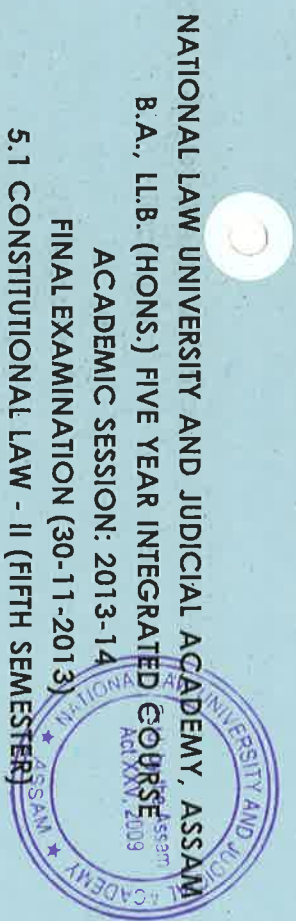


- 3.2 Write a note on the Code of eleven Fundamental Duties under the Constitution of India.
- 3.3 Under the Constitution of India, the jurisdiction of the Administrative Tribunals are kept out of the judicial review of the High Courts. Explain the statement with the help of the ratio established by the Supreme Court in *S.P. Sampat Kumar v. Union of India*, (1987)1 SCC 124 and in *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125.
- 3.4 Write short notes on the Doctrine of Basic Structure as an implied limitation on the amending power of the Parliament under Article 368. Illustrate your answer with the help of the case laws decided by the Hon'ble Supreme Court of India in this matter.

2x14=28 MARKS



MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Define an "Overseas Citizen of India" under the Citizenship (Amendment) Act, 2003.
- 1.2 Give two distinctions between Fundamental Rights and Directive Principles under the Constitution of India.
- 1.3 Which constitutional amendment took away the Right to Property from Part III of the Constitution? Discuss the present position of the Right to Property under the Constitution of India.
- 1.4 What is the Doctrine of Prospective Overruling? Mention the Supreme Court judgment which applied the Doctrine of Prospective Overruling. Which constitutional amendments were upheld by the application to the Doctrine of Prospective Overruling?

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Explain the Doctrine of Judicial Review as provided in Article 13 of the Constitution of India. Explain the application of the

Doctrine of Severability as a part of judicial review. Illustrate your answer with the help of the ratio established in *Kihota Holohan v. Zachithu* 1992 SCR (1) 686.

2.2 Elucidate the two provisions relating to Equality of Opportunity in Public Employment under Article 16 of the Constitution of India. Mention the five exceptions to this general rule of Equality of Opportunity in Public Employment.

2.3 "Article 32 provides remedies which makes the fundamental rights real." List the four remedies provided under Article 32 which guarantees the different fundamental rights in Part III of the Constitution of India.

MODULE- II

2.4 Discuss the Directive Principles of State Policy laid in Article 39(b) and Article 39(c) for securing economic justice. Which constitutional amendment saves the laws for giving effect to these Directive Principles? In which landmark case the said constitutional amendment was challenged and which part of the said amendment was struck down as violative of the basic structure of the Constitution of India?

2.5 Which constitutional amendment has inserted a Directive Principle as well a Fundamental Right to Education? Discuss in brief the Directive Principle and the Fundamental Right in this regard. Mention the two landmark judgments connected with the Right to Education and Capitation Fees.

2.6 "Fundamental Rights and Fundamental Duties are supplementary and complementary to each other." Explain the statement with the help of the ratio established by the Supreme Court of India in *Aruna Roy v. Union of India*, AIR 2002 SC 3176. Specifically mention which Fundamental Right and Fundamental Duty were described to be interrelated in the said judgment.

MODULE-III

2.7 What is the power of Eminent Domain. Mention the three limitations on the power of Eminent Domain. Which provision of the Constitution of India embodies the power of eminent domain?

2.8 Discuss the composition, appointment, term of office and procedure of removal of the members of the Union Public Service Commission under the Constitution of India.

2.9 "The Common Law Doctrine of Pleasure has not been fully adopted in India". Explain the statement with the help of Articles 310 and Article 311 of the Constitution of India.

MODULE- IV

2.10 Discuss the constitution, composition and functions of the Election Commission of India.

2.11 Whether the constitutional amendments are 'law' within the meaning of Article 13(3) of the Constitution of India? Illustrate your answer with the help of the ratio established in *Shankari Prasad v. Union of India*, AIR 1951 SC 455 and in *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845.

