

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)

Semester End Examination (February, 2019)

Subject Code: 5.1 Economics - III

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. What do you mean by financial system? Explain the different components of a formal financial system.
2+8=10 Marks
2. Define Exchange Rate. How it is determined? In this context explain the difference between Fixed and Flexible Exchange rate. Also mention the importance of Appreciation/Revaluation and Depreciation/Devaluation in determination of Exchange Rate.
1+4+2+3=10 Marks
3. What is Public Finance? Make a comparative study between Public and Private Finance analyzing both similarities and differences between the two.
2+4+4=10 Marks
4. Explain the idea of Equal Absolute Sacrifice and Equal Marginal Sacrifice of subjective approach of the Ability to Pay Theory of Taxation. Mention two limitations of the theory.
8+2=10 Marks
5. Mention two important Canons of Public Expenditure. Describe the effects of Public Expenditure on Production and Distribution.
2+4+4=10 Marks
6. What do you mean by Government Budget? Explain the different types of a government budget.
2+8=10 Marks

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)

Semester End Examination (February, 2019)

Subject Code: 5.2 Constitutional Law - II

Time: 2:00 Hrs.

Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. Briefly discuss the functions assigned to the Parliament of India by the Constitution. Does Lok Sabha enjoys any special status comparing to that of Rajya Sabha as to their functions? Provide reason in support of your answer. 8+2=10 Marks
2. Explain briefly the powers, functions, privileges and the discretions (if any) of the President of India. Whether the Governor of a State enjoys more powers and privileges than the President of India under the Constitutional scheme? Elaborate with the help of relevant Constitutional provisions and judicial interpretations. 7+3=10 Marks
3. Discuss the law and constitutional practices relating to the appointment of a Judge of the Supreme Court and the High Courts of India. Can a Judge of a High Court be transferred to another High Court in India? Cite relevant Constitutional provisions and judicial interpretations in support of your answer. 8+2=10 Marks
4. Provide a brief analysis of the constitutional division of legislative powers between the Parliament and the State Legislatures in India. Can the Parliament legislate on a subject mentioned in the State List? Provide justification in support of your answer. 7+3=10 Marks
5. Briefly discuss the constitutional provisions specially dealing with the protection of people belonging to SC, ST, and Linguistic & Religious Minority Communities in India stating the need and justification for the same. 7+3=10 Marks
6. Write short notes: 5+5=10 Marks
 - (a) Finance Commission
 - (b) State Legislative Council

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)
Semester End Examination (February, 2019)
Subject Code: 5.3 Family Law - II

Time: **2:15 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. Arman Irani married Dinaz Khambata in 1950. They had four children Cyrus, Danyal, Farhad and Khushnuma. Dinaz lost her life while delivering her last child. While Cyrus married Perizad, Danyal married Farha. Farhad married Vahbiz and Khushnuma remained a spinster. Vahbiz's son Sami married Tehmina. Delnaz got married to Aslan, Perizad's son. Farha's husband expired in 1990 alongwith his brother Farhad in a car accident. Aslan and Sami also died within one month of each other in 2002. Cyrus committed suicide in 2004. Arman died in 2005 after suffering from leukemia for a long time. Applying the law governing succession of property left behind by a Parsi dying intestate, assign shares to the living heirs of Arman Irani with appropriate reasons and statutory provisions.

10 Marks
2. Examine the validity of the bequests and decide who will get the bequest in the following cases. Explain with the help of appropriate statutory provisions and reasons.
 - (a) J bequeaths to K "my agricultural lands located in L and in the occupation of D". J had lands lying in L, some of which were in the occupation of D, and some not in the occupation of D".
 - (b) M bequeaths his diamond ring "to P or to Q". P and Q both survive M.
 - (c) O has two friends who bear the same name Z. O bequeaths his house "to his friend Z".
 - (d) A has three children X, Y and Z of whom Y and Z are legitimate children and X is an illegitimate child. His will directs that his property should be equally divided among "my children" without specifying any name.
 - (e) F bequeaths her property to G on condition that he must marry E. E is already married.

2x5=10 Marks
3. The Islamic law governing Wasayat is quite peculiar in its own way. Discuss the essentials of Wasayat while differentiating between Sunni and Shia law requirements throughout.

10 Marks

4. Blake Carrington and Crystal Carrington were happily married for ten years and had two children Fallon and Stevan. Crystal cheated on Blake with Matthew, which resulted in Blake divorcing her. Crystal went on to marry Matthew and had a son Sammy with him. Blake also found love in Alexis and married her. Alexis and Blake's happiness was short-lived as they died in a plane crash shortly after the birth of their son, Hank. While Fallon went on to marry Liam, Stevan married Kirby and had a baby girl, Sue. Fallon was widowed shortly after her marriage, though. Sammy married Leta and had a son, Axl. Hank also married Claire and had a baby boy, Brick. Matthew succumbed to melanoma in 2017. Fallon was impregnated following a casual encounter and in her attempt to abort the eighteen-week-old foetus, lost her life in 2018. Applying the law governing succession of property left behind by a Christian dying intestate, assign shares to the living heirs of Fallon Carrington with appropriate reasons and statutory provisions.

