

NATIONAL LAW UNIVERSITY, DELHI

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

Repeat/Improvement Examinations, August-2013

Paper 2.1: Law of Contracts-I

Time: 2½ Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
 2. Attempt all the questions. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper except your Roll No.
 4. **Not more than four pages for each question. One mark per page discredit for exceeding the page limit.**
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- Q1.(a) Define and discuss any five of the following: **(2 Marks Each)**
- I. Invitation to offer
 - II. Consent
 - III. Misrepresentation
 - IV. Consideration
 - V. Agreement
 - VI. Promise
 - VII. Agreement by way of wager.
- (b) A agrees with B to sell his house worth Fifty Crore rupees for fifty thousand rupees. Examine the validity of the contract with the help of case law if any. **(2.5 Marks)**
- Q.2. (a) Define, discuss and distinguish between Indian and common law pertaining to doctrine of consideration with the help of case law. **(8.5 Marks)**
- (b) Discuss the rules regulating the communication of acceptance through post in the formation of contract. **(4 Marks)**
- Q.3.(a) Define and distinguish between coercion and undue influence as free consent interfering elements in the formation of a valid contract with help of case law. **(8.5 Marks)**
- (b) H, the husband threatened his wife, W to commit suicide if she fails to transfer a piece of land for the construction of house to his brother B, who does not have any land to construct the house. The wife, W executed a conveyance deed in favour of B but later challenged same for want of free consent. Decide with help of case law. **(4 Marks)**
- Q.4 a) Explain the nature of minor's agreement with the help of case law. **(8.5 Marks)**
- b) Write a short note on Minor's liability for supply of Necessaries to him. **(4 Marks)**

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Paper 2.2: Law of Torts-II

Time: 2½ Hours

Total Marks: 50

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.

Q1. Mr. Dasarath Singh was a driver of an auto rickshaw owned by Mr. Lalit Singh. The vehicle in question was registered as a public carrier vehicle. This vehicle was insured under comprehensive insurance policy. On 22nd of March, 2013, some unknown passengers hired the above auto rickshaw from rickshaw stand at Anand Vihar Bus Stand. The said auto rickshaw was reported stolen and the dead body of driver was recovered by the local police on the next day but the auto rickshaw was not recovered. Claim of the owner for the loss of auto rickshaw was accepted by the Insurance Company and a sum of Rs.1, 45,000 was settled, by the said company towards the loss suffered by the owner. Mrs Dasarath Singh filed a claim petition, before the MACT Karkardooma, New Delhi, under Section 163A of the Motor Vehicles Act, 1988 claiming damages for the death caused to the deceased during the course of his employment. The insurer argued that the driver had been murdered and there is no casual connection between the murder and use of the motor vehicle. On 15 April 2013 during the pendency of the claim of the dependants before the Tribunal, the said auto rickshaw was found parked at a place near to the Police Station Anand Vihar, New Delhi.

You are required to frame issues and decide the claim support your decision with relevant case law.

(9 Marks)

Q2. The Noida Water Supply Corporation (NWSC) purchased a borehole in 2000 to extract water to supply to the residents of Noida area. In 2010 water of the borehole was tested to ensure that it meets minimum standards for human consumption and discovered that it was contaminated with some inherently dangerous chemicals. Therefore the NWSC discontinued the supply of water from that borehole, which has resulted in huge losses to it. On investigation, it emerged that the chemicals came from the Alex Leather Industries (ALI), which is located about 2.Km from the borehole. The ALI, Noida, State of UP, set-up in 2009, engaged in production of some chemicals, have been transporting waste chemicals by fork lift truck into a cemented underground tank. The NWSC claims damages, before the Civil Court against the ALI under the doctrine of the strict liability or alternatively under the absolute liability. The NWSC contests that the ground water has been polluted by the escape of such chemical from the premises of the ALI. The ALI contends that the company has been dumping the chemical into a sump and there was no evidence of any spills, from the tanks or pipes, outside the premises of the Industry. The ALI further argues that it is not negligent, so neither liable under absolute liability nor under the strict liability.

Decide the dispute; support your decision with decided cases.

(9 Marks)

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Q.3 Mr. Ajit engaged Mr. Ashok to install air conditioning machine in Mr. Ajit's factory. Mr. Ashok subcontracted ducting work to Mr. Rahul. Rahul contracted with Mr. Lalit to provide fitters and fitters' mates on a labour only basis. A fitter's mate supplied by Mr. Lalit, who was working with a fitter supplied by Mr. Lalit, negligently caused a flood in the premises of the factory. Both fitter and fitters mate were also subject to the supervision of another fitter appointed by Mr. Rahul. Mr. Ajit filed a suit to claim compensation for the loss caused by the negligent act of the persons employed by Mr. Rahul and Mr. Lalit. Mr. Rahul urged Mr Lalit is vicariously liable for the fitter's mate. Mr. Lalit has submitted that dual vicarious liability was not a legal possibility and Mr. Rahul should be liable. Mr. Rahul submitted that Mr. Lalit should be liable and dual vicarious liability is a legal possibility.

