

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III-Year, V- Semester: Academic Year: 2016-2017
Mid Semester Examination (September, 2016)
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 agricultural sector in India. Suggest some measures to revive the primary sector to ensure sustainable growth of Indian economy. **5+5=10 Marks**
2. What do you mean by the term 'Industrialisation'? In this context, critically analyze the economic reforms of 1991. **2+8=10 Marks**
3. What do you mean by 'Public Revenue'? Discuss the nature and scope of public finance and its importance in case of a developing or underdeveloped economy. **2+8=10 Marks**

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B.A., LL.B. (Hons.): III-Year, V-Semester: Academic Year: 2016-2017
Mid Semester Examination (September, 2016)
5.2: CONSTITUTIONAL 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.
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Answer any two questions from the following. All questions carry equal marks.

1. Critically assess the status and position of the President of India citing relevant constitutional provisions. Can the President of India summon both the houses of Parliament to discuss a Bill? Cite relevant constitutional provisions and instances in support of your answer.

7+3=10 Marks

2. Discuss the jurisdiction of the Supreme Court as reposed to it by the Constitution of India. Whether appeals made to the Supreme Court of India under the constitutional provisions is a right of the appellant or a discretion of the Supreme Court? Provide justifications in favor of your answer.

7+3=10 Marks

3. Discuss the procedure of making a law by a State Legislature in India. Are there any categorical differences between the law making powers of the Parliament and of a State Legislature? Provide reasons in support of your answer citing relevant constitutional provisions.

6+3=10 Marks

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5.3: FAMILY LAW – II

Time: **1:15 Mins.**

Total Marks: **20**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
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Attempt all questions given either in Section A or B below. All questions carry equal marks.

SECTION - A

1. D² a member of Hindu joint family governed by the Mitakshara School expressed her unequivocal intention to partition from his father 'K' on May 10, 2011.

The Hindu Joint Family of 'K' comprises of the common ancestor, 'K' himself, his wife W¹, his sons – S¹, his wife, W² and daughters- D¹ her husband, H¹, and D² who was a spinster. W¹ was undergoing treatment o for diabetic related ailments in a reputed private hospital in South Delhi and also at home with the medical expenses of Rupees Ten thousand monthly. S¹ had two sons – S² and S³ and a daughter, D³. S² (died of cancer on September 10, 2008) was married to W³, they had a son, S⁴ who was still a minor. S³ was a confirmed bachelor. D¹ had two daughters – D⁴ and D⁵. D⁵ had completed her study of law from a reputed Law University in Delhi in July, 2010. She had planned of opening her own law firm in Delhi, for which the family was taking a loan of Rupees Sixty Lakh in June 2012. D⁴ marriage was fixed for June11, 2012.

The entire family of 'K' was staying together in the joint family dwelling house located in Jhajjar, Haryana. The family owns 50 acres of agricultural land as such the primary source of income of the family was agricultural product and twenty cattle. The family income from the agricultural yields and other dairy products was approximately Rupees Twenty Five Lakh per annum. The family purchased one tractor worth Rupees Two Lakh and the related agricultural equipments worth Rupees Three Lakh in 2003. The yearly maintenance of the family would normally amount to approximately Rupees Ten Lakh and other miscellaneous expenses of Rupees Three Lakh. Since the family had to frequently go Delhi main Subzi

Mandi, they have purchased a flat worth Rupees Eighty Lakh loan in Azadpur, Delhi in May, 2008 at the rate of 10.5 % interest per annum.

The Hindu Joint family of 'K' being a large family also owns' two four wheelers – one Tata Safari, worth Rupees Seven Lakh and a sedan, Ford Fiesta – worth Rupees Six Lakh purchased in 2006 and 2010 respectively. Apart from these vehicles the family also owns one Enfield Bullet worth Rupees Ninety Thousand and a scooty worth Rupees Forty Thousand, purchased in 2010 and 2011 respectively. The family jewelries was worth Rupees Ninety Lakh - Rupees Fifty Lakh worth gold and Rupees Twenty Lakh worth silver and another Rupees Twenty Lakh worth diamonds and other jewelries.

