

NLUJAA

National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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. Write an overview of the new Industrial Policy 1991 in India. 10
2. Write an essay on the problem of unemployment in India. 10
3. Bring out the contribution of WTO on Indian Agriculture. 10
4. Explain the concept of balance of payment .What do you mean by favourable balance of payment and unfavourable balance of payment. Write a note on the components of current account and capital account of balance of payment. 3+2+5=10
5. Explain the broad classifications of public revenue and mention about their sources. Write the canons of taxation as put forwarded by Adam Smith. What is the difference between horizontal equity and vertical equity? 5+4+1=10
6. Analyse the importance of public expenditure in developing economy. Examine the effects of public expenditure on production and distribution. Explain any two methods of debt redemption. 4+4+2=10

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B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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. Make a critical estimate of the role and status of the Rajya Sabha as a law making chamber in India. Compared to the Lok Sabha, does the Rajya Sabha enjoy any special status in this regard? Cite relevant constitutional provisions in support of your answer.
7+3=10
2. Discuss in brief the role of the higher judiciary in protecting the Fundamental Rights of the citizens and non-citizens in India. Is there any difference regarding the power to issue writs by both the Supreme Court of India and the High Courts of India? Provide justification in support of your answer.
7+3=10
3. Briefly narrate the constitutional provisions relating to qualification and disqualification of a Member of State Legislative Assembly. Whether a member of a State Legislative Assembly can be arrested or prevented from attending the sessions? Cite relevant constitutional provisions and judicial interpretations (if any) in support of your answer.
8+2=10
4. Critically discuss the power of Parliament to amend the Constitution of India. Whether doctrine of 'Basic Features' of the Constitution of India acts as limitation on the amending power of the Parliament? Give your estimation with the help of decided cases.
5+5=10
5. Make a critical comment on the existence of federal principles as propounded by Dicey in the Constitution of India by analysing its provisions and observations made in this regard by the Indian judiciary.
10
6. Write Short Notes on: 5+5=10
 - (a) Independence of Judiciary
 - (b) Election Commission of India

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National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

Subject Code: 5.3 Family 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 five questions from the following. It is compulsory to answer the first question. All questions carry equal marks.

1. Farzan Khambata was born to Jehangir Khambata and Meher Khambata in 1955. He was preceded by an older sister Delnaz and followed by a younger brother Rustom. Farzan married Parizad in 1980 and had twins Zubin and Parvez in 1981. Zubin and Parvez married Tanaaz and Shehnaz respectively in 2013. As fate would have it, both brothers expired in the same year in 2015, one to dengue and the other to tuberculosis. Farzan could not recover from the loss of his children and died in 2017. His mother had died in the previous year. Applying the statutory provisions governing succession of property left behind by a Parsi dying intestate, assign shares to the living heirs of Farzan Khambata with appropriate reasons. (10)
2. Enumerate the heirs of a Shia Muslim and solve the following:
 - (a) Sarfaroze and Saira married in 1970 and had two children Shabana and Shamima. Shamima died of tuberculosis at a young age. When Shabana came of age, she was married to Shakib. Their conjugal relations bore two daughters Shehwar and Shagufta. Shabana died in 2010. Applying the principles of Shia law of inheritance, exhaust the property left behind by Shabana among her heirs.
 - (b) Hanif and Humaira married in 1965 and had three children Hasheem, Habib and Hamid. Habib married Hussainara in 2000. Hasheem and Hamid went on a trekking expedition where they lost their lives in an unfortunate accident. Habib had a daughter who was born in 2002. However, as the infant was a pre-mature delivery, she did not survive for long. Habib died in 2007. Applying the principles of Shia law of inheritance, exhaust the property left behind by Habib among his heirs. (3+3.5+3.5=10)
3. Enumerate the heirs of a Sunni Muslim and solve the following:

(a) Jamal and Jashima married in 1980 and had four children, viz. Afreen, Abida, Anwar and Ashiya. All their daughters survived but their only son did not live past the age of two. Jamal died in 2010. Afreen was married to Afroz in 2015 and had a stillborn child. Afreen herself died of childbirth. Applying the principles of Sunni law of inheritance, exhaust the property left behind by Afreen among her heirs.

(b) Jalil and Jahanzeb married in 1980 and had two children, viz. Naushad and Nafisa. Nafisa was married off to Nafroz in 2010. Naushad and his wife died while on a trip abroad. Jalil was unable to handle the loss and expired shortly thereafter. Nafisa had a daughter in 2014 but lost her life to an unfortunate accident. Applying the principles of Sunni law of inheritance, exhaust the property left behind by Nafisa among her heirs. (3+3.5+3.5=10)

