

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): I-YEAR, II-SEMESTER

Mid-Semester Examinations, April-2013

Paper 2.1: Law of Contracts-I

Time: 45 Minutes

Total Marks: 10

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

-
- 1. Answers must display conceptual understanding and application ability.**
 - 2. One mark per page discredit for exceeding the page limit.**
 - 3. Answer ALL the questions.**

- Q1. Define consent as one of the essential element in the process of contract formation with help statutory provisions and case law. **(3 Marks) (2 Pages)**
- Q2. Write a brief critique on the definition of consent as is given under section 13 of the Indian Contract Act. **(3Marks) (2 Pages)**
- Q.3 Does the essential element of consent in contract formation reflect the factual or fictional freedom of contract? **(2 Marks) (1 Page)**
- Q.4 Discuss the economic resources appropriation rationality through the elements of consent in contract formation. **(2 Marks) (1 Page)**

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): I-YEAR, II-SEMESTER

Mid Semester Examinations, April-2013

Paper 2.2: Law of Torts-II

Time: 45 Minutes

Total Marks: 10

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Answer ALL the questions.

- Q.1. On 12 April 2013, Mr. Ajay was employed as an electrician, on temporary basis for five hours per day for a period of one week, by the Sanwal Electronics, Rohini, New Delhi. He was orally instructed, by Mr. Sanwal, proprietor of the organisation, not to engage any other person for any electrical work in his absence. On 15 April 2013, Mr Sanwal visited Sector 62 Noida, Uttar Pradesh, for some business purposes for two days. Some urgent electrical rectifications in two Air-conditioning machines belonged to Mr Anil, who had agreed to pay, without the consent of Mr. Sanwal, an additional amount of one thousand rupees to Mr. Ajay for repair of air conditioning machines, had to be carried out on priority. Mr. Ajay requested one of his friends, Mr Anoop, who is also an electrician, to repair one air-conditioning machine in six hours for five hundreds rupees. While performing the rectification work under the supervision of Mr. Ajay, Mr Anoop was seriously injured due to some electrical short circuit in the machine. Consequently the air-conditioning machine was also damaged in the process.

Mr Anoop claimed damages, before the Civil Court Rohini, from Mr. Sanwal, for the permanent disablement caused to him by the electric shock when he was working at the Sanwal Electronics. Mr. Anil, the owner of the air-conditioning machine, also claimed damages from Mr. Sanwal for the loss on the ground of vicarious liability.

Mr. Anoop urges that he was requested by Mr. Ajay, an employee of Mr. Sanwal, to repair the said air condition, urgently. Mr Anoop also contends that the act of repairing was for the benefits of the Sanwal Electronics, not for the personal requirements of Mr. Ajay.

Mr. Ajay argues that Mr Anoop was employed to perform some urgent work of repairing of air-conditioning machine and such act was in the interest of Mr. Sanwal, therefore Mr Sanwal is liable to pay damages to both the parties.

Mr. Anil contests that Mr. Sanwal is vicariously liable, as the owner of the organisation, for the conduct of Mr. Ajay. He has also clarified that he had agreed to pay additional amount for the repair work, but no such amount has been paid to Mr. Ajay till date.

Mr. Sanwal contends that Mr. Ajay, an independent contractor, is liable to pay for disablement compensation to Mr Anoop, and both, Mr Ajay and Anoop are liable to pay for the loss caused to the air-conditioning machine, on the ground that the Mr. Anoop was engaged, without his consent, by Mr. Ajay. Further he urges that Mr Anil, who has bribed Mr. Ajay to conduct urgent rectification works, is not entitled to any compensation on the ground of contributory negligence.

Frame appropriate issues and decide; Support your decision with relevant decided cases.

(8 Marks)

- Q.2. Differentiate between Apparent Authority and Actual Authority for the purpose of secondary liability under the law of torts?

(2 Marks)

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): I-YEAR, II-SEMESTER

Mid Semester Examinations, April-2013

Paper 2.3: Criminal Law-I

Time: 45 Minutes

Total Marks: 10

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Answer ALL the questions.

Q1. Ketki was a 23 year old student at the Jaiprakash Narayan Engineering College in Delhi. She was a very hard working girl and was one of the toppers of her class. She fit the definition of an all-rounder perfectly. She represented her college in various sports events, actively participated in literary, and cultural activities. It would not be an exaggeration to say that she was one of the most popular girls in the college. Since the institution did not provide accommodation on campus, Ketki stayed in a rented apartment in Dwarka, which she shared with a female friend.

Arvind was Ketki's ex-boyfriend. They went to the same high school and had been in a relationship ever since (for around 7 years). However, they broke up in April 2012, owing to various issues that arose between them. Ketki was very upset at this turn of events. She used to regularly confide in her classmate and friend, Neeraj. They started spending time a lot of time together, and grew close to each other.

On the evening of April 17, 2013, Ketki called Neeraj and told him that she was planning to go to a local pub and discotheque. The pub had an irresistible offer. If patrons purchased drinks and food for Rs. 1000, they would get a voucher for Rs. 500, which could be used to buy more drinks and food the same evening. Further, the pub had waived the cover charge for women that evening. Neeraj initially said that he had a lot of work that evening and was not in a mood to drink. He told Ketki that he would think about it and get back to her in half an hour. When Ketki called Neeraj back in half an hour, he said that he had changed his mind, and that he was willing to go to the pub. Consequently, they decided to meet in the pub at 9 p.m.