10 Marks

5. (a) Elaborate on the heirs of a Sunni as well as a Shia Muslim.

- (b) Rukaiya was married to Jalal in 1952 and had a daughter Saifunnisa. Salim married Saifunnisa and had two children, Shabnam and Sohail. Shabnam married Zain while Zubeida was married to Sohail. Zubeida lost her life in childbirth after having delivered a stillborn child. Jalal had died earlier in 2016. Saifunnisa succumbed to acute pneumonia in 2018. Applying the principles of Sunni law of inheritance, exhaust the property left behind by Saifunnisa among her heirs.

4+6=10 Marks

6. Write short notes on the following:

5+5=10 Marks

- (a) Uniform Civil Code and Hindu Succession Laws
(b) Stridhana – before and after Hindu Succession Act, 1956

TABLE OF SHARERS IN SUNNI LAW

Sl. No.	Sharers	Normal Share of One	Normal Share of two or more collectively	Conditions under which the normal share is inherited	This Column sets out: (A) Shares of Sharers as varied by special circumstances (B) Conditions under which sharers succeed as Residuaries.
1	FATHER	1/6	--	When there is an agnatic descendant	When there is no agnatic descendant the father inherits as a residuary.
2	TRUE GRANDFATHER	1/6	--	When there is an agnatic descendant & no father or nearer true grandfather	When there is an agnatic descendant the true grand father inherits as a residuary, provided there is no father or nearer true grandfather.
3	HUSBAND	1/4	--	When there is an agnatic descendant	½ When no agnatic descendant
4	WIFE	1/8	1/8	When there is an agnatic descendant	¼ When no agnatic descendant
5	MOTHER	1/6	--	(a) When there is an agnatic descendant or (b) When there are two or more siblings, whether full, consanguine or uterine.	1/3 When no agnatic descendant and not more than one sibling (if any); but if there is a combination of mother with wife or husband and the father then only 1/3 of what remains after deducting the spouse's share.
6	TRUE GRAND MOTHER	1/6	1/6	a) Maternal-When no mother, and no nearer true grandmother either paternal or maternal. b) Paternal-When no mother, no father, no nearer true grandmother either paternal or maternal, and no intermediate true grandfather.	
7	DAUGHTER	1/2	2/3	When no Son	With the son she becomes a residuary
8	SONS DAUGHTER h.l.s	1/2	2/3	When no (1) Son, (2) Daughter (3) Higher Son's Son, (4) Higher Son's daughter, or (5) Equal Son's son	When there is only one daughter, or higher son's daughter but no (1) Son, (2) Higher Son's Son, or (3) Equal Son's Son, the daughter or higher son's

Sl. No.	Sharers	Normal Share of One	Normal Share of two or more collectively	Conditions under which the normal share is inherited	This Column sets out: (A) Shares of Sharers as varied by special circumstances (B) Conditions under which sharers succeed as Residuarys.
	(i) Son's Daughter	1/2	2/3	When no (1) Son, (2) Daughter or (3) Son's son	daughter will take 1/2 and the son's daughter h.l.s., (whether one or more) will take 1/6, 2/3, 1/2 (with and equal son's son she becomes a residuary When there is only one daughter, the son's daughter (whether one or more) will take 1/6, if there be no son or son's son. With the son's son she becomes a residuary.
	(ii) Son's Son's Daughter	1/2	2/3	When no (1) Son, (2) Daughter (3) Son's Son, (4) Son's daughter, or (5) Son's son's son.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6, if there be no (1) Son (2) Son's son (3) Son's son's son. With the Son's son's, she becomes a residuary.
9	UTERINE BROTHER OR SISTER	1/6	1/3	When no (1) Child, (2) Child of a son h.l.s., (3) Father of (4) True Grandfather.	
10	FULL SISTER	1/2	2/3	When no (1) Child, (2) Child of a son h.l.s., (3) Father (4) True Grandfather, or (5) Full Brother.	With the full brother she becomes a residuary
10	CONSANGUINE SISTER	1/2	2/3	When no (1) Child, (2) Child of a son h.l.s., (3) Father (4) True Grandfather (5) Full Brother (6) Full Sister, or (7) Consanguine Brother.	But if there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. With the consanguine brother she becomes a residuary.

