

NLUJAA

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

Mid Semester Examination (October, 2017)

Subject Code: 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 problems associated with the industrial sector in India. Briefly discuss the basic features of the economic reforms of 1991 and its impact on Indian economy.
4+6
2. Discuss briefly the nature and scope of public finance. Also highlight the basic objectives and the role of public finance in developing and underdeveloped economies.
4+6
3. Illustrate the significance of Special Economic Zones in an economy. Briefly outline the characteristics of a good tax system.
6+4

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

Mid Semester Examination (October, 2017)

Subject Code: 5.2 Constitutional Law - II

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. Briefly discuss the constitutional provisions dealing with Emergency. Make a critical comment on the consequences arising there from after proclamation of Emergency under Article 352 of the Constitution of India.

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2. Critically discuss the law making power of the Parliament of India. Whether Parliament's power to make law is subject to any limitation? Provide reason in support of your answer citing relevant Constitutional provisions and judicial interpretation.

6+4=10
3. Write short note:

5x2=10

 - (a) Office of Profit
 - (b) Doctrine of Pleasure

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Mid Semester Examination (October, 2017)

Subject Code: 5.3 Family Law - II

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.

Answer any two questions. It is compulsory to answer the first question. All questions carry equal marks.

1. Sunil was born in 1920 and Sunita in 1926. They were married in the year 1950. They had three sons and a daughter. Their eldest son Ram was born in 1952, followed by Lakshman in 1953. Their daughter Malati was born in 1955 and the third son Bindeshwari in 1959. Malati was married in 1970 and had a grandson Sameer who was born to her son Rajesh and his wife Antara. Bindeshwari married Sumitra and his son Rounak married Binita. Rounak died of tuberculosis in 1991. Bindeshwari's granddaughter is named Pooja. Ram married Sita and had a son Rakesh who married Reema, his batchmate from college. Reema and Rakesh had two children, a son Rohit and a daughter Neha. Lakshman married Subha and also had two children. Lakshman's daughter Sujata is unmarried. His son Mahesh married Anita and the two of them had a son Ramesh who married Savitri. Ramesh died in a car crash in 1996. Sunil's second son died in 1992. Ram's son followed suit in 1993. Sunil himself succumbed to cancer in 1994. His daughter had died earlier in 1993.

Draw the family tree of the given HUF and compute the shares of the living members with reasons on the basis of statutes and judicial decisions.

(2+8)

2. X has left behind the following heirs. Applying the Hindu Succession Act, 1956 explain which heir(s) will receive the property with appropriate provisions and reasons.

(2½ X 4)

- (a) Father's brother's son's daughter's son vs Father's brother's daughter's son's daughter
- (b) Father's father's brother's daughter vs Father's father's brother's son's son
- (c) Mother's father's sister's son's daughter vs Father's father's brother's son's son's son
- (d) Son's daughter's daughter's son's daughter vs Father's brother's son's son's son

3. Mohan, Mahesh and Mukesh partitioned in 1979. Mantosh is the son of Mukesh, Mahesh's son is Madan and Mohan fathered a male child Manish. When the partition happened, two sons of Mohan, Meekesh and Manoj were minors. In 1985, Meekesh attained majority and challenged the partition in a court of law on the basis of inequality of shares assigned at the time of partition. He contended that equal shares should be assigned to him. Mohan contended that he had not acted with malice. Further, on Mukesh's death in 1987, Mantosh inherited his property. As the property partitioned was an agricultural land, Mantosh noticed that their individual productivity and consequently their incomes had depleted over the years. He was studying in the same college as Madan and Meekesh and was good friends with them. They decided that the best course of action would be to get back together. Madan spoke to Mahesh and Meekesh to Mohan but due to Meekesh's suit against him, Mohan refused. Madan, Meekesh and Mantosh moved the court seeking reunion for betterment of the property and increasing their incomes. Decide on the two cases arising from the given facts and circumstances with reasons.

10

NLUJAA

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Mid Semester Examination (October, 2017)

Subject Code: 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.

Answer any two questions from the following. Question No. 1 is Compulsory.

