

NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): III-Year, V-Semester (Academic Year: 2019-20)

Semester End Examination (December, 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.
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Answer any five questions from the following. All questions carry equal marks.

1. Does the burden of internal public debt differ from that of external public debt? What are the causes for growth in public debt?
8+2=10 Marks
2. Why Public Expenditure has increased at an alarming rate in recent times? Mention how public expenditure policies can have impact on the ability and willingness of the people to work save and invest? Also mention how public expenditure can help in achieving favorable distributive justice to the weaker sections of the society?
2+4+4=10 Marks
3. Mention some important Canons of Taxation. Explain how Taxation can impact the consumption, employment and economic stability of a country.
4+6=10 Marks
4. How does Equal Proportional Sacrifice of taxation ensures that the proportion of loss of utility due to tax to utility of pre-tax income is equal for all tax payers? Explain the indices to measure the ability to pay taxes of the people. State some merits of the Ability to Pay theory of Taxation.
4+3+3=10 Marks
5. Explain the structure of a Capital market highlighting the role of Primary and Secondary market. How does Capital market differ from that of Money market?
8+2=10 Marks
6. What are the different types of agricultural subsidies provided in India? Mention the different institutional sources of agricultural credit in India. State briefly the role of NABARD with regards to development of the agricultural sector.
4+4+2=10 Marks

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Semester End Examination (December, 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. Question No. 1 is Compulsory. All questions carry equal marks.

1. Examine in detail the legislative procedure for passing a Money Bill.

Critically examine the Speaker's power of Certification of a Money Bill in the light of the following remarks made by Justice D. Y. Chandrachud in the famous case '**Justice K. S. Puttaswamy (Retd) vs Union Of India (WRIT PETITION (CIVIL) NO. 494 OF 2012)**'

"Differences in a democratic polity have to be resolved by dialogue and accommodation. Differences with another constitutional institution cannot be resolved by the simple expedient of ignoring it. It may be politically expedient to do so. But it is constitutionally impermissible. This debasement of a democratic institution cannot be allowed to pass. Institutions are crucial to democracy. Debasing them can only cause a peril to democratic structures."

3+7=10 Marks

2. Discuss the various grounds for disqualification of a Member of Parliament under the relevant provisions in the Constitution and other relevant legislations. Who is authorized to decide on the disqualification of an MP? Is such decision subject to judicial Review? Explain in the light of relevant case laws.

4+6=10 Marks

3. Critically examine the doctrine of Harmonious Construction in the light of the relevant provisions of the Constitution and appropriate case laws.

"Repugnancy has to be there in fact and not based on mere possibility."

In the light of this view and other case laws as discussed explain the Doctrine of Repugnancy as laid down in Article 254 of the Constitution.

5+5=10 Marks

4. What is the extent of Freedom of Trade, Commerce and Intercourse provided under the Constitution of India? What are the restrictions that can imposed on this freedom? Explain in the light of the important case laws as discussed.

3+7=10 Marks

5. Discuss the Doctrine of Pleasure. Elucidate the concept of reasonable opportunity in Art 311 with relevant case laws. 3+7=10 Marks

6. Discuss the concept of Breakdown of Constitutional Machinery as laid down in Art 356 and critically analyse the powers of the Governor in this regard with reference to **S R Bommai v Union of India 1994 AIR 1918** and the Sarkaria Commission Report. 10 Marks

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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. Elaborate on the heirs of a Sunni and Shia Muslim. Describe the doctrine of Aul and Radd both under the Shia as well as the Sunni law of inheritance and make a comparison between the two.

(2+2+4+2)=10 Marks

2. Rustom was born to Farzan and Farzana in 1950. Unfortunately, Farzana died during his birth. Rustom married Filiz and had twin daughters, Delnaz and Shehnaz. Rustom and Filiz had a son, Arman as well. Delnaz married Shahbaz and Shehnaz married Parvez. Tanaz was born to Shahbaz and Delnaz and Murad was born to Parvez and Shehnaz, coincidentally, on the same day. While Arman and Shabnam were on their way to the hospital to visit the newborns, they met with an accident resulting in Arman succumbing to his injuries. In the same accident, Shabnam miscarried her child as well. Rustom went into shock and died a few days later. Applying the law governing succession of property left behind by a Parsi dying intestate, assign shares to the living heirs of Rustom Irani with appropriate reasons and statutory provisions.

10 Marks

3. (a) Describe the essentials of a privileged will and the mode of revocation of an unprivileged will with appropriate statutory provisions.

(b) 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.

- (i) J bequeaths to K "my agricultural lands located in Amingaon and in the occupation of D". J had lands lying in Amingaon, some of which were in the occupation of D, and some not in the occupation of D".
- (ii) X bequeaths her property to Y on condition that he must marry Z. Z is already married.

(3+3+2+2)=10 Marks

4. The Islamic law governing Wasiyat is quite peculiar in its own way. Discuss in detail the essentials of Wasiyat while differentiating between Sunni and Shia law requirements throughout.

10 Marks

5. M₁ and F₁ were married in 1947. They had a daughter F₂ in 1948, followed by a son M₂ in 1950 and another daughter F₃ in 1951. F₂ had a son M₃ out of wedlock in 1969. M₂ and F₄ were married in 1972 and had two children M₄ and F₅ in 1973 and 1978 respectively. F₃ married in 1974 and had a daughter F₆ who had a son M₅ in 2007. F₅ had a son M₆ in 2002. M₄ had two children F₇ and M₇ in 1994 and 1995 respectively. F₇ bore a daughter F₈ in 2015. M₁ died in 2016 due to geriatric illness. His wife had pre-deceased him in 2014. His only son and younger daughter died in an airplane crash in 2009. M₄ and his daughter expired in 2010 in a deadly fire at their home. F₆ lost her battle with cancer and breathed her last in 2011. 'M' denotes male and 'F' denotes female. Applying the statutory provisions governing succession of property left behind by a Christian dying intestate, assign shares to the living heirs of M₁ with appropriate reasons.

