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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATIONS

Sem & AY: Odd Sem. 2019-20

Course Code: BAL 205

Course Name: SOCIOLOGY OF INDIA

Program & Sem: BA.LL.B. (Hons.) & III

Date: 18.10.2019

Time: 2:00PM to 4:00PM

Max Marks: 60

Weightage: 30%

Instructions:

- i. Read the questions carefully and answer all questions.
- ii. Support your answers with case laws and reasoning where needed.

Part A [Memory Recall Questions]

Answer all the Questions. Each sub Question carries five marks. (5Qx5M=25M)

1. Write short note on: (C.O.NO.1) [Knowledge]
 - a. Law is the instrument of social change
 - b. Religion and law
 - c. National Commission for Minorities
 - d. Impact of common law system in Indian legal system
 - e. Law and Morality

Part B [Thought Provoking Questions]

Answer both the Questions. Each Question carries ten marks. (2Qx10M=20M)

2. Describe the interplay between law and social transformations tracing historical background. (C.O.NO.2) [Comprehension]
3. Elaborate the inter-relationship of law and language with special reference to Constitution of India. (C.O.NO.2) [Comprehension]

Part C [Problem Solving Questions]

Answer the Question. Question carries fifteen marks.

(1Qx15M=15M)

4. The Santhara, which means a fast unto death, is a practice prevalent in Shvetambara group of Jain community. According to the petitioner, it is a religious fast unto death on the pretext that when all purpose of life have been served, or when the body is unable to serve any purpose of life, the Santhara will obtain Moksha (salvation). A person, after taking vow of Santhara stops eating and even drinking water and waits for death to arrive. It is submitted that the Santhara is religious thought, which has no place under the law of the land. The Constitution of India guarantees right to life, and protects the life of an individual. The right to freedom of religion under Article-25 in Part-III-Fundamental Rights, is subject to public order, morality and health and to the other provisions of this Part, which includes Article 21. All persons are entitled to freedom of conscience and the right freely to profess, practice and propagate religion. A practice, however, ancient it may be to a particular religion, cannot be allowed to violate the right to life of an individual.

- Whether religious beliefs pose threat to secular character of Constitution of India? Comment on the inter-relationship of law and religion with the help of above statement. Cite case laws.

(C.O.NO.3) [Application]



SCHOOL OF LAW



Semester: Odd Sem 2019-20

Course Code: BAL204

Course Name: SOCIOLOGY OF INDIA

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (%age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels	[Marks allotted]	
			K	C	A	
1	CO1- 25	Module:1: Introduction Module: 2: Law, Religion, Regionalism, Community and Language	25			25
2	CO2- 15	Module: 2: Law, Religion, Regionalism, Community and Language		15		15
3	CO2- 15	Module:1: Introduction		15		15
5	CO3- 15	Module: 2: Law, Religion, Regionalism, Community and Language	Application		15	15

Total Marks	60					60
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K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines. [Amlanika Bora]

Reviewer's Comments:

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Odd Sem 2019-20

Course Code: BAL204

Course Name: SOCIOLOGY OF INDIA

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Part A

(5Qx 5M = 25Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.a	Meaning of law tradition and culture, how tradition and culture influences law	5	6
1.b	Meaning of secularism, constitutional provision	5	6
1.c	Official Languages Commission (India) is a commission	5	6

	<p>which was constituted by the President of India in pursuance to the provisions stated in the Article-344 of the Indian Constitution.</p> <p>Functions of the Commission</p>		
1.d	<p>Laws are generally based on the moral principles of a particular society. Some points of distinction may be brought out as follows: (a) Laws regulate external human conduct whereas morality mainly regulates internal conduct. (b) Laws are universal; morality is variable.</p>	5	6
1.e	<p>Law is often used as an instrument of social reform. The Untouchability (Offences) Act, the Hindu Code Bill. The sarda Act, the Prohibition Act are examples in this context.</p> <p>Impact of Common Law system in India</p>	5	6

