

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(HONS.): III-YEAR, V-SEMESTER, ACADEMIC YEAR: 2016-2017
END SEMESTER REPEAT EXAMINATION (MARCH - 2017)
SUBJECT CODE: 5.1 ECONOMICS - III

Time: 2 Hrs.
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. It will be treated as malpractice.
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Answer any five questions from the following:

1. Discuss the concept of Poverty. Discuss the factors responsible for poverty in India. Suggest some measures to control the problem of poverty. 2+4+4
2. What do you mean by the impact and incidence of a tax? Bring out a comparison between direct taxes and indirect taxes in India highlighting the advantages and disadvantages of both the taxes. 3+7
3. Discuss the problems associated with the agricultural sector in India. Suggest some measures to make the primary sector competitive and progressive in the modern economic times. 5+5
4. Discuss briefly the canons of taxation. Briefly outline the distributional and stabilization impact of taxation. 6+4
5. What do you mean by demonetization? Outline the impacts of such a policy on the economy. 4+6
6. What is disguised unemployment? Discuss the factors responsible for the problem of unemployment in India. Suggest some measures to tackle the problem of unemployment. 2+4+4

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SUBJECT CODE: 5.2 CONSTITUTIONAL LAW - II

Time: **2 Hrs.**
Total Marks: **70**

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. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. Briefly discuss the Constitution of Indian Parliament and its important functions as assigned to it by the Constitution of India. How the Parliament controls public finance? 2+5+3=10
2. Explain briefly the powers, functions, privileges and the discretionary powers (if any) of the Governor of a State. Whether the Governor enjoys more powers and privileges than the President of India under the Constitutional scheme? Elaborate with the help of relevant Constitutional provisions. 7+3=10
3. Discuss the various jurisdiction of the Supreme Court of India as reposed to it by the Constitution of India. 10
4. Provide a brief sketch about the steps taken by the Election Commission, Legislature and Judiciary to check criminalisation of Politics in India? 10
5. Briefly discuss the constitutional provisions dealing with Emergency. State the consequences arising there from after proclamation of Emergency under Article 356 of the Constitution of India. 7+3=10
6. Write short notes on any two of the following: 5+5=10
 - a) Doctrine of Pleasure
 - b) Co-operative Federalism
 - c) Doctrine of Pith and Substance

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END SEMESTER REPEAT EXAMINATION (MARCH - 2017)
SUBJECT CODE: 5.3 FAMILY LAW - II

Time: 2 Hrs.
Total Marks: 70

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. It will be treated as malpractice.

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

1. The narrative of Hindu Joint Family post the Hindu Succession (Amendment) Act, 2005 in the context of rights, obligations and duties of the coparcenary members had rendered apparent equalization of son and daughter. However, the intended equalization as envisaged by the legislator does not necessary mean actual socio-legal equalization of all the family members of the Hindu Joint Family governed by Mitkshara school.

In the light of the given argument critically analyse the peculiarity of the Hindu Joint Family from the perspective of community of interest and unity of possession pre and post the Hindu Succession (Amendment) Act, 2005.

2. S² a member of Hindu joint family governed by the Mitakshara School expressed his unequivocal intention to partition from his father 'A' on April 10, 2014.

The Hindu Joint Family of 'A' comprises of the common ancestor, 'A' himself, his wife W¹, his sons – S¹, his W² and S² his wife, W³, and daughter, D¹ who was undergoing treatment of kidney related ailment in a reputed private hospital in South Delhi, for which the family had to incur Rs. 10 thousand monthly. S¹ has two sons – S³ and S⁴ and a daughter, D² who was of marriageable age. S³ (who died of cancer on September 10, 2013) was married to W⁴, they have a son, S⁷ who is still a minor. S⁴ is a confirmed bachelor. S² has two sons - S⁵ and S⁶. S⁵ had completed his study of law from a reputed Law University in Delhi in July, 2013. He had planned to pursue LL.M. from a reputed University in the United Kingdom, the admission procedure for which was to start from August – September, 2014. The entire family of 'A' was staying together in the joint family dwelling house located in Faridabad. The family has 50 acres of agricultural land as such the primary source of income of the family was from the agricultural product. The family purchased one tractor worth Rs. 2 Lakh and the related equipments for tilling of land worth Rs.2.5 Lakh in 2009. The yearly maintenance of the family would normally amount to approximately Rs.10 Lakh. Since the family had to frequently to go Delhi main Subzi Mandi, they have purchased a 3 BHK flat for Rs. 60 Lakhs on secured loan in Azadpur, Delhi in May, 2008 at the rate of 10.5 % interest per annum.

The Hindu Joint family of 'A' being a large family also owns' two four wheelers – one Tata Safari, worth Rs. 7 Lakh and a sedan, Ford Fiesta – worth Rs. 6 Lakh purchased in 2009 and 2012 respectively. Apart from these vehicles the family also owns one Enfield Bullet worth Rs. 1.3 lakh and a scooty worth Rs.45thousand, purchased in 2006 and 2012

respectively. The family had jewellery worth Rs. 30 Lakh - 2.5kg gold ornaments, worth Rs. 20 Lakh and 8kg silver worth, Rs. 10 Lakh.

In the light of the given facts and circumstances open the partition by applying relevant Hindu law and on the basis of decided cases.

