

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
B.A.,LL.B.(Hons.) : III-Year, V-Semester: Academic Year: 2015-2016  
**End Semester Examination (December, 2015)**  
**5.1 ECONOMICS - III**

Time: 2:00 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. All questions carry equal marks.**

1. What do you mean by the Impact and Incidence of taxation? Discuss briefly the different rate schedules of taxation. Which rate schedule of taxation would be best suited for an economy like India? Give reasons in support of your answer. (2+5+3=10)
2. Discuss briefly the principle of vertical equity and horizontal equity in taxation. Bring out a comparison between direct taxes and indirect taxes highlighting the advantages and disadvantages of the two types of taxes over the other. (3+7=10)
3. "The service sector led growth story of India can be fruitful only if the excess manpower in the primary sector can be properly utilized." – In the light of the given statement, critically analyse the economic reforms underway since 1991 with reference to their impact on poverty reduction, employment generation and economic development. (10)
4. Explain in your own words the concept of double taxation. Briefly outline the basic canons of public expenditure. Distinguish between revenue expenditure and capital expenditure with proper examples. (3+4+3=10)
5. "Poverty anywhere is threat to prosperity everywhere" - In the light of the above statement, discuss the concept of Absolute and Relative Poverty. Discuss the factors responsible for poverty in India. Suggest some measures to control the problem of poverty. (10)
6. What is taxable capacity? Write in brief on Special Economic Zones (SEZ) and their socio-economic repercussions. (3+7=10)

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5.2. Not found.

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**5.3 Family Law – II**

Time: 2Hrs.  
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 four from the following. All questions carry equal marks.**

1. Angad, age 62 resident of Mukherjee Nagar, Delhi, governed by the Mitakshara School, owned a small sweet shop in Gandhi Vihar, Delhi. His sons – S<sup>1</sup> and S<sup>2</sup> died in a freak accident in February 22, 2006, since the sons died issueless he continued the joint family as sole surviving coparcener with his sons' widows - W<sup>1</sup> (widow of S<sup>1</sup>) and W<sup>2</sup> (widow of S<sup>2</sup>). W<sup>2</sup> to overcome the trauma of their life with the consent of others in the family adopted a 6 months old baby girl in March 1, 2008. However, W<sup>1</sup> resented the adoption and as such there would always be quarrel in the family. Frustrated with the daily quarrel W<sup>2</sup> explicitly asked for the partition of the family dwelling house and the sweet shop in her capacity as the legal representative of the adopted daughter.  
In the light of the given facts and circumstances, discuss the concept of sole surviving coparcener, the rights of the widow and the adopted daughter. Also, decide whether the partition so asked can be effected on the basis of decided cases.
2. Discuss the impact of the Hindu Succession (Amendment) Act, 2005 :
  - (i) On the concept of coparcenary property.
  - (ii) On pious obligations of a Hindu son to repay debts of father.
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 the dwelling house worth Rs. 50 Lakhs in which the family was jointly living and Rs. 15 Lakhs in his bank account. His son ask 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 the sole surviving coparcener. However, Ratnas' claim was that she can represent the share of her husband, Aks in her capacity as his legal heir. Property dispute case arose in the District Court of Gorakhpur between Rina, the deceased person's unmarried daughter and Ratna, the deceased person's daughter in law on Feb 01, 2010.

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. "The Muslim law of inheritance is a conglomeration of the customary practices of the ancient Arabia with the Koranic scheme of distribution which is both exhaustive and egalitarian in its approach towards the share of a Muslim woman". Critically analyse the given statement and elucidate the Islamic rule of inheritance, support your answer with suitable illustrations.
5. "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".

12.5 x 4 = 50

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**End Semester Examination (December, 2015)**  
**5.4 CRIMINAL PROCEDURE CODE**

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

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
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**Answer five questions from the following. Question No. 6 is compulsory. All questions carry equal marks.**

