

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

Time: **1:15 Hrs.**  
Total Marks: **20**

**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 two questions from the following. All questions carry equal marks.**

1. Discuss the basic features of the Indian economy. Highlight some of the important factors responsible for the decline in the contribution made by the agricultural sector to India's GDP in the recent years. 4+6 Marks
  
2. 'Industrialisation is the prime moving force for a developing economy like India.' - In the light of the above statement, discuss the role, challenges and prospects of the secondary sector to the contribution of economic growth and development of India. 10 Marks
  
3. What do you mean by 'Public Finance'? Discuss the various objectives of public finance and its importance in case of a developing or underdeveloped economy. 2+5+3 Marks

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**Mid Semester Examination (October, 2015)**  
**5.2 CONSTITUTIONAL LAW – II**

Time: **1:15 Hrs.**  
Total Marks: **20**

**INSTRUCTIONS:**

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**Answer two questions from the following. All questions carry equal marks.**

1. a) Briefly discuss the constitution of Indian Parliament and its principal functions. 2 Marks  
b) How is the public finance controlled by the Parliament? 3 Marks  
c) Discuss the mechanism/measures for making the Executive/Ministers responsible and accountable to the Parliament. 3 Marks  
d) Give your views as regards the recent washed out /non functioning of the Parliament necessitating the Government to issue no work no pay order. 2 Marks
2. a) Discuss in brief how the independence of Judiciary is ensured under the Constitution of India with the help of decided cases. 4 Marks  
b) Is independence of Judiciary a basic feature of the Constitution? Discuss the cases wherein the higher courts have declared independence of Judiciary as basic feature. 2 Marks  
c) How would you define the term judicial activism? Discuss how the Judiciary by exercising judicial activism plays a law- creative role by referring to decided cases. 4 Marks
3. a) Discuss the constitutional provisions for granting pardon by the President and the Governors of the States respectively with the help of decided cases. 6 Marks  
b) Is the pardoning power subject to judicial review? Elucidate. 2 Marks  
c) Discuss the difference between the powers of the President & the Governor of a State in granting pardon. 2 Marks

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B.A., LL.B. (Hons.): III – Year, V – Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**  
**5.3 FAMILY LAW - II**

Time: 1:15 Hrs.  
Total Marks: 20

**INSTRUCTIONS:**

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

Attempt either Section A or Section B

Section A

1. Shanta, a widower, age 66 years old Hindu male, the *karta* of a Hindu Joint Family governed by Mitakshara Law as applicable in Pune, Maharashtra. He was blessed with two sons- Mahesh and Riteish, age 35 and 30 years respectively, both were mechanics. The family of the father and sons were all residing in the ancestral home of their father located in the outskirts of Pune. One day, on March 10, 2000, Mahesh and Riteish impressed upon their father for financial support to start motor vehicle workshop in their name since they were keen on starting their own business. Shanta was happy with the business proposition of his sons, but he was hard-pressed with money which he conveyed to his sons. Mahesh and Riteish then suggested that if he was agreeable they could mortgage a plot of land, an ancestral property which Shanta had inherited from his maternal grandfather, lying adjacent to their home in the outskirts of Pune. Shanta reluctantly told them that one – third of that property was alienated for the marriage of his daughter while the rest was alienated to secure the job of his other son in 1985. He further disclosed that prior to his marriage to their mother in 1960, he was married to another woman in 1950 when he was 16 years old, and with whom he had one son and one daughter. The revelation made Mahesh and Riteish furious and as such they challenged the alienation made by their father in 1985.