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)
Semester End Examination (February, 2019)
Subject Code: 5.4 Code of Criminal Procedure

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

Answer any five questions from the following. All questions carry equal marks.

1. Distinguish between bailable and non-bailable offences. An accused is arrested in a bailable offence and he is released on bail. During trial, he absconds and non-bailable warrants are issued against him. The Police arrests him and produces him before the court. The Defense Council pleads for his release on bail under Section 436(1) of Cr. P.C. which provides that a person accused of a bailable offence shall be released on bail. Can the Court, in such circumstances, refuse to release him on bail?
2. Can a private person arrest a person? If yes, under what circumstances? A police officer has come to know that certain persons sitting in a house equipped with arms are planning to commit a dacoity. The police officer approaches the house and arrests all the persons without getting any order from the magistrate and without any warrant. Examine the validity of their arrest.
3. A lady files a petition in terms of Section 125 of Criminal Procedure Code claiming maintenance from her husband before the concerned court. The Court awards her monthly maintenance of Rs. 10,000. Husband does not pay claiming inability to pay as the maintenance is excessive and he is out of employment. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
4. State the law of "remand" prescribed in Section 167 of the Code of Criminal Procedure, 1973. An incident of murder happens under jurisdiction of a police station. The police station in-charge starts investigation in the case. The aggrieved party approaches the concerned Judicial Magistrate to complain against the irregularities being committed by the in charge of police station during investigation. Can magistrate order to stop investigation?
5. When can an appeal lie under the Criminal Procedure Code, 1973? Is the State Government entitled to file an appeal against the order of acquittal of the accused? What is its procedure?

6. Referring to statutory provisions, discuss the validity of the following:
- (a) A Magistrate in a summary trial proceeding on conviction passes sentence order for 4 months imprisonment.
 - (b) A person arrested on accusation of bailable offence is not released on bail by the police officer, though the person is ready to furnish bail.
 - (c) 'X' is tried for a charge of theft as a servant and acquitted. Can he be charged again with criminal breach of trust on the same facts?
 - (d) The court convicted 'Y' to pay fine of Rs. 50/- thereafter 'Y' files an appeal.
 - (e) The High Court of Guwahati passed death penalty in an appeal against acquittal of 'X' by the Session Court and 'X' files an appeal in the Supreme Court.

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)

Semester End Examination (February, 2019)

Subject Code: 5.5 Corporate Law - I

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

Answer any five questions from the following. All questions carry equal marks.

1. (a) *"It is a promoter who undertakes to form a company with reference to a given project and to set it going and takes the necessary steps to accomplish that purpose"*. In the light of the above statement elaborate on the role of a promoter in the formation of a Company?
(b) Does the role of a promoter in a company finishes after incorporation? Explain.
2. (a) What are the basic facets of formation and incorporation of a company? Support your answer from relevant provisions of Companies Act 2013.
(b) How is the formation of one Person Company different from sole proprietorship?
3. What is the importance of Articles of Association (AOA) for a company? What is the procedure for the alteration of articles for a Company?
4. (a) What do you mean by the share capital of a company?
(b) What is the procedure laid down in the Companies Act 2013 for subscription of shares by a Company?
5. What are the characteristics of a debenture? What is the difference between debenture holder and a shareholder?
6. Write short notes on **any two** of the following:
 - (a) Doctrine of Ultra Vires
 - (b) Dividend
 - (c) Perpetual Succession of a Company

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2018-19)
Semester End Examination (February, 2019)
Subject Code: 5.6 Property Law

Time: 2:00 Hrs.
Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

Answer any five questions from the following. All questions carry equal marks.

1. Explain Doctrine of Fraudulent transfer with exceptions. 10 Marks
2. "An old lady believing that her rights in the property were not absolute, contracted to sell it at much less price. But the buyer knew that her title was perfect. Despite his knowledge about absolute interest of that lady, the buyer does not disclose it to her." Discuss various rights and duties of seller and buyer under sale. 10 Marks
3. A mortgage deed contained two distinct and independent terms viz. (1) that the mortgage shall not be redeemed for eight-five years and (2) that it could be redeemed only after that period and within six months, thereafter, failing which the mortgagor will cease to have any claim on the mortgage property and the mortgage deed would be deemed to be a deed of sale in favor of the mortgage. State giving reasons, whether both or any of the terms in the mortgage deed amount to a clog on the equity of redemption. 10 Marks
4. What is a Lease? What are the essential elements of a Lease under Transfer of Property Act? Discuss how a lease is determined. (2+3+5=10 Marks)
5. Discuss essential elements of a valid Gift. How can a Gift be suspended or revoked under Transfer of Property Act? 5+5=10 Marks
6. What is an Easement? What are the different types of Easement and what is Easement by prescription? (2+4+4=10 Marks)