1. A Magistrate of the first class has received information and after inquiry has reason to believe that a certain place is being used for the sale of stolen property and for the production of counterfeit currency notes. (5 +5 =10)
  - i. State and explain briefly the provisions in the Code for search of a place suspected to contain such stolen property.
  - ii. State any five objectionable articles for which a search warrant may be issued by a District Magistrate or Magistrate of the first class.
2. Binoy is accused of murder in January 2015 and of committing robbery with attempt to cause grievous hurt in February 2015. (4+4+2=10)
  - i. Can Binoy be charged together and tried for both the above offences in one trial? Give reasons for your answer.
  - ii. State any four circumstances in which two or more persons may be charged and tried together at the same trial.
  - iii. Before a Judgment is pronounced can a Court alter any charge against the accused person give reasons.
3. Mohan is tried and convicted by the Court of Judicial Magistrate 1<sup>st</sup> Class under section 498A IPC (Husband or relative of husband of a woman subjecting her to cruelty) and sentenced to imprisonment for a period of three years and fine. The convict Mohan prefers an Appeal against the conviction. (4+4+2=10)
  - i. Mention the forum in which Mohan can file an Appeal. State and explain the relevant provision as provided in *The Code of Criminal Procedure, 1973* under which Mohan can prefer an Appeal against his conviction.
  - ii. Is there any provision in *The Code of Criminal Procedure, 1973* for the victim to prefer an Appeal? Substantiate your answer with appropriate sections of law.
  - iii. Mention the procedure to be followed if Mohan dies during the pendency of an Appeal?

4. Mr. Basu was an MLA and Minister in the State Government in West Bengal. He alongwith his two more associates were charged with the murder of the brother of Mr. Ansari. Out of the three accused persons, only 2 of them were arrested and Mr. Basu has not been arrested till date by the CBI, which was the investigating agency in the case. It was alleged by Mr. Ansari that that the accused were exerting undue influence on the CBI and the investigating agency in connivance with the State Government were shielding Mr. Basu from prosecution. Mr. Basu, an accused MLA also made several attempts to threaten the witnesses in the case and also to get the cases against him withdrawn. Mr. Ansari was apprehensive that he would not get a fair and impartial inquiry or trial within the State of West Bengal. (2+4+4 =10)

In the light of the facts given above answer the following:

- i. In your opinion do you think that Mr. Ansari is justified in thinking that he will not get justice in the Courts in West Bengal? Give reasons for your answer.
  - ii. Chapter XXXI of *The Code of Criminal Procedure*, 1973 has several provisions for Mr. Ansari to approach the Court in order to get a free and impartial inquiry or trial. State and explain the provision that would apply to Mr. Ansari.
  - iii. State the circumstances under which the High Court may transfer cases and appeals.
5. Suresh is accused of the rape and murder of a minor girl Alia. The trial court found Suresh guilty of an offence of rape and murder of the minor girl. The Court held that the murder committed by Suresh came into the category of "the rarest of rare case" and the extreme penalty of death was to be imposed on him. The trial Court convicted him under Section 302 of *The Indian Penal Code* 1860 (Punishment for murder) and sentenced him to death. (1+4+5 =10)
- a) Name the Court in which the trial of Suresh was held.
  - b) Will Suresh be hanged immediately after the pronouncement of the sentence of death by the trial Court? State the procedure to be followed after a death sentence is passed by a Trial Court.
  - c) Write a short note on section 368 of *The Code of Criminal Procedure*, 1973.
6. "Opening case for prosecution- When the accused appears or is brought before the Court in pursuance of a commission of the case under section 209, the prosecutor shall open his case by describing the charges brought against the accused and stating by what evidence he proposes to prove the guilt of the accused."
- i. Mention the Court in which the above trial is being conducted?
  - ii. Discuss in detail with relevant sections of law the procedure to be followed in the trial of an accused person before this Court. (10)

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**End Semester Examination (December, 2015)**  
**5.5 CORPORATE LAW**

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. "Directors are described sometimes as agents, sometimes as trustees and sometimes as managing partners. But each of these expressions is used not as exhaustive of their powers and responsibility but, as indicating useful points of view from which they may for the moment and for the particular purpose to be considered". – Bowen L.J. Analyze the aforementioned statement with reference to various judicial decisions and provisions of the Companies Act, 2013.
2. "Independence is a state of mind and cannot be codified through a statute. A lot of promoters bring someone on the board whom they have known for long. The chosen individual is either expected to add value or toe the line without constructive challenge. However, if the independent director chooses to engage in constructive challenge within the board room, that is real independence. In the long run, such constructive dissent is bound to result in more effective decision making. The main role of independent director is to balance the interest of all the stakeholders of company". – KPMG. In the light of the aforementioned statement, discuss hurdles faced by independent director in the performance of statutory duties and what constitutes true independence of independent director under the Companies Act, 2013.
3. The Plaintiff sought payment from the defendants, a joint stock Company, on a bond, signed by two directors, under the seal of the Company whereby the Company acknowledged themselves to be bound to the plaintiff in £2,000. The company said that there had been no resolution authorizing the making of the bond, and that it was given without the authority of the shareholders. Therefore, the Company is not bound by the loan. Decide the Case. Substantiate your decision with case laws. Will your answer be any different if the Plaintiff knew before giving loan that the resolution was not passed at the general meeting?
4. The object clause of the memorandum of a public company empowers it to carry on distillery business and any other business allied with it. The company has issued prospectus offering public its shares. The object stated in the prospectus is "distillery business and any other business allied with it". After some months of subscription of securities of Company by public. The Company feels that there is huge profits in Cinema Business. The Company now wants to amend its memorandum of association so as to include Cinema Business in its objects clause. Advise the Company on alteration of memorandum and the procedure thereof.