4. George married Martina in 1948. Evangeline was born to them in 1949, followed by a son Hubert in 1951 and another daughter Roxanne in 1952. Evangeline bore a son Ricky out of wedlock in 1970. Hubert married Wilomina in 1973 and had two children Robert and Nancy in 1974 and 1979 respectively. Roxanne married in 1975 and had a daughter Christina who had a son Donald in 2008. Nancy bore a son Peter in 2003. Robert had two children Shakira and Shane in 1995 and 1996 respectively. Shakira had a daughter Natalie in 2016. George died in 2017. His wife pre-deceased him in 2015. He lost his only son and younger daughter to a car accident in 2010. Robert and his daughter expired in 2011 in a fire at their factory. Christina succumbed to cancer in 2012. Applying the statutory provisions governing succession of property left behind by a Christian dying intestate, assign shares to the living heirs of George with appropriate reasons. (10)

5. Enumerate the essentials of a privileged will, the mode of revocation of an unprivileged will and explain the differences between privileged and unprivileged will with appropriate statutory provisions.
Who will get the bequest in the following cases? Explain with appropriate statutory provisions and reasons.

(a) N bequeaths his diamond ring “to P or to S”. P and S both survive N.

(b) J has two friends who bear the same name Z. J bequeaths his house “to his friend Z”. (6+2+2=10)

6. Discuss the essentials of Wasiyat under Muslim law.

Rahim married Resham in 1963 and had four children, all sons. His sons all got married and had children. From his first son, he has two grandsons; from the second, he has three granddaughters; from the third, he has a granddaughter and a grandson; and from the last son, he has three grandsons. His two eldest sons pre-deceased him. While Rahim was on his death-bed in 2016, he bequeathed 2/3 of his property to his third son and 1/3 to his fourth son. However, he recovered from the illness but soon drowned while on a fishing expedition. Decide on the validity of the bequest. (4+6=10)

TABLE OF SHARERS IN SHIA LAW

	SHARERS	SHARE OF 1	COLLECTIVE SHARE	WHEN SHARE IS INHERITED	SPECIAL CIRCUMSTANCES
1	HUSBAND	¼	-	Presence of lineal descendant	No lineal descendant 1/2
2.	WIFE	1/8	1/8	Presence of lineal descendant	No lineal descendant 1/4
3.	FATHER	1/6	--	When there is a lineal descendant	When there is no lineal descendant the father inherits as a residuary.
4	MOTHER	1/6	-	a)Presence of lineal descendant or b)father along with two or more full/ consanguine brothers or their equivalent (1 brother = 2 sisters)	Otherwise 1/3
5	DAUGHTER	½	2/3	Absence of son	Residuary with son, the son taking a double share
6	UTERINE BROTHER	1/6	1/3	Absence of lineal descendants and Parents	
7	UTERINE SISTER				
8	FULL SISTER	½	2/3	Absence of lineal descendants and Parents Also, absence of full brother or father's father	Residuary with the full brother or father's father
9	CONSANGUINE SISTER	½	2/3	Absence of lineal descendants and Parents Also, absence of full brother, full sister or father's father	Residuary with consanguine brother and father's father

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 daughter will take ½ and the son's daughter h.l.s., (whether one or

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 Residuary.
	(i) Son's Daughter	1/2	2/3	When no (1) Son, (2) Daughter or (3) Son's son	more) will take 1/6, 2/3, 1/2 (with and equal son's son the 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.

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B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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.

Question No. 1 is compulsory. Answer any five questions from the following. All questions carry equal marks.

1. Discuss in detail with appropriate sections of law the procedure to be followed in the Trial of a Warrant Case by a Magistrate in a case instituted on a Police Report as provided in *The Code of Criminal Procedure, 1973*. (10)
2. Indira lodged an FIR against her husband Dipankar and mother-in-law Bina, alleging inter alia that they had been continuously physically and mentally torturing her since their marriage in November 2016. The Officer-in-Charge of the Beltola Police Station registered a case under Section 498-A of the *Indian Penal Code, 1860* which is a non-bailable offence, against Dipankar and his mother.

Dipankar was arrested from his office and on the same day, while his mother was out shopping, she came to know from the neighbours that the police had visited her house asking about her whereabouts in connection with the said case. Bina got worried and contacted her lawyer asking for his advice as she had not been arrested till then.

- (i) Explain with appropriate sections of law the provision in the *Code of Criminal Procedure, 1973* for Bina to apply for bail. What are the factors that the Court may take into consideration while rejecting or granting her bail application.
 - (ii) Is bail a matter of right in the case of Dipankar? What are the conditions that can be imposed by the Courts while granting bail to him. (5x2=10)
3. Sushil, Arbaaz and Ramesh are tried by the Court of Session under section 376 IPC for the offence of rape of Reema, a 35 year old woman. The Sessions Judge acquits Sushil but convicts Arbaaz and Ramesh and sentences them to Rigorous Imprisonment for a term of 7 years and a fine of Rs. 5000/-.

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

- (a) Reema is not satisfied with the said Order of Acquittal of Sushil and the inadequacy of the sentences passed against Arbaaz and Ramesh. As Reema's lawyer advise her.
- (b) Arbaaz and Ramesh are aggrieved by the said Judgment and Order of conviction. Explain with reference to relevant sections of law the remedy available to them as provided in the *The Code of Criminal Procedure, 1973*.
- (c) What is a "Judgment"? Discuss the contents of a Judgment.