2.12 To what extent the Constitution (24th Amendment) Act, 1971 is effective to remove the difficulties created by the Supreme Court's decision in *I.C. Golak Nath v. State of Punjab*, AIR 1965 SC 845.

8x7=56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 "Trafficking of human beings and forced labour are prohibited under the Constitution of India." Explain the statement with the help of the constitutional provisions in this matter. Illustrate your answer with the help of suitable Supreme Court judgments.

- significance of the study of law of inheritance and succession.
- 3.2 In regard to lesser rate of atrocities being committed to women in dayabhaga region of Bengal and Assam, critically analyse and discuss how the basic difference in the process of devolution of property in the *mitkashara* and the *dayahaga* had led to the differential approach in the Hindu woman right to property?
- 3.3 "Contrary to the popular opinion Muslim law of inheritance is more exhaustive than most of the other personal laws of inheritance". Justify the given statement with the help of suitable illustrations.
- 3.4 Write an essay tracing the incorporation of concept of Will into the Hindu law.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-14
END SEMESTER EXAMINATION (29-11-2013)



5.2 FAMILY LAW - II (FIFTH SEMESTER)

MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Write a short note on the concept of Ancestral Property.
- 1.2 What do you understand by the term Inter-Country Adoption?
- 1.3 Briefly discuss the Doctrine of Rudd.
- 1.4 Write a short note on wasiyat.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Succinctly describe the significance of classification of Hindu Joint Family property under different heads.
- 2.2 A Hindu *karta* died without making a will, he is survived by his eldest daughter and two sons, both are married, with issues of their own. The family is basically a Hindu Joint Family with a thriving family business of making sweets. In the light of the given facts and circumstances, elucidate the role of the prospective *karta* and the importance of the concept of Hindu Undivided Family.
- 2.3 Bhargav is a member of a Hindu Joint Family which comprises of his father, mother, elder sister and a deceased brother's sister. He is keen on starting a kiosk for mobile

recharge and servicing business. In regard to the same, he expressed his unequivocal interest to partition from the Hindu Joint Family. He was thus separated from the Hindu Joint Family of his father. After three months of Bhargav separation, a baby boy was born to his deceased brother's widow. What are the legal remedies available to the baby boy who was born into the Hindu Joint Family three months after the separation of Bhargav? Support your answer with suitable legal reasonings and decided cases.

MODULE- II

2.4 Briefly answer the following:

(i) A Hindu joint family does not come to an end by the extinction of coparcenary.

(ii) Pious obligations of a Hindu son to replay debts of father.

2.5 A, a male Hindu dies intestate in 2005 and is survived by his widow W. He also had two children S1 and D1. S1 after conversion to the Muslim faith, got married to a Muslim girl SW and died during the life time of A after begetting a son SS. D1 got married to a Christian man under the Special Marriage Act, 1954. A leaves behind property worth Rs. 90 lakhs. Discuss who would inherit his property and what would be their shares.

2.6 Discuss and criticize the gradual legislative changes in the classical concept of Mitakshara joint family and coparcenary.

MODULE- III

2.7 In the light of dispute over the Prophet Muhammad legacy which led to the eventual creation of the Sunni and Shia sects, explain how this dispute had also impacted on the Islamic Jurisprudence of inheritance between the two sects?

2.8 A Sunni male Muslim X dies leaving behind maternal parents M & F, a widow W and a daughter D. He leaves behind property worth Rupees 50 lakhs. Discuss who will get the property and what would be their shares?

2.9 Discuss the basic difference between Doctrine of Aul and Doctrine of Rudd. Answer your question by giving suitable illustrations.

MODULE- IV

2.10 Renu, a divorcee, applied for education loan for her sixteen year old son, Abhay the application for the loan was however, rejected on the ground that she does quality as the natural guardian of her minor son as per the provision of the Hindu Minority and Guardianship Act, 1956.

In the light of the given fact discuss the concept of natural guardian under Hindu law. Also, decide on the basis of decided case appertaining to a similar fact and circumstances.

2.11 Discuss in detail the concept guardianship of minor under Muslim Law.

2.12 Explain the rationale behind the incorporation of S.30 of the Hindu Succession Act, 1956 whereby a Hindu is rendered capable of disposition of even ancestral property with a rider such disposition of property through 'Will' or other means of disposition shall be governed the Indian Succession Act, 1925 or any other law applicable to Hindus .

8x7=56 MARKS

SECTION THREE

ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 In the light of rampant criminal offences being committed by people in regard family property in dispute, discuss the

suitable cases decided by the various High Courts in India and the Supreme Court of India.