In the light of the given facts and circumstances, discuss the relevant concepts and legal incidents of Hindu law and judicial opinions on decided cases. 10 Marks

2. “Under the Hindu law, the Hindu person is under personal obligation to maintain certain members of the Hindu Joint Family, however for other members it is moral or remote obligation”. Thus, in the light of the given statement elucidate the concept of maintenance under the provision of Hindu Law with the support of relevant concepts, provisions of law and decided cases. 10 Marks

Section B

3. S<sup>2</sup> 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 W<sup>1</sup>, his sons – S<sup>1</sup>, his W<sup>2</sup> and S<sup>2</sup> his wife, W<sup>3</sup>, and daughter, D<sup>1</sup> who was undergoing treatment kidney related ailment in a reputed private hospital in South Delhi, for which

the family had to incur Rs. 10 thousand monthly. S<sup>1</sup> has two sons – S<sup>3</sup> and S<sup>4</sup> and a daughter, D<sup>2</sup> who was of marriageable age. S<sup>3</sup> (died of cancer on September 10, 2013) was married to W<sup>4</sup>, they have a son, S<sup>7</sup> who is still a minor. S<sup>4</sup> is a confirmed bachelor. S<sup>2</sup> has two sons - S<sup>5</sup> and S<sup>6</sup>. S<sup>5</sup> 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 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.

20 Marks

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B.A., LL.B. (Hons.): III – Year, V – Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**  
**5.4 Criminal Procedure Code**

Time: **1:15 Hrs.**  
Total Marks: **20**

**INSTRUCTIONS:**

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**Question No. 1 is compulsory. Answer any two questions from Section 'B'.**

**Section-A**

1. On 4.09.2015, Reena, aged about 12 years, went out of her house at about 6pm to the shop close by to buy some groceries. When she did not return for about one hour her father, Mr. Jaswant went looking for her but could find her. Mr. Alok, a neighbour of Mr. Jaswant told him that he had seen Ajay, the son of the local MLA, Ramesh and Amal push Reena into the car and drive away. Mr. Jaswant went to the police station to register the FIR against the three persons.

The Officer-in-charge of the police station registered the FIR under Section 365/120B of the *Indian Penal Code* (Kidnapping or abducting with intent secretly and wrongfully to confine a person; cognizable, non bailable and non-compoundable offence; punishable with imprisonment of either description for a term which may extend to seven years and fine) against Ajay, Ramesh and Amal and started investigation of the same. During investigation, the Investigating Officer examined some witnesses and reduced their statements into writing and obtained their signatures on such statements. Ramesh and Amal are arrested, but Ajay runs away from the police.

In the light of the facts given above, answer the following questions. (2.5x4=10)

- i) After Ramesh and Amal are arrested what is the procedure to be followed in this case, when the investigation cannot be completed in twenty four hours.
- ii) Mention the alternative provisions of law in the *Criminal Procedure Code*, 1973, available to the Mr. Jaswant if the Officer in charge of the police station had refused to register the FIR against the accused persons.
- iii) During investigation, the Investigating Officer examines some witnesses and reduces their statements into writing and obtains their signatures on such statements. Is

the procedure followed by the Investigating Officer correct? Support your answer with the appropriate sections of law.

iv) Is there any provision in the *Code of Criminal Procedure, 1973* for Ajay to apply for bail? If so, then state the conditions that can be imposed by the Court while granting bail to Ajay.

### Section-B

Answer any two of the following:

(5x2=10)

2. State with appropriate sections of law the various ways in which a Magistrate can take cognizance of an offence. Can the Court of Session take cognizance of any offence as a Court of original jurisdiction? Explain.
3. State the various processes provided for in the *Code of Criminal Procedure, 1973* to compel the appearance of an accused person before the court of law.
4. State the rights of an arrested person with reference to appropriate case laws.