Part B

(2Q x 5M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
2	Interrelationship of law and language, significance of	10	30

	language, Constitutional provisions, Case laws		
3	Meaning of Law and Social Transformation, Views of various jurists belonging to various schools of jurisprudence about law, Analysis of how law brings social transformation and how society bring social transformation, case laws	10	30

Part C

(1Q x 15M = 15Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
4	Meaning of religion and secularism, analysis and example of religion controlling society, constitutional provisions, case laws	15	30



Roll No

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Course Code: BAL 205

Course Name: SOCIOLOGY OF INDIA

Program & Sem: B.A.LL.B. (Hons.) & III

Date: 24 December 2019

Time: 9.30 AM to 12.30 PM

Max Marks: 80

Weightage: 40%

Instructions:

- (i) Read the all questions carefully and answer accordingly.
(ii) Support your answers with case laws and reasoning where needed.

Part A [Memory Recall Questions]

1. Answer all the Questions. Each Question carries 2 marks.

(10Qx2M=20M)

(C.O.No.1, 2) [Knowledge]

- a. What is Alternate Dispute Resolution (ADR) system? (C.O.No. 2)
- b. Cite two functions of National Commission for women. (C.O.No. 1)
- c. What is the official language of the Union and which Article of Constitution of India provides for the same? (C.O.No. 1)
- d. What do you mean by Secularism with respect to India? (C.O.No. 1)
- e. What do understand from the statement that 'Law is the product of traditions and culture'? (C.O.No. 1)
- f. How prison reform can be brought in India? (C.O.No. 1)
- g. Cite two Fundamental Duties under Constitution of India. (C.O.No. 1)
- h. What is social transformation? (C.O.No. 1)
- i. What do you mean by naxalism? (C.O.No. 1)
- j. Which Article of the Constitution of India provides for Fundamental Right to Education of Children and prohibition of child labour under Constitution of India? (C.O.No. 1)

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 10 marks.

(3Qx10M=30M)

2. Discuss the concept of regionalism with its positive and negative impacts on social transformation with special reference to India. [10 M] (C.O.No.1, 3, 5) [Comprehension]
3. Discuss in detail the Fundamental Duties provided under constitution of India, highlighting it's importance in bringing social change. [10M](C.O.No.1,2,3) [Comprehension]
4. Write short note on: [5+5 M](C.O.No.1, 2, 3) [Comprehension]
 - a. Alternative Dispute Resolution
 - b. Issue of Sexual Exploitation of Children in India

Part C [Problem Solving Questions]

Answer both the Questions. Each Question carries 15 marks.

(2Qx15M=30M)

5. Nilima (age- 35 years), a married Hindu woman, wants to adopt a boy child (age- 16 years) with the permission of his parents.
 - a. Can she do so under the Hindu Adoption and Maintenance Act, 1956? Discuss with the help of relevant provision. [7M]
 - b. Write a note on Adoption, law and social change with reference to India. [8M]
(C.O.No.2,3,5) [Application]
6. Mrs. Rinju has been residing at the ground floor with her family at 'Vajram Apartments' since 1995, whereas Mr. Abdul has been residing at the first floor since 2010. Mrs Rinju used to leave her girl child (age-10 years) alone at her house sometimes, whereas she, her husband used to go for their respective jobs. On 27.11.2019, when she returned back in the evening at about 6.30 pm, then the girl child told her that the Mr Abdul had taken her to his room and bolted the door from inside. There, he disrobed himself and then molested her. When she tried to raise alarm, he gagged her mouth. Mrs Rinju wants to file a case against Mr Abdul.
 - a. Which law will be applicable in this case? Advise Mrs Rinju. [7M]
 - b. Write a note on protection of Child rights in India with special reference to Constitution of India. [8M](C.O.No.2, 3, 5) [Application]



