

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B.(Hons.): III Year, Academic Year: 2016-2017
End Semester Examination (December-2016)
Subject: 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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1. 'Inflation is often regarded as the most iniquitous form of taxation on the public at large.' In the light of the above statement, briefly discuss the causes and consequences of inflation on an economy. Also outline the indices used to measure inflation in India. 6+4
2. How is a direct tax different from an indirect tax? Briefly discuss the concept of Capital gains tax in India and also highlight the features of a good tax-system. 3+7
3. Discuss the various canons of public expenditure. Also illustrate the effects of public expenditure on different sectors in developing economies like India. 5+5
4. Distinguish between revenue receipts and non - revenue receipts with examples. What are the sources of public debt? Discuss some of the measures for debt redemption. 3+3+4
5. Explain the concept of black money in an economy. What are the impacts of black money? Do you think the recent move by the government to demonetize the currency would be able to solve the issue of black money in India? Give reasons to support your answer. 2+4+4
6. 'Most of the developing countries including India is confronting a very serious issue with WTO with regard to the agricultural subsidies that is being provided in most of these countries.' Bring out the issue herein and also highlight the possible impacts of the issue on Indian economy. 10

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): III Year - V Semester (Academic Year: 2016-2017)
End Semester Examination (December-2016)
Subject: 5.2 Constitutional Law II

Time: 2 Hrs.
Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
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Answer any five questions from the following:-

1. Discuss the constitutional provisions relating to qualification and disqualification of a Member of State Legislative Assembly. Whether a non-member of a State Legislative Assembly can be appointed as a Minister or a Chief Minister under the provisions of the Constitution? Cite relevant constitutional provisions and judicial interpretations in support of your answer. 6+4=10
2. Discuss the constitutional provisions relating to emergency. State the consequences arising there from after proclamation of emergency under Article 352 of the Constitution of India. 6+4=10
3. Discuss the powers and functions of both Rajya Sabha and Lok Sabha as the supreme law making body in India. Whether a non-member can participate in the discussions and vote in both the Houses? Provide justification in favour of your answer. 8+2=10
4. Make a critical assessment on the working of federalism in India in the light of various Constitutional provisions and observations made by the Supreme Court of India. 10
5. Discuss the powers and functions of Election Commission as provided by the Constitution of India. Attempt an estimate about the role of higher judiciary in bringing electoral reforms in India. 5+5=10
6. Write short notes on any two of the following: 5+5=10
 - (a) Finance Commission
 - (b) Writ Jurisdiction of High Court
 - (c) Public Service Commission

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2016-2017
End Semester Examination (December, 2016)

5.3 : Family Law - II

Time: 2 Hrs.
Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
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Answer any four from the following. All question 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 equalization of son and daughter. However, the intended equalization as envisaged by the legislator does not necessary mean 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 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 for 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 (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 agricultural product. The family purchased one tractor worth Rs. 2 Lakh and the related agricultural equipments 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 go to Delhi's main Subzi Mandi, they have purchased a flat 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 jurisprudence of Hindu 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 and Rs. 15 Lakh in his bank account. Property dispute case arose in the District Court of Gorakhpur between Rina, the deceased person unmarried 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 claim was that she can represent the share of her husband, Aks in her capacity as his legal heir.

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 concept of *stridhana* had evolved over a period of time through judicial pronouncements, legislations as such new jurisprudence of Hindu law and legal incidents of law Hindu woman's estate has also come up".
In the light of the given statement elucidate the relevant concepts, principles, issues and challenges of *stridhana* and Hindu woman's estates on the basis legislative provisions and decided cases.
5. "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 system of law.

12.5 x 4= 50

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NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2015-2016
Repeat Examination (January, 2016)

5.3 FAMILY LAW – II

Time: **2:00Hrs.**
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.

Answer any ^{four} five questions 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. After the death of his sons – S¹ and S² in a freak accident in February 22, 2006. Since both of his sons died issueless he continued the joint family as sole surviving coparcener with his sons' widows - W¹ (widow of S¹) and W² (widow of S²). W² 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, W¹ resented the adoption and as such there would always be quarrel in the family. Frustrated with the daily quarrel W² explicitly asked for 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. Trace the historical development of the concept of stridhana and the character and entitlement of property to a Hindu female through legislative enactments.
3. Arham, a Hindu male, age 55 years governed by Mitakshara Hindu resident of Ghaziabad, National Capital Region, Delhi died intestate leaving behind a property worth Rs. 90 Lakhs in 2004. He was survived by his widow, W, son, S¹, son of a predeceased son, S², daughter, D¹, old parents – mother and father and an unmarried sister left behind a property worth Rs. 90 Lakhs.

In the light of the given facts open the succession to the property of Arham on the basis of relevant provisions of Hindu Law.

4. Do you think Muslim law of inheritance is an exhaustive law of inheritance? Support your answer with relevant provisions in Muslim law.
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 x4 = 50

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B.A., LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2016-2017
End Semester Examination (December-2016)
5.4 : Criminal Procedure Code

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. All questions carry equal marks.