3.4 Critically examine the Delhi High Court's judgement in *Naz Foundation v. Government of NCT of Delhi and Others*, WP(C)7455/2001 in decriminalizing consensual sex between adults of the same sex in private" and which further held that Section 377 of the *Indian Penal Code*, 1860 is violative of the Articles 14, 15 and 21 of the *Indian Constitution*. What is your opinion and give your answers analytically.
2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY by ASSAM
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-2014 (FIFTH SEMESTER)
END SEMESTER EXAMINATION (07-12-2013) ASSAM
5.3 INDIAN PENAL CODE

MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1. Discuss the essential elements of an Unlawful Assembly as defined in the *Indian Penal Code*, 1860?
- 1.2. Chapter IV of the *Indian Penal Code*, 1860 defines the General Exceptions and it is divided into two parts. What are those two parts and write which acts comes under each of those two parts separately.
- 1.3. Define expression 'Hurt'. Discuss briefly when 'Simple Hurt' becomes a 'Grievous Hurt'.
- 1.4. Define the offence of 'Rape' provided under the *Criminal Law (Amendment) Act, 2013*.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Define expression 'Riot'. Discuss when an Unlawful Assembly converts into a Riot. Write clearly the important prerequisites of Rioting.
- 2.2 Discuss joint Liability in the *Indian Penal Code*, 1860. Write analytically the basis on which the joint liability was attributed to the accused persons by the court in *Nachmuthu Gowdon and Others v. State* (1947, I.L.R. 425).

2.3 Discuss the necessary conditions to prove that a person is guilty of committing offence under Section 149 of the *Indian Penal Code*, 1860.

MODULE – II

2.4 Sections 76-79 of the *Indian Penal Code*, 1860 define the defence of "Mistake". One of the essential conditions to invoke the defence of 'mistake of fact' is "It must be shown that it is a mistake of fact not mistake of law", but there are four limitations to invoke this defence. Discuss those limitations analytically with the help of suitable illustrations.

2.5 What are the essential conditions of 'Doctrine of Necessity' in the *Indian Penal Code*, 1860? Give clear analysis of the essential conditions to claim exemptions from criminal liability in the light of the case *Queen v. Dudley and Stephens*, 1884, 14 QBD 273 DC.

2.6 The *Indian Penal Code*, 1860 allows every person to defend his person and property against unlawful aggression and such right is known as Right of Private Defence. This right should be exercised so long as a person is within those limitations, and the person will be exempted from criminal liability. In the light of this statement discuss analytically the case of *Amjad Khan v. State*, 1952 AIR 165.

MODULE – III

2.7 Discuss the chief requirements of section 299 and section 300 respectively of the *Indian Penal Code*, 1860.

2.8 In criminal law the accused person is treated as innocent until proven guilty and the burden of proof lies on the prosecution. But in the case of Dowry deaths it is contrary. Give clear analysis of "Dowry Death" in the *Indian Penal Code*, 1860 in the light of *Rajbir @ Rajjuv. State of Haryana*, (2010) 3 SCC 235.

2.9 How does the homicide by Rash and Negligent Act differ from Culpable Homicide? Discuss in the light of *Re Nidamarthi Nagabushnam's Case*, (MHC 119), 1872.

MODULE – IV

2.10 "Wrongful restraint is linear in operation, while wrongful confinement is circular in all direction". In the context of this proposition define and analyse the offences of 'Wrongful Restraint' and 'Wrongful Confinement' in the *Indian Penal Code*, 1860 while citing the decided cases.

2.11 "X" a girl of sixteen years of age, leaves her father's house in consequences of ill-treatment and goes to Z's house. Z persuades her to return back, but she refuses to return to her parent's house and stays with Z. After two days, the police recover X from Z's house. Z is charged with the offence of Kidnapping under the *Indian Penal Code*, 1860. Give clear analysis Z's liability.

2.12 List the offences against property provided under the *Indian Penal Code*, 1860. Elucidate the pre requisites of the Theft becoming Robbery and the Extortion becoming Robbery.