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B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2015-2016  
**Mid Semester Retake Examination (October, 2015)**  
**5.4 CRIMINAL PROCEDURE CODE**

Time: **1:15 Hrs.**  
Total Marks: **20**

**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 two questions from the following. Q. No. 1 is compulsory.**

1. The Court of Judicial Magistrate 1<sup>st</sup> Class, Kamrup at Guwahati, issued a warrant of arrest against Alok who is accused of a non-cognizable offence. The offence was committed within the local jurisdiction of the Court issuing the warrant. Alok, the accused has sufficient moveable and immovable properties. After several attempts for executing the warrant, the police submitted a report to the Court that the Warrant could not be executed against Alok. Subsequently, the Court has reason to believe that Alok has absconded or is concealing himself so that the Warrant cannot be executed against him.  
In the light of the facts given above, answer the following questions
  - a. State and explain in brief the various provisions of law in *The Code of Criminal Procedure, 1973*, available to the Magistrate to deal with persons like Alok, who try to avoid the service of warrant and thus evade the process of law. (5x1=5)
  - b. Distinguish between (2.5 x 2 =5)
    - i. Cognizable offence and Non cognizable offence
    - ii. Summons case and Warrant case
  - c. State the procedure for investigation to be followed by a police officer when information is received of the commission of a non cognizable offence. (5x1=5)
2. The Courts in India have recognized that the primary object of criminal procedure is to ensure a fair trial of accused persons. State five features of a "Fair Trial". (5x1=5)
3. State the various ways in which the Magistrate can take cognizance of offences as provided for in the *The Code of Criminal Procedure, 1973*. Can the Court of Session take cognizance of an offence directly as a Court of original jurisdiction. If so, then explain in brief. (5x1=5)

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**Mid Semester Examination (October, 2015)**  
**5.5 CORPORATE LAW**

Time: **1:15 Hrs.**  
Total Marks: **20**

**INSTRUCTIONS:**

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

1. Explain the Doctrine of Lifting of Corporate Veil. Discuss the change in judicial approach with regard to the Doctrine of Lifting of Corporate Veil in the light of the following two contradictory statements:

“The horizon of the doctrine of lifting of corporate veil is expanding.”

“The corporate veil should be rarely lifted.”

2. Discuss the position of the shareholder in relation to a Company. Write your argument for and against the following statement in light of Shareholders Primacy Theory:

“Shareholders are the owners of the company”

3. Explain the meaning of ‘Company’. Enumerate the advantages or features that a business organization enjoys through incorporation under the Companies Act, 2013.

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B.A., LL.B. (Hons.): III-Year, V-Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**  
**5.6 PROPERTY LAW**

Time: **1:15 Hrs.**

Total Marks: **20**

**INSTRUCTIONS:**

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

1. Mr. P gifts his flat in Ambari, Guwahati to Mr. Q subject to condition that Mr. Q cannot sell it to anyone. In view of the above case answer the following questions:
  - i. Decide the above mentioned case. (2)
  - ii. Discuss in detail the law which govern the case. (6)
  - iii. Explain the exceptions to the above provision of law. (2)
  
2. "Section 6 clauses (a) to (i) of the Transfer of Property Act, 1882 specifically lays down certain kinds of properties or interests which cannot be transferred". In the light of the above statement explain with illustrations the following non-transferable properties:
  - a. Chance of an heir apparent (2)
  - b. Mere right of re-entry (2)
  - c. Mere right to sue (3)
  - d. Transfer made to a disqualified transferee (2)
  - e. Salary of public officer (1)
  
3. What do you understand by the term 'Notice' under the relevant section of the Transfer of Property Act, 1882? Explain with the help of relevant case laws the different cases in which the Doctrine of Constructive Notice becomes applicable.

(3+7=10)

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**Mid Semester Retake Examination (October, 2015)**  
**5.6 PROPERTY LAW**

Time: 1:15 Hrs.  
Total Marks: 20

**INSTRUCTIONS:**

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**Answer any two questions from the following. All question carry equal marks.**

1. Define Immovable property by analyzing the different positive and negative definitions taught under various relevant Acts. Which are the three tests to determine when a chattel after attachment becomes a fixture? (6+4=10)
2. Analyze the definition of 'transfer of property' under section 5 of the Transfer of Property Act, in light of decided case laws. (10)
3. Explain the Rule Against Perpetuity as has been dealt with under the Relevant provision of the Transfer of Property Act. What are differences in the applicability of this rule under the Indian and English law? (7+3=10)

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