1. At what stage the power under section 319 of the Code of Criminal Procedure is to be exercised by the Court? What is the difference between the powers of the court under section 311 Cr.PC and section 319 Cr.PC?
2. (a) Define "Charge" and enumerate the contents of "Charge."
(b) Amit 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 of the theft? State your answer giving reasons and relevant provisions.
3. (a) Discuss the status of "wife" in the following cases under Section 125 of Cr.PC.
(i) A woman whose marriage is solemnized in contravention of section 5 and 11 of Hindu Marriage Act, 1955.
(ii) Where a man and woman live together as husband and wife without observing the religious/legal formalities.
(b) 'A' is tried summarily by the Chief Judicial Magistrate for the charge of committing theft and is sentenced to undergo imprisonment for four months. Can 'A' challenge this decision and, if so, on what grounds?
4. (a) State the provisions regarding compounding of offence.
(b) H is married to W. X is married to Y. H commits adultery with Y. W files complaints against H. However, offence compounded. X later on wants to prosecute Y. Is prosecution maintainable?
5. (a) Distinguish between bailable and non-bailable offences.
(b) 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 counsel pleads for his release on bail under section 436(1), Cr.PC 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/ Give reasons briefly?

6. (a) Differentiate between 'cognizable offence' and 'non-cognizable offence'.
- (b) A first information report is lodged against Alok for committing one cognizable and three non-cognizable offences. Can the police conduct investigation in respect of all the four offences without an order from the magistrate?

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B.A., LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2016-2017
End Semester Examination (December-2016)
5.5 : Corporate Law

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. All questions carry equal marks.

1. "When the corporate form is being misused, the court has to rip through the corporate veil and expose the true character and nature of the company". In the light of aforementioned statement, describe the meaning of lifting of corporate veil and the grounds on which the corporate veil can be lifted?
2. The concept of Independent Directors have gained a worldwide momentum in the wake of Corporate Governance in the recent years with the advent of various corporate failures. Discuss the position of Independent Directors under the Companies Act 2013. Whether the independence of Independent Directors is a reality or a myth under Indian Legal System.
3. "A valid allotment of shares of a company has to comply with the requirements of the Company Act.2013". In the light of aforementioned statement describe the statutory restrictions on allotment of shares and judicial or quasi-judicial interference in the transfer of shares.
4. Discuss the rule developed in Foss V Harbotlle (1843) 2. Hare 461. How far is that rule relevant under the Indian Legal regime? Discuss.
5. What do you mean by Corporate Social Responsibility? Discuss the functions of Corporate Social Responsibility Committee.
6. Discuss the grounds for compulsory winding up of a company.

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2015-2016
Repeat Examination (February, 2016)
5.5 CORPORATE LAW

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. (a) Mr. X is the only Member in ABC Pvt. Ltd which is a One Person Company. Mr. X is also a nominee in another One Person Company called XYZ Pvt. Ltd. Mr. Y is the only member in the XYZ Pvt. Ltd. which is a One Person Company. In course of time Mr. Y dies and by effect of law Mr. X becomes member in both the One Person Company i.e. ABC Pvt. Ltd. and XYZ Pvt. Ltd. Advise Mr. X the process that needs to be followed by Mr. X to make sure that Mr. X is not breaching of Companies Act, 2013 and rules thereunder.

(b) What is a One Person Company? Who is eligible to act as a member of One Person Company. Explain the purpose for introduction of One Person Company under Companies Act, 2013.
2. What is the meaning of Preference Shares? Explain various kinds of preference shares a company is allowed to issue under the provisions of the Companies Act, 2013.
3. Write short notes on the Following:
 - (a) Dormant Company
 - (b) Government Company
4. Who is an Independent Director? Discuss duties and liability of Independent Director under the Companies Act, 2013.
5. Directors are the agent of the Company and its shareholders. Analyse the statement.
6. What is Memorandum of Association and Article of Association? Discuss the procedure to amend the Article of Association.

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B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2016-2017
End Semester Examination (December-2016)

5.6 : Property Law

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. All questions carry equal marks.

1. Under an instrument on 1st January 2012 'Y' professed to transfer the flat of 'J' situated in Ulubari to 'O' and in lieu of this transaction conferred upon 'J' a sum of 25 lakh rupees. In the same instrument 'J' is gifted with a plot of land in Jalukbari. 'J' on 3rd January 2014 refused to accept the transaction professed by 'Y'. The market value of J's flat in Ulubari is 34 lakh rupees. Decide and explain in detail the law which governs the above mentioned case.
2. 'M' and 'N' are two sisters living in Guwahati. 'M' owns a two-bedroom flat in Beltola and a plot of land in Paltan bazar. 'N' is the owner of a four-bedroom flat in Chandmari. 'N' transfers her flat in 2000 to 'R' for life and then to ultimate beneficiary 'UB'. In 2002 'M' gifted her properties to her son 'L' for life and then to the children of 'L'. 'UB' came into existence in mother's womb in 2010. 'R' is 30 years old in 2000 and 'L' is 25 years old in 2002. When 'R' died in 2012, L's son 'Z' celebrated his fifth birthday. 'L' died in the year 2016. Discuss the above mentioned case in the context of the relevant law.
3. In the light of judicial decisions analyze the essential elements of valid Gift. How can a gift be revoked by mutual agreement? (7+3=10)
4. Discuss the rights of a lessee as stipulated under the Transfer of Property Act, 1882. Briefly explain as to how a lease is determined by lapse of time and by merger. (7+1½ + 1½=10)
5. Chapter V of the Indian Easement Act, 1882 (Act V of 1882) deals with extinction and suspension of easements – Elucidate.
6. Decide the following case by briefly discussing the provision of law:
(a) 'D' and 'E' enter into a contract of sale of a house in Ambari. Except registration other formalities are complied with. 'E' pays the consideration amount of 20 lakh rupees and takes possession of the house. 'D' sells the same house to 'P' through a registered deed. 'P' then attempts to evict 'E' out of the house.