In the light of the given facts and circumstances open the partition by applying relevant concepts and provisions of Hindu law and on the basis of decided cases. **20 Marks**

SECTION - B

2. In Hindu joint family of 'A' governed by Mitakshara school 'A' had two sons, S¹, S² and a daughter D¹. S¹ died when he was a minor. S² was married to G. D¹ was married to H, they had two children, a boy, B and a girl, T. S² died after four years of marriage. After two months of the death of S² 'A's health deteriorated, thus he made a *WILL* whereby he kept D¹ in charge of all the joint family properties till B and T attains' the age of majority. Also, according to the will Band T shall on attaining the age of majority share the property two-third and one third each. And if either B or T should die before attaining the age of majority, the entire share of whoever should die must go to D¹. 'A' died three months after making the *WILL*. After one month of A's death G gave Birth to baby boy S³.

In the light of the given facts and circumstances discuss the legal position of B, T and S³ in the light of relevant concepts pertinent to Hindu law on the basis of pre and post 2005 Amendment of Section 6 of the Hindu Succession Act, 1956 and on the basis of decided cases. **10 Marks**

3. "The presumption of every Hindu Family is a Hindu Joint Family does not infer the presumption of the existence Hindu Joint family property". In the light of the given statement discuss the relevant concepts of Hindu Joint Family as different/ or similar from Hindu Undivided Family on the basis of decided cases. **10 Marks**

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NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): II-Year, V- Semester: Academic Year: 2016-2017
Mid Semester Examination (October, 2016)
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. All questions carry equal marks.

1. (a) What is the value and use of F.I.R? Is it a substantive piece of evidence? Discuss.
(b) 'A' lodged an FIR at a police station against named accused for cognizable offence. Upon conclusion of the investigation the police submitted Final Report. What steps will be taken by the magistrate and what options are open to the informant in case Magistrate accept the Final Report?
2. (a) How and when a criminal court can take cognizance of an offence? Explain the law on the topic with reference to the exceptions provided in the Code of Criminal Procedure, 1973.
(b) A Deputy Commissioner was arrested on a charge under section 161, I.P.C. and section 5 of Prevention of Corruption Act. He retired from service when the case was still under investigation. Later when he was sent up for trial for the aforesaid offences he took the plea that, no sanction have been obtained for his prosecution, the case could not proceed. Would you uphold the objection?
3. (a) Explain the powers of the Magistrate to issue proclamation and attachment, its extent, scope and limitation with the help of relevant provisions of law.
(b) Where investigation was not completed within 24 hours, the police officer produces the accused before an executive magistrate upon whom the power of a judicial magistrate has been conferred. Such Magistrate remands the accused to 10 days police custody. Referring to statutory provisions, discuss the validity of the order of Magistrate.

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NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.):III-Year, V- Semester: Academic Year: 2016-2017.
Mid Semester Examination (October-2016)
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. "The doctrine of piercing the veil allows the Court to disregard the separate legal personality of a company and impose liability upon the persons exercising real control over the said company. However, this principle has been and should be applied in a restrictive manner, that is, only in scenarios wherein it is evident that the company was a mere camouflage or sham deliberately created by the persons exercising control over the said company for the purpose of avoiding liability." (Supreme Court in *Balwant Rai Saluja v. Air India Ltd*), in the light of the above statement, state the principles on which current law on lifting of corporate veil has evolved and settled.
2. In a Private Limited Company it is discovered that there are, in fact 204 members. On an enquiry it is ascertained that 6 of such members have been employees of the company in the recent past and that they acquired their shares while they were still employees of the company. Is it necessary to convert the company into public limited company? Also, explain the difference between a Public Company and Private Company.
3. Analyze and write short note on the following statements in regard to feature of Company:
 - (a) Shareholders are pre-eminent in the Solvent Company, and Creditors are pre-eminent in the Insolvent Company.
 - (b) Company is like River Thames, it remains the same even though the water it compose of it constantly changes.

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NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III-Year – V- Semester: Academic Year: 2016-2017
Mid Semester Examination (October-2016)

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

1. 'P' before his death on 20th August, 2036 had transferred his flat in Ulubari to 'X' in 2003 with a direction that the rents of the said flat be accumulated till 2040. In the light of the above case answer the following:- **2+6+2=10 Marks**
 - (i) Decide the above mentioned case.
 - (ii) Discuss in detail the law which will govern the above mentioned case.
 - (iii) Explain the exceptions to the law regulating the above mentioned case.
2. Discuss the elements of a valid sale with illustrations and case laws. Elaborate the liability of the Seller as stipulated under clause (a) and (d) of Section 55 (1). **6+2+2=10 Marks**
3. **Write short note on the followings:** **5+5=10 Marks**
 - (i) Restrictive Covenants with case laws.
 - (ii) Clause (a) of Section 6 of the Transfer of Property Act, 1882.

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