3. Hanumant a widower age 69, resident of Gorakhpur, governed by Mitakshara School, died intestate on August 1, 2004. He was survived by his son Aks, age 35 (who was married to Ratna, age 27 on December 16, 2003); and unmarried daughter Rina, age 28. At the time of his death Hanumant had left behind dwelling house worth Rs. 50 Lakh in which the family was jointly living. He had also left behind Rs. 15 Lakh in his bank account. Property dispute case arose in the District Court of Gorakhpur between Rina, the deceased person unmarried daughter and Ratna, the deceased persons daughter-in-law on February 1, 2010.

In the peculiar case of the death of Hanumant, his son Aks was tried and convicted for the murder of his father by the Sessions Court on November 4, 2008 and as such the contention of Rina was that the entire property of Hanumant must devolve to her as she was the sole surviving coparcener. However, Ratna's contention was that she being the sole legal heir of her husband she was entitled to claim rights over her deceased father-in-law's property.

In the light of the given facts and circumstances elaborate the relevant concepts, provisions of law and decided cases in support of your answer.

4. "Marriage not being an economic partnership usually creates an imbalance towards the right and ownership over the matrimonial property in favour of the husband to the disadvantage of the wife at the time of divorce or when succession opens."

Critically examine the given statement and discuss the relevant socio- economic dynamics along with the legal incidents that are attributed to the concept of "Matrimonial Property".

5. "The concept of *stridhana* had evolved over a period of time through judicial pronouncements, legislations as such new jurisprudence of Hindu law and legal issues have also come up".

In the light of the given statement elucidate the relevant concepts, legislative provisions and issues and challenges and judicial pronouncements on *stridhana* and Hindu woman's estates.

6. "The Muslim law of inheritance is a conglomeration of the customary practices of the ancient Arabia with the Koranic scheme of distribution which is presumed to be both exhaustive and egalitarian. However, in the contemporary discourse of inheritance of property, the Muslim law seems to be lagging behind in creating equitable rights for Muslim male and female".

Critically analyse the given statement and elucidate the Islamic peculiarity of the Islamic law of inheritance in contradiction to other systems of law.

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END SEMESTER REPEAT EXAMINATION (MARCH - 2017)
SUBJECT CODE: 5.4 CRIMINAL PROCEDURE CODE

Time: 2 Hrs.
Total Marks: 70

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. It will be treated as malpractice.

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

1. (a) What precautions should generally be taken by a Magistrate while recording a confession?
(b) Is there any provision in the Code of Criminal Procedure for setting off the period of detention as an under trial prisoner against the sentence of imprisonment imposed upon him? If so, what?
2. Discuss the procedure to be followed after a person is arrested by the police. Also discuss when an accused may be remanded to judicial custody and police custody with reference to the provisions contained in the Code of Criminal Procedure, 1973.
3. How and when a criminal court can take cognizance of an offence? Explain the law on the topic with reference to the exceptions provided in the Code of Criminal Procedure, 1973.
4. What is the power of the Magistrate in regard to the police report furnished under Section 173 of Cr.PC.? Is the Magistrate competent to disagree with the report? Illustrate with case laws.
5. (a) Can a Magistrate himself arrest a person ?,If yes, under what circumstances ?Discuss.
(b) 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.
6. Mukesh went to a police station to lodge a first information report (FIR) against Ajit for cognizable offence but the officer in charge of police station refused to record the FIR. What is your advice to Mukesh for further action?

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END SEMESTER REPEAT EXAMINATION (MARCH - 2017)
SUBJECT CODE: 5.5 CORPORATE LAW

Time: **2 Hrs.**
Total Marks: **70**

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. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. "Under the Company Law, the Company is vested with a corporate personality which is defined from the members who compose it." In the light of aforementioned statement describe the advantages and disadvantages of incorporation of a Company.
2. What do you mean by transfer of shares? Discuss the procedure for transfer of shares under Company Law.
3. "The Companies Act 2013 contains many provisions for the protection of interest of investors in Company." In the light of above mentioned statement describe the protection accorded to minority shareholders in a Company.
4. What do you mean by winding up of a Company? Can there be compulsory winding up of a Company under the order of the tribunal? Discuss.
5. Describe the modes of appointment of elected Directors of a Company. What are disqualifications for appointment of a Director? Discuss.
6. Write short notes on any two of the following:
 - (i) Director's Identifications number
 - (ii) Independent Directors in a Company
 - (iii) Doctrine of Indoor Management
 - (iv) Corporate Social responsibility of Company

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SUBJECT CODE: 5.6 PROPERTY LAW (NEW COURSE)

Time: 2 Hrs.
Total Marks: 70

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. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. X takes a loan of 15 lakh rupees from Y. Except a flat in Guwahati worth 17 lakh rupees X has no other property. Y intends to recover the loan from X. However before Y could take any action, X came to know of Y's intention to recover the amount and therefore sold his flat to H. H bought the flat with the knowledge that X did not want to pay back the loan to Y. Decide and discuss the law governing the above mentioned case. (4+10=14)
2. Explain the law relating to transfer for benefit of unborn person as stipulated under the Transfer of Property Act, 1882. (14)
3. Section 126 of the Transfer of Property Act, 1882 lays down two modes of suspension or revocation of gifts. – Discuss. Explain briefly the concept of onerous gifts. Substantiate your answer with case laws and illustrations. (9+5 =14)
4. Discuss the essential elements of a lease. What are the liabilities of a lessor under the Transfer of Property Act, 1882? Substantiate you answer with case laws. (8+6=14)
5. Explain the concept of Exchange as provided under the Transfer of Property Act, 1882. (14)
6. Discuss the incidents of easement under the Indian Easement Act, 1882. (14)

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