10 Marks

6. Write short notes on the following:

5+5=10 Marks

- (a) Uniform Civil Code and Hindu Succession Laws
- (b) Bequest made during Marz-ul-maut

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Subject Code: 5.4 Code of Criminal Procedure

Time: **2:00 Hrs.**

Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. All questions carry equal marks.

1. Discuss the powers of High Court and Court of Session regarding bail and also how a person released on bail may be taken into custody. Is the high Court having the power to cancel the bail granted by Chief Judicial Magistrate?
2. Where and when can a proceeding under Section 125 of Criminal Procedure Code be taken against a person. In what circumstances is a wife not entitled to receive an allowance under Section 125 of the Code? 'C' a step mother files an application for maintenance against her step son 'A'. 'C' has also two real sons. Is 'C', entitled to get maintenance from 'A'? Decide in the light of decided cases.
3. Explain the principle regarding the protection against double jeopardy as laid down in Section 300 of Criminal Procedure Code. A criminal case was withdrawn by prosecution against 'X'. Subsequently fresh proceedings were launched against 'X' for the same offence. 'X' challenges on ground of double jeopardy as infringement of constitutional right, defend 'X'.
4. What are the limitations for taking cognizance of certain offences? Can a court extend the period of limitation? If so how?
5. Discuss the procedure relating to the trial before Court of Session.
6. Explain the power of the Court to proceed against persons not included in police reports but appearing to be guilty of offences. Refer to decided cases.

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

1. (a) What do you mean by oppression and mismanagement in the companies? Are the terms similar? If not, state suitable reasons.
(b) State the law laid down in *Foss vs. Harbottle*.
2. (a) What do you mean by promotion of Companies? When does promotion begin and end in the process of establishment of a company?
(b) Who can be a promoter in a company?
3. (a) What is the importance of prospectus for a company? What are the contents of a prospectus? Support your answer with suitable provisions of Indian Companies Act, 2013.
(b) What is the difference between red-herring prospectus and shelf prospectus?
4. (a) What is a share? What is the difference between share and stock?
(b) What are the different types of shares?
5. What do you mean by lifting of corporate veil? State the law laid down in *Solomon vs. Solomon*.
6. Write short notes on **any two** of the following:
 - (a) Debenture
 - (b) Doctrine of Indoor Management.
 - (c) Memorandum of Association

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Subject Code: 5.6 Property Law

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.

Question No 1 is compulsory. Answer any four questions from the Question No. 2 to 6. All questions carry equal marks.

1. P gifted her house 'A1' to her niece Q for life and then to Q's son Z for life and then absolutely Z's female descendants if he should have any. N transfers his 6 bigha plot of land 'A2' to P for life, Q for life and Z for life and then to absolutely to J, H and I. Q transferred her two-bedroom apartment 'A3' in Rehabari to Z's sister B for life, then to B's brother C for life and then to B's unborn daughter Y. In the gift deed it was stipulated that if Z did not have any female child then A1 was to pass on to Z's son who can never sell it. Thirty-five year old C married D in 2002 and had a son T in 2007. 'A2' is transferred by N subject to condition that J and I will get 'A2' when they attain majority and H shall get when she attains the age of 21 years. B married two-eight year old E in 1998. In the gift deed it was also stated that if there were no female or male descendants of Z then 'A1' would go to P's brother N. In 2017 a grand party was organized by Z to celebrate his niece Y's seventh birthday. T's father expired on 5th March 2013. At the time of the transfer of A2 by N H, I and J were not in existence. Decide and explain the situations mentioned above in the context of the provisions of law under the Transfer of Property Act, 1882. Substantiate your answer with case laws.

10 Marks

2. "No one can approbate and reprobate at the same time". - Examine the above statement in the light of decided case laws. Substantiate your answer with illustrations.

10 Marks

3. Discuss the essential conditions for the application of the doctrine of Part-performance with judicial decisions. In the light of the case of Prabodh Kumar Das v. Dantamara Tea Co. Ltd AIR 1940 P.C 1 briefly explain that "in India the equity of part-performance can be used only as shield not as sword".

6+4=10 Marks

4. Analyze the essential elements of Gifts with illustrations and decided cases. Explain revocation of gift by mutual agreement with judicial decisions.

6+4=10 Marks

5. Decide and explain the following situations in the context of the provisions of law under the Transfer of Property Act, 1882. Substantiate your answer with case laws.

(a) Z only has a two bedroom apartment L8 in Beltola. On 15th June, 2014 Z took a debt of ten lakh rupees from F. On 4th February, 2015 Z borrowed a sum of eight lakh rupees from W. Z became aware that F intended to recover his debt from Z through L8. On 6th July 2015 Z sold L8 to R who knew that Z owed money to F. On 20th December, 2015 Z repaid the debt of eight lakh rupees to W. On 18th January 2016 F filed a case against Z, R and W.

6 Marks

(b) F owns three apartments L1, L2 and L3 in Ganeshguri. On 17th January 2017 F mortgaged L1, L2 and L3 to E against a loan of forty-five lakh rupees. L2 was sold by F to G on 3rd March 2018 for twenty lakh rupees. E on 22nd June 2018 sought to enforce the mortgage for recovering the loan from F. L1 is worth seventeen lakh rupees. H bought L3 from F for eleven lakh rupees on 20th June 2018.

4 Marks

6. Explain eight provisions relating to the extinction of easements under the Indian Easements Act 1872. Support your answer with illustrations.

10 Marks
