2016-17

Law

BLBH-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. Marks are indicated against each question.

1. Answer any seven questions. 7x2 = 14
 - (a) Can a guarantee for a minor's debt be enforceable ?
 - (b) Can a contract of guarantee be possible without direct consideration between surety and the creditor ?
 - (c) Differentiate between 'continuing guarantee' and 'counter guarantee'
 - (d) Discuss whether the hiring of a bank's locker and storing things in it would constitute a contract of bailment. Show reasons.
 - (e) Differentiate between 'Actual delivery' and 'Constructive delivery' of possession for the purpose of a contract of bailment.
 - (f) Can a bailee be relieved from his liability after showing that his own goods are lost along with those of bailor ?
 - (g) Write down the principle of law laid down in Gaganan Moreswar Vs. Moreswar Madan.
 - (h) What do you mean by 'Pawnar's right to redeem?
 - (i) Can a minor employ an agent ?
 - (j) Can a minor be an agent ?
2. (a) "The English definition of indemnity is wider than that of India." 4
 India.
 Commenting on this statement define a contract of indemnity under English and Indian law.
- (b) Examine whether all contracts of insurance are perfectly the contract of indemnity. 4
- (c) 'A' sold a car on the instruction of "B". It subsequently turned out that the car did not belong to "B" but to another person "C", who made "A" liable and "A" in turn sued "B" for indemnity for the loss he had thus suffered by acting on "B"'s direction. 3x2=6
 - (i) Would "A" succeed ?
 - (ii) Whether the above illustration falls within the ambit of Indian definition of indemnity.
3. (a) Discuss the modes of discharge of surety from liability. 10
- (b) "A" guaranteed the conduct of "B" a manager of a Bank. The bank afterwards raised "B"'s salary on the condition that he would be liable for one-fourth of the losses on discounts allowed by him. No communication of this new arrangement was made to "A". "B" allowed a customer to overdraw his account and the bank lost a sum of money. Examine the liability of "A". 4



4. (a) What is "Bailment"? Discuss its essential ingredients. 10
- (b) "A" delivered to the Treasury Officer, "B" certain Government promissory notes for cancellation and consolidation into a single note. "B"s servants misappropriated the notes. "A" sued the state to hold them responsible as bailees.
Examine the liability of the state. 4
5. (a) "Lien is in its primary sense a right in one man to retain that which is in his possession belonging to another until certain demands of the person in possession are satisfied. In this primary sense it is given by law and not by contract."
In the light of the above statement define "Right of lien" and explain various kinds of lien recognised under the Indian Contract Act, 1872. 10
- (b) The owner of a motor car gave it to a company to maintain it for three years on a fixed annual payment. An amount having become due for maintenance charges, the company claimed lien on the car against the owner.
Would the company succeed? 4
6. (a) "When a person acts as a representative of the other in business negotiations, that is to say, in the creation, modification or termination of contractual obligations, between that other and third persons, that he is an agent."
In the light of the above statement discuss the essentials of a contract of agency. 8
- (b) Differentiate an "agent" from a "Servant" and a "Bailee" 3
- (c) "A" acting as del credere agent sold "B" 's goods which were supposed to be on a voyage but which unknown to the parties had already been sold by the captain of the ship due to damage by heat. The buyer repudiated the contract and, therefore, "A" was sued for the buyer's failure to perform. 3
Examine the liability of "A"
7. (a) "As long as people continue to live in houses, the wife will normally do the household shopping, and the husband will pay the bills. The law of principal and agent will always cut deeply into the law of husband and wife." 10
While commenting on this statement discuss the law relating to implied agency between husband and wife.
- (b) "A" was the manager of a hotel, where his wife "B" was the manageress. They lived together in the same hotel, but had no domestic establishment of their own. "B" incurred a debt for clothes, payment for which was demanded from "A".
Would "A" be liable for the payment? 4
8. (a) "Though the agent is immune from personal liability, but there are certain circumstances, where the agent incur personal liability."
Examine the statement with the help of relevant decided cases. 10
- (b) "A" enters into a contract with "B" to sell him 100 bales of cotton and afterwards discovers that "B" was acting as an agent for "C" who may be sued by "A" on "B" 's default either "B" or "C" or both ?
Give reasons for your answer. 4