(2.5+2.5+5=10)

4. (i) "For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately. "Explain with suitable illustrations.
- (ii) What is meant by offences of the "same kind" ?
- (iii) State any 4 circumstances in which two or more persons may be charged and tried together at the same trial.
- (iv) Before a Judgment is pronounced can a Court alter any charge against the accused person give reasons.

(2.5x4=10)

5. Alex is accused of the murder of his wife Rachel. After the trial, the trial Court found Alex guilty of the offence of murder of his wife Rachel and held that the murder committed by Alex 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* (Punishment for murder) and sentenced him to death.

- (a) In which Court was the trial of Alex held? Explain with appropriate sections of law the procedure to be followed after a death sentence is passed by a Trial Court.
- (b) State the powers of the High Court as provided for in Section 368 of *The Code of Criminal Procedure, 1973*.

(5x2=10)

6. Write short notes on any **one** of the following:

(10)

- (a) Fair Trial
- (b) Section 190 and Section 207 of *The Code of Criminal Procedure, 1973*.

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B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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

1. (a) Define the term “promotion” of a company.
(b) What are the provisions relation to the liability of promoters under the Companies Act 2013?
2. (a) “The certificate of incorporation alone is not sufficient to commence a business of a company”. Comment on the different processes involved in commencement of business of a company.
(b) Define the validity of pre-Incorporation contracts under the company law.
3. (a) Define Prospectus and its validity in the functioning of a company. What are the contents of a prospectus?
(b) Enumerate the liabilities for mis-statements in the prospectus.
4. (a) What are the processes involved in the issue of shares under the Companies Act 2013?
(b) What are the different types of shares issued by a company?
5. What are the processes involved in the alteration of memorandum of association and articles of association under the Companies Act 2013?
6. Write short notes on any two of the following:
 - (a) Types of Debentures
 - (b) Difference between share and debenture
 - (c) Meaning and definition of a Company.

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B.A.,LL.B.(Hons.): III-Year, V-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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.

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

1. X born in 1956 purchased a two bedroom deluxe flat C1 and a plot of land C2 in Guwahati from L in 1981. Y in 2000 celebrated his 21st birthday in Hotel Wind. Z got acquainted to X in 1976 through their common friend W. In 1998 X transferred C1 to Z for life, then to W for life, then to Q for life and then to Y's unborn child on attaining the age of 18 years. C2 was gifted to Q by X in 1999. In 2000 Q transferred C2 to Z's younger son H with a stipulation that H would enjoy C2 during his life and thereafter C2 would absolutely pass on to H's son and if H did not have a son then C2 would pass on to H's female child who could not sell C2 to anyone. In 2002 X, W and Q attended the wedding reception of Z's only daughter E who married Y. X, Q, Z along with Y in 2003 attended the funeral of fifty-two year old W. In 2007, sixty-one year old Z threw a grand party on the birth of his daughter's daughter J. H at the time of his death in 2015 was issueless. Two years after the death of Z, P and Y took their daughter J to Shillong for vacation in 2016. Q died at the age of 60 years in 2017 and J dies in the year 2022. Decide and explain the situations mentioned above in the light of the provisions stipulated under the Transfer of Property Act, 1882. (10)
2. A has no other property except a three bedroom apartment R3 in Chandmari. B in 1990 had purchased two flats R1 and R2 in Guwahati. On 1st March, 2016 A took a debt of two lakh rupees from C. B transferred R1 to D in 1992 with a direction that the rents arising out of R1 is to be accumulated upto December 2018. On 14th April, 2016 A borrowed a sum of five lakh rupees from E. In 1999, B borrowed 8 Lakh rupees from E for renovation of R2. A became aware that C intended to recover his debt of two lakh rupees from A through R3. R2 was gifted by B to C in 2009 with stipulation that out of rents of R2 C shall pay four hundred rupees per month towards repayment of debt of eight lakh incurred by B. On 14th June 2016 A sold R3 to G who knew that A owed money to C. C rented R3 to P. On 17th June, 2016 A repaid the debt of three lakh rupees to E. B died in September, 2015. On 18th July 2016 C filed a case against A, G and E. 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)

3. Analyze the doctrine of election with reference to the Dhanpatti v. Devi Prasad (1970) 3 SCC 776 and Mumbai International Airport v. M/S Golden Chariot Airport and Another, Supreme Court of India, Civil Appeal No. 8201 of 2010.
(10)
4. Discuss the liabilities of a Seller before sale. Explain marshalling by subsequent purchaser with illustration. Support your answer with judicial decisions.
(6+4=10)
5. In the light of judicial decisions explain the provision relating to the suspension and revocation of gifts as stipulated in the Transfer of Property Act, 1882. Substantiate your answer with illustrations.
(10)
6. Define 'Easements'. Discuss eight provisions pertaining to extinction of easements as stipulated in the Indian Easements Act, 1882. Support your answer with illustrations.
(2+8=10)