8x7=56 MARKS

SECTION THREE

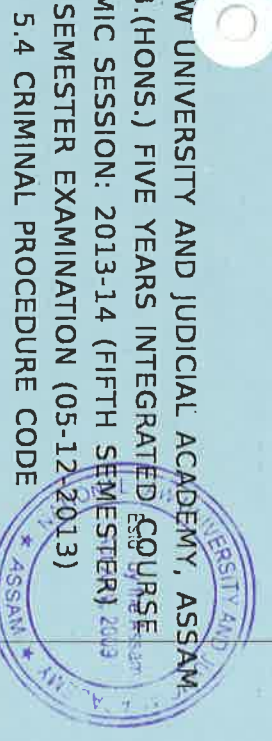
ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 Discuss and distinguish *Berendra Kumar Gosh v. R* (1924), 52 Cal. 197 P.C., *R. v. Mahabubsha* (1945) Law Weekly Mad Vol. 58, P. 368, and *Pandurang v. State of Hyderabad* AIR 1955, SC 216. Are there any similarities among the three cases? Elucidate.

3.2 In cases of where insanity is pleaded as a defence, the prosecution should prove that there was no insanity instead of the defence having to prove that the accused was insane. In this context, elucidate analytically the tests to be applied to invoke the defence of insanity. Discuss with reference to *Mc Naughton's Case*, [1843] vol. 59 8 ER 718 (HL).

3.3 Define the offence of 'Murder'. Discuss analytically the exceptions provided under section 300 of the *Indian Penal Code*, 1860 with

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM.
B.A., LL.B.(HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-14 (FIFTH SEMESTER) 2013
END SEMESTER EXAMINATION (05-12-2013)



MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Explain the fundamental principles of criminal jurisprudence in India with at least two leading case laws.
- 1.2 Distinguish between 'Compoundable' and 'Non-Compoundable Offences'.
- 1.3 What is 'Reference'? Discuss the differences between an 'Appeal' and a 'Revision'.
- 1.4 Define the term 'juvenile'. "The juvenile justice system in India contemplates the legal response with respect to two categories of children." Name these two categories of children and differentiate between them.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "A trial in order to be fair should be fair both to the prosecution and to the accused. With a view to make the trial fair, certain rights in favour of the accused have been recognized by the *Criminal Procedure Code*". What are the rights of the accused at a trial? What was held by the Supreme Court in *Hussainara Khatoon v. State of Bihar*, 1980(1) SCC 108?
- 2.2 Elucidate the rights of an Arrested Person with reference to *D.K. Basu v. State of West Bengal*, 1997(1) SCC 416 and *Prem Shankar*

Shukla v. Delhi Administration, AIR 1980 SC 1535. For how long can a police officer detain a person arrested without a warrant?

2.3 Define 'Search Warrant'. What are the circumstances under which a "Search Warrant" be issued. Support your answer with the appropriate sections of law. When can a Magistrate direct a 'Search' without a Warrant?

MODULE- II

2.4 What are the various modes of execution of sentences under the *Criminal Procedure Code, 1973*? What is meant by "period set off"?

2.5 What do you understand by 'Double Jeopardy'? Discuss the principle with reference to Section 300 of the *Criminal Procedure Code, 1973*.

2.6 Define 'Warrant Cases' and 'Summons Cases'. Explain what is meant by 'pre-charge' evidence in a Warrant Case instituted otherwise than on a police report with appropriate sections of law?

MODULE-III

2.7 What is a Summary Trial? Discuss four offences that can be tried summarily? What procedure is adopted in Summary Trials?

2.8 Define 'Judgment'. Discuss the contents of a Judgment.

2.9 What do you mean by 'Plea Bargaining'? Mention three main differences between 'Compoundable Offences' and 'Plea Bargaining'. Name any two offences where Plea Bargaining has no application. Explain the concept of 'Plea Bargaining', incorporating the view as held by the Supreme Court in the *State of Uttar Pradesh v. Chandrika* 1999 (8) SCC 638.

MODULE- IV

2.10 Explain the causes of juvenile delinquency with special reference to India.

2.11 Define 'Probation'. Explain under what circumstances the Court can release offenders on probation of good conduct with reference to Section 4 of the *Probation of Offenders Act, 1958*. What was the held by the Supreme Court in *Brijesh Kumar v. State*, 2010 CrLJ 4608 Raj (D.B), in respect of giving the benefit of probation to the accused person?

2.12 Elucidate any seven fundamental principles of the juvenile justice system laid down in the *Juvenile Justice (Care and Protection of Children) Rules, 2007*, which have to be kept in mind by the Court or the Police while dealing with children.