5. ZZZ Ltd. (hereinafter called as "Company") is a Company engaged in cinema business incorporated under Companies Act, 2013 and listed on a recognized stock exchange. The Company has six members in it. The Company has an authorized share capital of Rs. 5,00,000. The Company has issued shares both equity and preference shares to its shareholders. The preference shares has been issued on irremediable basis to its preference shareholder. ZZZ Ltd. has appointed two directors Mr. X and Y on its board. Both the Directors are not the resident in India and are executive director. ZZZ Ltd. has also issued certain employee stock options to its promoter Mr. A. The Company has also issued shares at discount to Mr. Y and also certain shares at premium to Mr. X. The Company has distributed profits gained from the issue of shares at premium to its shareholders in the form of dividend. The Company is now into liquidation process due to mismanagement by the Directors. Based on the actions of ZZZ Ltd., Write the contraventions of the provisions of Companies Act, 2013 committed by ZZZ Ltd. Answer with exact reference to provision of law will be appreciated.

6. Write Short Notes on the following:

(i) Equity Shares

(ii) Preference Shares

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**End Semester Examination (December, 2015)**  
**5.6 PROPERTY LAW**

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. "It is against the very nature of the transfer that ownership is given to the transferee and at the same time his right of enjoyment of the property is either postponed or curtailed." Explain the above statement in the light of Section 11 of the Transfer of Property Act, 1882 with suitable illustrations and case-laws.
2. Explain the essentials of a valid gift. How can a gift be revoked? Substantiate your answer with illustrations and decided cases. **(6+4=10)**
3. Analyze the Doctrine of Election under the Transfer of Property Act, 1882 with the help of suitable illustrations and decided cases.
4. Define Lease under the Transfer of Property Act, 1882 by elaborating on its essential characteristics. How is lease determined? Discuss. **(2+4+4=10)**
5. Explain with the help of relevant case laws the Doctrine of Part Performance provided under the Transfer of property Act, 1882. What do you understand by 'taken possession and continued in possession' under the relevant provision of law.  

A mortgages his house to B by a usufructuary mortgage, i.e. possession is delivered to the mortgagee. Subsequently, A sells his the house to B in consideration of the mortgage debt and the amount spent on improvements and repair of the house. The deed is not registered. Subsequently, A sells the same properties to C under a registered sale deed. C sues B for redemption of mortgage and B puts up the defence of retention of possession in part performance of the contract. Decide whether the defence of part performance will be available and justify your answer with explanations. **(4+3+3=10)**
6. Define Sale under the Transfer of Property Act, 1882 by explaining its various essential elements. Explain in detail the various rights and duties of a buyer before and after sale under the above Act? **(2+4+4=10)**

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**End Semester Examination (December, 2015)**  
**5.6 PROPERTY LAW (RE-REGISTERED)**

Time: **2.00 Hrs.**  
Total Marks: **40**

**INSTRUCTIONS:**

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

1. Explain the Doctrine of Election under the Transfer of Property Act, 1882 with illustrations. **(10)**
2. What are the objectives of Assam Urban Areas Rent Control Act, 1972? Explain the grounds on which a tenant can be evicted under the Assam Urban Areas Rent Control Act, 1972. Is an evicted tenant entitled to restoration, and if so under what circumstances? **(2+5+3=10)**
3. Discuss the essentials of a valid sale. What are the rights of a buyer before and after sale under the Transfer of Property Act, 1882? **(6+2+2=10)**
4. Analyze the concept of Trusts under the Indian Trust Act, 1882. Write two differences each between 'Trust and Agency' and 'Trust and Waqf'. **(6+2+2=10)**
5. Define Easement. Explain the provisions relating to the imposition and acquisition of easement under the Indian Easement Act, 1882. **(2+8=10)**

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