

**B.A.,LL.B (Hons.) DEGREE SECOND SEMESTER EXAMINATION,
JANUARY 2021**

HISTORY OF STATUTORY LAW AND PRESUMPTIONS

Duration : 10.00am - 12.30 pm

Maximum Marks: 30

Answer All questions. Each question carry Six marks (5*6 =30 Marks)

Question 1 (Time 10 a.m-10.30 a.m (20 minutes for writing and 10 minutes for uploading)

1. a) Explain the early history and various stages of development of Equity and its relation to the Common Law courts. Did the Equity and Common Law converge at any point in time?

OR

- b) What is codification and what are the benefits of codification of law? Trace the legal history behind the codification of law in England.

Question 2 Time 10.30 a.m-11.00 a.m (20 minutes for writing and 10 minutes for uploading)

2. a) “The English brought into India not only the mass of legal rules strictly known as the common law but also their traditions, outlook, and techniques in establishing, maintaining and developing the judicial system.” Comment in the light of incorporation of common law and equitable principles into the Indian legal system.

OR

- b) Explain the various factors that contributed to the codification of law in India. What were the major contributions of the First Law Commission in this regard?

Question 3(Time 11.00 a.m-11.30 a.m (20 minutes for writing and 10 minutes for uploading)

3. a) Trace the historical development of the doctrine of *mens rea* by comparing and contrasting the interpretations put forward by Professor Francis Sayre and Professor Gardner.

OR

b) What is estoppel and how is it distinguishable from an irrebuttable presumption. Discussing the various types of estoppel recognised in law, explain the various stages of the development of this doctrine in England.

Question 4((Time 11.30 a.m-12.00 p.m (20 minutes for writing and 10 minutes for uploading)

4. a) Explain the evolution of the doctrine of double jeopardy and the three theories expounding the factors that contributed to its introduction into the Common Law. How is this concept reflected in the Indian legal system?

OR

b) Explain the development of the doctrine of *respondeat superior* in the context of criminal responsibility for the acts of another.

Question 5(Time 12.00 p.m-12.30 p.m (20 minutes for writing and 10 minutes for uploading)

5. a) What are presumptions? Explain the various types of presumptions recognised in law with the help of case laws.

OR

b) Explain the scope of the 'presumption of constitutionality of statutes' in the light of decided cases.