1. On 10.06.2017, at about 5:30 p.m., Meera a young girl aged about 12 years, went to play along with her friends in a park nearby. She told her mother that she would return home by 6:30 p.m. When Meera did not return home till 7:00 p.m. her mother, Mrs. Das started getting worried and went looking for her but could find her. Mrs. Jagdish, a neighbor of Mrs. Das told her that she had seen, Ramesh and Rahim, both sons of Mr. Piyush, push Meera into a car and drive away near the park. Mrs. Das went to the police station to register the FIR against the two 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. A Cognizable and Non-bailable offence; punishable with imprisonment of either description for a term which may extend to seven years and fine) against Ramesh and Rahim and started investigation of the same.

During investigation, Meera was recovered and Ramesh and Rahim were arrested. The Investigating Officer examined some witnesses and reduced their statements into writing. In the light of the facts given above answer the following questions.

(a) State the section/provisions in *The Code of Criminal Procedure*, 1973 for the following: (4x1=4 marks)

- (i) Information in cognizable cases to an Officer-in-charge of a police station
- (ii) Examination of Witnesses by the police during investigation.
- (iii) Recording of Confessions and Statements by a Judicial Magistrate in the course of an investigation.
- (iv) Report of the police officer on completion of investigation.

(b) After Ramesh and Rahim are arrested explain with appropriate sections of law the procedure to be followed in this case, when the investigation cannot be completed in twenty four hours.

(4 marks)

- (c) State and explain any four rights of An Arrested person
(2 marks)
2. (a) Explain in brief the various processes to compel the appearance of an accused person in *The Code of Criminal Procedure, 1973* before the court of law.
(6 marks)
- (b) What is a “Search Warrant”? State any three “objectionable articles” referred to in Section 94 of *The Code of Criminal Procedure, 1973*.
(4 marks)
3. (i) Distinguish between:
(a) Bailable Offence and Non-bailable Offence
(b) Investigation and Inquiry
(c) Summons Case and Warrant Case
(3x2=6 marks)
- (ii) Name the Courts in which criminal offences are triable and the sentences which may be passed by those Courts.
(4 marks)

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Mid Semester Examination (October, 2017)

Subject Code: 5.5 Corporate Law

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. Give a critical analysis of the Companies Act, 2013? State its salient features.
2. What is the relevance of lifting of corporate veil in the present era of corporate business? Explain with suitable case laws.
3. (a) Give a comparative analysis of Memorandum of Association and Articles of Association.

(b) What is the procedure for alternative of Memorandum of Association and Articles of Association?

NLUJAA

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Mid Semester Examination (October, 2017)

Subject Code: 5.6 Property Law

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.

Question No. 1 compulsory. Answer any one question from Q. 2 or 3. All questions carry equal marks.

1. On 9th September, 2015 'N' sold a flat C1 in Hengrabari for 40 lakh rupees to his friend 'E'. 'L', 'M' and 'N' purchased a plot of land R2 in Amingaon on 12th October, 2014 and celebrated their joint venture of setting up a factory W in that land by throwing a party on 15th November, 2014. 'Z' father of 'N' is the owner of the flat C1 measuring 1240 sq.ft. in Hengrabari and a plot of land R1 in Ulubari. 'Z' along with his wife 'A', their two daughters 'H' and 'J' and 'A's friend 'X' who is a Parsi watched a movie in Cinecity at Noonmati on 11th December, 2016. A dispute arose between 'L', 'M' and 'N' on 21st June, 2015. 'X' wife of 'V' is gifted a house with a beautiful garden by 'Y' with direction that she cannot sell it. 'L', 'M' and 'N' on 15th September, 2015 partitioned R2 through a deed which stipulated that if anyone of them is issueless then that person among them cannot sell his share and has to leave his portion of the partitioned property to the other sharers. On 30th November, 2015 'Z' sold R1 to 'G' for 50 lakh rupees with a condition that 'G' can sell R1 to no one except the family members of 'Z' and that the family members of 'Z' are entitled to purchase R1 at one-third of the price paid for it by 'Z' to 'G'. R1 was sold to 'E' by 'G' on 16th January, 2016. 'L' and 'N' sued to recover the share of the property which 'M' had sold to 'E' from his partitioned portion in R2. 'Z' filed a suit against 'G' on 1st February, 2016. Decide and explain the situations mentioned above in the context of the provisions of law under the Transfer of Property Act, 1882. Support your answer with decided case laws. (10)
2. Analyze Section 11 of the Transfer of Property Act, 1882 in the light of judicial decisions. (10)
3. Explain the following in the context of the Transfer of Property Act, 1882 and substantiate your answers with illustrations and decided case laws. (6+4=10)
 - (a) Transfer of Property
 - (b) 'Tree' as a property