Whether, both, Mr. Rahul and Mr. Lalit, or only one of them, could be vicariously liable for the negligence of the fitter's mate? **(7 Marks)**

Q.4 Discuss the essential conditions of tort of defamation.

Is A liable for the tort of defamation in the following cases:

- (i) A is not having good relations with his father-in-law. In order to defame him, A tells his wife, *your father is of bad character and has an extra-marital affair with his colleague*
- (ii) A tells his unmarried sister that she should not mix with B because B is notorious gambler. The statement is false but A believes it to be true.

Give reasons in support of your answer.

(8 Marks)

Q.5 Comment on consumer's right to safety and right to redressal by referring to the relevant provisions of Indian law in this area. **(6 Marks)**

Q.6(a) The law on the recovery of compensation for pure psychiatric harm is a patchwork quilt of distinctions which are difficult to justify. Comment.

- (b) Due to negligence of A, X and his three sons met with a road accident. X and his two sons got severely injured whereas one child was killed. At the time of accident, wife of X was two miles away from the site of accident. On being told of the accident, she rushed to the hospital where she saw the injured husband and children and came to know about the death of one child, as a result of which she suffered severe nervous shock.

She files a suit against A seeking compensation. Decide.

(3+3=6 Marks)

Q.7 A a passenger on a redline bus, refused to pay his fare although he had money to do so. B the conductor, prevented A from leaving the bus until he should pay the fare. After about 20 minutes, A paid under protest. Examine liability of B under law of tort. **(5 Marks)**

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Paper 2.3: Criminal Law-I

Time: 2½ Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
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- Q1. Explain the subtle difference between Culpable Homicide not amounting to murder and Voluntary causing Grievous hurt. **(10 Marks)**
- Q2. Distinction between Culpable homicide and murder depends upon the degree of intention and knowledge with which the death is caused. Liability is determined according to the facts and circumstances of each case considering the nature of weapon used, nature of injuries (single or multiple) and other allied factors. Elucidate in the light of State of Andhra Pradesh V. Punnya 1977 SC 45. **(10 Marks)**
- Q3. What is meant by the term "grave and sudden provocation"? Have the courts given this term a different meaning in the statute? Explain with the help of decided cases. **(10 Marks)**
- Q4. A, girl of sixteen years leaves her father's house in consequence of ill treatment and goes to B's house. B persuades her to return back, but she refuses to return to her father's house and stays with B. After two days, the police recover A from B's house. B is charged u/sec 363 of IPC. Discuss B's liability. Can a petulant behavior on part of the minor leaving the house, equated with abandoning the guardianship? Discuss. **(10 Marks)**
- Q5. (a) Explain the principles of law laid down in K N Mehra's case. Do you agree with the judgment of the court in holding the accused guilty of theft? Explain. **(5 Marks)**
- (b) When theft and extortion become the robbery? Discuss with examples. **(2.5 Marks)**
- (c) A, a resident student of NLU finds a 500 rupees note on the road going to girl hostel, not knowing to whom it belongs appropriates it to his own use; A afterwards discovers that it belongs to B. A is guilty of which offence under the IPC? Give reasons for your answer. **(2.5 Marks)**

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Paper 2.4: Political Science –II

Time: 2½ Hours

Total Marks: 50

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.

All questions carry equal marks.

Answer any five questions.

- Q.1 Was *Kant Just* an idealist philosopher or did he have solid understanding of International Relations?
- Q.2 How did neo-liberalism emerge?
- Q.3 Why do Marxists believe that Capitalism cannot be adequately understood as a domestic phenomenon? How does this belief reflect in the theories of imperialism?
- Q.4 How does the processes of globalization challenge the dominance of realism/neo-realism in international relations?
- Q.5 How has modernity altered the character of religious communities in India?
- Q.6 Discuss *Marc Galanter's* approach of compensatory discrimination towards the disadvantaged groups in India.

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Paper 2.5: English-II

Time: 2½ Hours

Total Marks: 50

Instructions:

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

Where appropriate, write your answer in numbered points.

- Q.1 Write a letter to a leading law firm in response to their advertisement requiring an associate. You may assume the details.
- a. Use either the -Modified Block Form or -Full Block Form
 - b. Mention the style used by you and describe its features.
- (7+3=10 Marks. Answer in approximately 280+120 words)**
- Q.2 Write a note on **Para Language** (or **paralinguistic communication**). Discuss its features, advantages and limitations. **(10 Marks. Answer in approximately 400 words)**
- Q.3 Can a human being be a masterpiece of another? Discuss in the light of the play -Pygmalion- **(10 Marks. Answer in approximately 400 words)**
- Q.4 In the play -The Silver Box- what type of relationship does Jack have with his father? Do you think that he is a spoilt brat? What would have helped Jack more: love or punishment from his father? **(10 Marks. Answer in approximately 400 words)**
- Q.5 Enumerate and discuss the suggestions given in your study material on: -How to Overcome Stage Fright- **(10 Marks. Answer in approximately 400 words)**