Ketki and Neeraj reached the pub at 9 p.m. They had a couple of bottles of beer each, but were not inebriated. The music at the pub was great, and the two of them decided to dance. After dancing for nearly an hour, they had dinner, and then decided to head back home. By that time, it was past midnight, and Neeraj offered to drop Ketki back home. Ketki accepted Neeraj's offer. They called for a cab and headed back to Ketki's apartment. When they got there, Ketki told Neeraj that since it was already quite late, Neeraj should consider staying overnight at her place. She also said that since her roommate was not around, it would not be a problem. Neeraj accepted the invitation, and the two of them went to Ketki's apartment.

On reaching the apartment, Ketki offered Neeraj a cup of coffee. They prepared the coffee together and sat down on the sofa and chatted for a while. It is at this point that their versions of events were in divergence. Ketki filed a FIR a few hours later claiming that Neeraj had raped her. A case was filed under Sections 376(1) of the Indian Penal Code, 1860 (as amended by the Criminal Law (Amendment) Act, 2013). The accused was tried for the said offence.

Testifying in court, Ketki accepted that she was attracted to Neeraj. She said that she was considering dating him, and had enjoyed the evening out with him. Once they returned to her apartment, they chatted for a while. After some time, they kissed. They continued kissing for a few minutes, after which, Neeraj pushed Ketki down on the sofa, took off her dress, and penetrated her vagina with his finger. Ketki did not say anything at that point. However, when she noticed Neeraj taking off his clothes, she realised that he probably wanted to have sexual intercourse with her. She told him that she did not want to have sexual intercourse. She kept saying "Please don't, please don't." However, Neeraj, penetrated Ketki's vagina with his penis, in spite of her protests. Ketki further testified that through the duration of the sexual act, she kept pushing Neeraj, trying to get him off her. Since he was stronger than her, she was not successful. When cross-examined, Ketki admitted that it would not be wrong to say that she implicitly consented to Neeraj penetrating his finger into her vagina. After completing the sexual act, Neeraj got up, and he told Ketki that they had had a good time. Ketki testified that she told him that he had raped her. Neeraj was aghast. He said that he believed that she had consented to the sexual intercourse. Ketki asked him to immediately leave her apartment. Within a few minutes, she proceeded to the police station and filed the FIR.

In his testimony in court, Neeraj admitted that most of the facts that Ketki stated in her testimony were true. He did not dispute the fact that Ketki had told him, as he attempted to have sexual intercourse with her, that she did not want to have sexual intercourse. However, when Ketki appeared to consent to his inserting his finger into her vagina, he believed that she had consented to sexual intercourse as well, which is why he penetrated her vagina with his penis.

Both Ketki and Neeraj had been sent for medical examination by the police. The doctor who examined Ketki testified that she found old tears on Ketki's hymen, which indicated that she was not a virgin on the day of the alleged incident. Further, there were no injuries on her body or her genitals. Vaginal swabs indicated presence of semen. The doctor also testified that she was able to insert two fingers into Ketki's vagina. The doctor who examined Neeraj testified that Neeraj was capable of having sexual intercourse. The doctor did not find any injuries on his body.

You are interning with the judge who has to decide this case. She asks you to prepare a note giving your opinion on whether Neeraj should be convicted for the offence under Section 376(1). Prepare this note, giving your reasoned opinion. Note that Explanation 2 to Section 375 defines consent to mean *"an unequivocal voluntary agreement when the woman by words, gestures, or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act: Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity."* **(6 marks)**

- Q2. In the above case, assume that the trial court convicted the accused of the offence of rape punishable under Section 376(1) of the Indian Penal Code, 1860 (as amended by the Criminal Law (Amendment) Act, 2013). What sentence would you impose on the offender, and why? **(2 marks)**
- Q3. The Justice Verma Committee recommended that Section 354 of the Indian Penal Code be reworded, removing reference to the term "outraging the modesty" of a woman. It noted that the Supreme Court in *Rupan Deol Bajaj v. K.P.S. Gill* had held that the "ultimate test for ascertaining whether modesty has been outraged is the action of the offender such as could be perceived as one which is capable of shocking the sense of decency of a woman," and that such a definition was undesirable, since it brings in subjective assessments in relation to a woman's perceived modesty. It recommended that the offence be viewed as an intrusion on a woman's bodily, and sexual integrity. Do you agree with the Committee's recommendation? Provide a reasoned response, based on the Supreme Court's interpretation of the term "modesty" in the context of the S. 354? **(2 marks)**

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): I-YEAR, II-SEMESTER

First-Term Test, March-2013

Paper 2.4: Political Science-II

Time: 45 Minutes

Total Marks: 10

Instructions:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper except your Roll No.
-

Answer any ONE question from the following.

- Q.1 Elaborate upon the core assumptions of Liberalism as an approach to international politics.
- Q.2 Cosmopolitanism is indispensable for Kantian idea of 'perpetual peace'. Comment
- Q.3 Write short notes on:
- a) Just War Tradition
 - b) Liberal imperialism.

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): I-YEAR, II-SEMESTER

Mid Semester Examinations, April-2013

Paper 2.5: English-II

Time: 45 Minutes

Total Marks: 10

Instructions:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper except your Roll No.
-
- a) **Write your roll number on the top immediately on receipt of this question paper.**
 - b) **Answer ALL questions.**
 - c) **Please follow the word limit: marks may be deducted for exceeding the word limit.**
 - d) **You may use rough space for organizing your answers.**

Q 1. Why was Eliza angry? **(5 Marks-400 words)**

Q 2. According to your study material, what are the 3 Pø of interview? Please elaborate upon them. **(5 Marks-400 words)**