8x7=56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 What do you understand by 'trial' of an offence? Describe the procedure for trial of Warrant Cases instituted on a police report
- 3.2 Name the various 'Institutions' or 'Homes' provided for, under the *Juvenile Justice (Care and Protection of Children) Act, 2000*. Write short notes on any 3 of them.
- 3.3 "The provisions under the *Criminal Procedure Code, 1973*, shall not affect the provisions of the *Probation of Offenders Act, 1958*." Examine the statement in the light of *Channi v. State of Uttar Pradesh*, 2006 (5) SCC 3961. Distinguish between Section 360 of the *Criminal Procedure Code, 1973* and the *Probation of Offenders Act, 1958*.
- 3.4 "Bail not jail." Explain the statement with reference to the procedure to be followed in the case of a juvenile who is arrested or detained or produced before the Juvenile Justice Board. What are the circumstances under which a juvenile may not be released on bail?

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE
ACADEMIC SESSION: 2013-14 (FIFTH SEMESTER)
END-SEMESTER EXAMINATION (03-12-2013)
5.5. CORPORATE LAW



MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Explain the term 'Doctrine of Constructive Notice'.
- 1.2 Explain briefly the term 'Blank Transfer of Shares'.
- 1.3 What is 'Quorum'? What course of action should be adopted when the quorum is not complete?
- 1.4 What do you understand by 'Defunct Company'?

4x4=16 MARKS

SECTION THREE

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 What is 'Doctrine of Indore Management'? Discuss the exceptions to the Doctrine of Indore Management.
- 2.2 Discuss the position of a promoter in the formation of company and briefly discuss the status of pre-in-corporation contracts.
- 2.3 Write the difference between 'Private Company' and 'Public Company'.

MODULE - II

- 2.4 What is 'Share Warrant'? Discuss the procedure for issue of share warrant.
- 2.5 Write a brief note on 'Reduction of Share Capital'.
- 2.6 What do you understand by the term 'Dividend'? When and how a company declare dividend?

MODULE – III

- 2.7 Is it necessary to conduct an 'Annual General Meeting' of a company every year? Outline the businesses usually transacted at this meeting.
- 2.8 Who can be a Director? Discuss the position and mode of appointment of directors.
- 2.9 What are the rules in respect of voting by member? When and by whom can poll be demanded?

MODULE – IV

- 2.10 Explain the meaning of term 'Amalgamation'. Discuss the power of the Central Government regarding Compulsory Amalgamation of Companies in public interest.
- 2.11 Discuss the different types of punishments prescribed under the *Companies Act, 1956*. Who may be made liable for the offences and punished under the Act? Briefly explain the expression 'Officer in Default'
- 2.12 Discuss the duties of a liquidator while conducting the proceedings of winding up of a company.

8x7=56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Discuss the characteristic of a Private Company. What are the exemptions and privileges granted to private companies?
- 3.2 "The law is very strict regarding the content of prospectus and wants to give maximum protection to numerous innocent investors against unscrupulous promoters and directors." Explain the obligatory and important content of prospectus. Discuss the procedure regarding registration of prospectus.
- 3.3 "The fundamental principle of Company Law is majority must prevail. Except the power vested in the Board of Directors, the overall powers of controlling the affairs of a company rest with the shareholders, which they exercised in the general meeting of the company. Therefore, it is mandatory of members who can control the directors".

Elucidate this statement by citing the relevant case laws. What are the remedies available to the minority shareholders of a company against oppression and mismanagement?

3.4 "In Palmer's Company Precedents, Part II, 1960 edition, at page 25, the following passage appears:

'A winding up petition is a perfectly proper remedy for enforcing payment of a just debt. It is the mode of execution which the court gives to a creditor against a company unable to pay its debts'."

When a company may be wound up by the court? Discuss the important points to keep in mind before reaching the conclusion in a winding up petition by the court. Justify your answer with the help of decided case laws.

2x14=28 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 "Transferability of property is the general rule; its non-transferability is an exception". List the ten kinds of properties or interests which cannot be transferred under sec 6 of the Transfer of Property Act, 1882. **A** has two sons **B** and **C**. **A** has become very old and is also suffering from an incurable disease. But he is still alive. Expecting that **A** must die very soon and he is in need of money, **B** sold his half share in **A**'s property to **X**. Answer whether the transfer is valid or void? Justify your answer with reasons.
- 3.2 Discuss the impact of regulations and planning of the Government on the supply and demand for urban land.
- 3.3 **M**, a creditor sued **K**, his debtor for recovery of his debts. During the pendency of the suit, **K**, the debtor sold his properties to **H**, another creditor of **K**. Whether the transfer by **K** to **H** is valid or void? Whether **H** would be entitled to the properties of **K**? Solve the problem with the help of the principle of Fraudulent Transfers. Explain the two characteristics of the principle of Fraudulent Transfers and the two exceptions to the principle.
- 3.4 Mention the documents of which registration is compulsory and the documents of which registration is optional under the Registration Act, 1908.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