SCHOOL OF LAW

END TERM FINAL EXAMINATION

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (% age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			[Marks allotted]	[Marks allotted]	[Marks allotted]	
			Bloom's Levels	Bloom's Levels	[Marks allotted]	
			K	C	A	
1	CO1, CO2	ALL MODULES	20			20
2	CO1, CO3, CO 5	Module: 2: Law, Religion, Regionalism, Community and Language		10		10
3	CO1, CO3, CO 5	Module: 3: Women, Children and the Law		10		10
4	CO1, CO3, CO 5	Module: 4: Modernization and the Law		5+5		10
5	CO2, CO3, CO5	Module: 3: Women, Children and the Law			15	15
6	CO2, CO3, CO5	Module: 3: Women, Children and the Law			15	15
Total Marks						80

K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

Faculty Signature:

Reviewer Comment:

Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Odd Sem. 2019-20

Course Code: BAL205

Course Name: SOCIOLOGY OF INDIA

Program & Sem: BBALLB/BALLB/BCOMLLB (Hons.)/III Sem

Date: 24.12.2019

Time: 9.30am-12.30pm

Max Marks: 80

Weightage: 40%

Part A

(10Q x 2M = 20Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1. a	Alternative Dispute Resolution ("ADR") refers to any means of settling disputes outside of the courtroom. ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration etc.	2	6 Min
b	Review the Constitutional and Legal safeguards for women ; Recommend remedial legislative measures ; Facilitate redressal of grievances and Advise the Government on all policy matters affecting women.	2	6 Min
c	Article 343 (1) states that the official language of the Union shall be Hindi in Devanagari script	2	6 Min
d	Secularism in India, thus, does not mean separation of religion from state. Instead, secularism in India means a state that is neutral to all religious groups. Preamble of the Constitution of India reflects secularism as an ideal of constitution of India.	2	6 Min

	Article 25-27 of COI provides for fundamental right to freedom of religion to all the people in India.		
e	<p>Thus when the state makes laws granting reservations of certain facilities and opportunities to classes of citizens who have been oppressed and denied equality for centuries, it demonstrates how the erstwhile values rooted in tradition are yielding to new ones reflecting- the contemporary constitutional culture. Such opportunities evoke protest from sections of the people who continue to cherish and value traditions embodying age-old practices in a way that is similar to the response of traditionalists to any attempts at a fresh look at the time bound traditions of Indian classical music.</p> <p>Thus the culture, tradition, and values of a society not only form the foundation of the laws that govern it, but changes in values and traditions with the passage of time also influence and bring about fresh legislation reflecting the changed ethos of a society, underlining the ever-present link between culture and law.</p>	2	6 Min
f	<p>Many reforms can be made in jail administration, which are mainly:</p> <p>Maintaining proper hygiene, providing education facilities, providing medical care etc.</p>	2	6 Min
g	<p>To abide by the Constitution and respect its ideals and institutions</p> <p>To uphold and protect the sovereignty, unity and integrity of India</p>	2	6 Min
h	Social transformation is the process by which an individual alters the socially ascribed social status of their parents into a socially achieved status for themselves. However, another definition refers to large scale social change as in cultural reforms or transformations.	2	6 Min
i	It is considered to be the far-left radical communists; the Naxals support Maoist political sentiment and ideology. It was started in West Bengal and the movement slowly spread across the Eastern India in less developed areas of rural central and eastern India, such as Chhattisgarh, Odisha and Andhra Pradesh. The movement has rapidly found roots among displaced tribes and natives who are fighting against exploitation at the hands of major Indian corporations and local officials whom they believe to be corrupt.	2	6 Min
j	Article 21-A, 24	2	6 Min

Part B

(3Q x 10M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
2	<ul style="list-style-type: none"> As a historical factor in Indian polity regionalism has been dealt in different ways by different Scholars and in different social conditions. 	5+5	20 Min

	<ul style="list-style-type: none"> • Recently, India has been witnessing the onset of the democratic processes that have resulted in the reconfiguration of its politics and economics. • There have been struggles around the assertiveness and conflicting claims of the identity groups and of struggles amongst them, often fought out on the lines of region, religion, language (even dialect), caste, and community. • Regionalism in Pre-Independent India • Categorical Division of Post Independent India • Regionalism in India after Independence • Regionalism as a sub state movement • Reasons of growth of regionalism in India, eg: <ul style="list-style-type: none"> * Regionalism evolved when the national government tries to impose a particular ideology may be language or culture pattern over a particular state. This is evident from the Anti-Hindi movement in the South Indian states as well as the Anti-foreigner Movement in Assam both were launched in order to protect their own culture. * The continuous neglect of an area or Reason by the ruling party and concentration of Administration and political party has also given rise to the demand for decentralization of authority and bifurcation of and unilingual States. 		
3	<p>a. Article 51-A: It shall be the duty of every citizen of India</p> <ol style="list-style-type: none"> a. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; b. to cherish and follow the noble ideals which inspired our national struggle for freedom; c. to uphold and protect the sovereignty, unity and integrity of India; d. to defend the country and render national service when called upon to do so; e. to promote harmony and the spirit of common brotherhood amongst all people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women; 	5+5	20 in

	<p>f. to value and preserve the rich heritage of our composite culture;</p> <p>g. to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;</p> <p>h. to develop the scientific temper, humanism and the spirit of inquiry and reform;</p> <p>i. to safeguard public property and to abjure violence;</p> <p>j. to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of Endeavour and achievement.</p> <p>Subsequently, another duty was added by the 86th Constitutional Amendment Act of 2002:</p> <p>k. who is a parent or guardian to provide opportunities for education of his child, or as the case maybe, ward between the age of six and fourteen years.</p>		
4	<p>a. Alternative Dispute Resolution ("ADR") refers to any means of settling disputes outside of the courtroom. ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration</p> <p>b. Historically, CSA has been a hidden problem in India, largely ignored in public discourse and by the criminal justice system. India is second most populous country in the world and latest Census reveals that it's a home to 17% of the world's population. Nearly 19% of the world's children live in India, which constitutes 42 % (more than one third) of India's total population and around 50% of these children are in need of care and protection. Signing up to the United Nations Convention on the Rights of the Child in 1992, India promised to protect its children from all forms of sexual exploitation and sexual abuse. The Convention enjoins state machinery to prevent the inducement or coercion of a child to engage in any unlawful sexual activity. Protection of Children against Sexual Offences Act, 2012 (POCSO Act).</p>	5+5	20 Min

Q No	Solution	Scheme of Marking	Max. Time required for each Question
5	<p>a. No, Age difference shall be 21 years- Sec 11(3) of HAM Act</p> <p>b. According to section 2(aa) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, “adoption means the process through which the adopted child is permanently separated from his biological parent and becomes the legitimate child of his adoptive parents with all right, privileges and responsibility that are attached to the relationship”.</p> <p>Indian citizens who are Hindus, Jains, Sikhs, or Buddhists are allowed to formally adopt a child. The adoption is under the Hindu Adoption and Maintenance Act of 1956 that was enacted in India as a part of the Hindu Code Bills. It brought about a few reforms that liberalized the institution of adoption.</p> <p>A few provisions of HAM Act and case laws</p>	7+8	30 Min
4	<p>a. The Protection of Children from Sexual Offences Act, 2012 will be applicable.</p> <p>Case Laws</p> <p>b. Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A)</p> <p>Right to be protected from any hazardous employment till the age of 14 years (Article 24)</p> <p>Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e))</p> <p>Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f))</p> <p>Right to early childhood care and education to all children until they complete the age of six years (Article 45)</p> <p>Besides, Children also have rights as equal citizens of India, just as any other adult male or female:</p> <p>Right to equality (Article 14)</p>	7+8	30 Min

	<p>Right against discrimination (Article 15)</p> <p>Right to personal liberty and due process of law (Article 21)</p> <p>Right to being protected from being trafficked and forced into bonded labour (Article 23)</p> <p>Right of minorities for protection of their interests (Article 29)</p> <p>Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)</p> <p>Right to nutrition and standard of living and improved public health (Article 47)</p>		
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