B.A., LL.B. (HONS.) FIVE YEAR INTEGRATED COURSE
ACADEMIC SESSION: 2013-14 (FIFTH SEMESTER)
END SEMESTER EXAMINATION (02-12-2013)

5.6 PROPERTY LAW



MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What is meant by an 'Immovable Property'? Give two examples of an Immoveable property.
- 1.2 What is meant by an 'Actionable Claim'? Give two examples of an Actionable Claim. Whether a claim to mesne profits is an Actionable claim?
- 1.3 Define a 'Benami Transaction' as provided in the Benami Transactions (Prohibition of the Right to Property) Act, 1988. Whether the Benami Transactions are punishable under the said Act? If yes, mention the relevant provision.
- 1.4 Discuss in brief the territorial application of the Indian Easements Act, 1882.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - 1

- 2.1 "The scope of application of the Transfer of Property Act, 1882 is limited". Explain in brief the six limitations to the applicability of the 1882 Act.
- 2.2 **A** transfers his properties to **B** for life who is unmarried and then to the eldest child of **B** absolutely. Whether the transfer

in favour of the eldest child of **B** is valid or not? Justify your answer. Under what conditions are the property transferred to an unborn person under the *Transfer of Property Act, 1882*?

2.3 Explain the historical perspective of the *Transfer of Property Act, 1882* with reference to *Hindu Law and Muslim Law*.

MODULE- II

2.4 "Charge is almost like a mortgage but, in essence it is not mortgage." This observation was made by the Patna High Court in *Raja Shri Shiv Prasad v. Beni Madhav*, AIR 1922 Pat. 529. Explain this observation by writing five distinctions between Charge and Mortgage.

2.5 **A** gives one lakh of rupees to **B**, reserving to himself with **B's** assent the right to take back at pleasure Rs. 10,000 out of the lakh. Whether the gift by **A** to **B** is valid or void? What are the essential elements of a valid gift?

2.6 **A** makes a gift of his house to **B**. He simply executes a deed but does not specify any date on which the ownership is to be transferred. Whether **B** has a Vested Interest or a Contingent Interest in the gift? Distinguish between a Vested Interest and a Contingent Interest.

MODULE-III

2.7 **A** is a Hindu who separates from his father **B**. On partition, the property **P1** is retained by **A** and property **P2** goes to **B**. Representing as an owner of both properties, **A** sold **P1** and **P2** to **C**. After sometime when **B** died, **A** became owner of both the properties. Before **C** could exercise his option to compel **A** to transfer property **P2** to him, **A** secretly sold **P2** to **D**. **D** purchased property **P2** in good-faith without having any notice of the option of **C**. Who is entitled to get the property, **C** or **D**? Justify your answer with reasons with the

help of the Doctrine of Feeding the Grant by Estoppel. When are the rights of a bonafide second transferee protected under the Doctrine of Feeding the Grant by Estoppel?

2.8 There is a contract of sale of a piece of land between **A** and **B**. The contract is in writing, stamped, attested and duly executed but not registered by **A**, the seller. **B**, who is the purchaser, has performed or is willing to perform his part of contract i.e. has paid the price or is willing to pay the same. On the basis of such contract **B** takes possession of land. Now, **A** sells the land to **C** through a registered deed. **C** having legal title of the land, attempts to eject **B**. Whether **C** would succeed in ejecting **B**? Under what circumstances **B** can claim protection from ejection? Solve this problem with the help of the Doctrine of Part-performance.

2.9 Distinguish between Charitable Trusts and Private Trusts.

MODULE- IV

2.10 **A** claims the right to collect stones from **B's** land to build a road on **A's** land. Whether such a claim by **A** over **B's** land is profits a prendre or an easementary right? What is a profits a prendre? Mention three distinctions between the scope of the English Law of Easements and the scope of the Indian Law of Easements.

2.11 **A** delivers the possession of his land to **B** to hold a circus for a period of three months. Whether **B** can use **A's** property as a licence or an easement? Justify your answer with reasons. Mention four distinctions between a licence and an easement.

2.12 Discuss the examination and impounding of instruments not duly stamped under the *Indian Stamp Act, 1899*.

8x7=56 MARKS