

END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER 2018

Paper Code: LLB-301

Subject: Environmental Studies & Environmental Law
(Batch 2014 Onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write notes on the following:-

(5x5=25)

- (a) Noise Pollution
- (b) Public Nuisance
- (c) Citizens' suit provision
- (d) Medical Waste Regulation
- (e) Stockholm Declaration

PART-B

UNIT-I

Q2 "Indian Constitution, to begin with, had nothing like environmental protection as one of its objectives, however today, it is said to be one of those constitutions which has specific provisions relating to environmental protection". Explain the provisions of environmental protection in the Indian Constitution in the light of the above statement. (12.5)

Q3 If you dig up the debris of Environmental law, in the base you will find the law of torts. Do you agree with the statement? What are the remedies available against a polluter under Law of Torts? (12.5)

UNIT-II

Q4 "The Consent procedure under Water Act and Air Act, suffers from lack of community consultation and transparency". How far do you agree with the statement? What efforts have been made by the central government to remedy the situation and whether, in your opinion are they sufficient? Explain and elaborate. (12.5)

Q5 Critically examine the provisions relating to sampling procedure under Air Act and the possibility of a restraint order therein, with the help of decided cases on the point. (12.5)

UNIT-III

Q6 "Despite the war-like powers of central government under Section 3 of Environmental protection Act, 1986, the overall design of the Act has been said to be in-effective and narrowly focused." Do you agree with the statement? Explain. (12.5)

Q7 Critically examine the classification of forests under Indian Forest Act, 1927 and compare and contrast the protection strategies of 'Reserve Forests' and 'Protected Forests', with the help of decided cases on the subject. (12.5)

UNIT-IV

Q8 Critically examine the "Doctrine of Public Trust" and its contribution in protection of environment, with the help of decided cases. (12.5)

Q9 Write an essay on the jurisdiction of National Green Tribunal and critically examine its efficacy in adjudicating the environmental disputes. (12.5)

END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER 2018

Paper Code: LLB-303

Subject: Law of Evidence

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

(5x5=25)

- (a) Doctrine of *res gestae*
- (b) Estoppel
- (c) Narco analysis
- (d) Refreshing Memory
- (e) Confessions

PART-B UNIT-I

Q2 What is Evidence? State the provisions of the Indian Evidence Act relating to Facts which need not be proved. (12.5)

Q3 "Any fact is relevant which shows or constitute a motive or preparation and conduct of any fact in issue or relevant fact". Explain. (12.5)

UNIT-II

Q4 What is Dying Declaration? Can it be accepted without corroboration? Discuss the same with relevant provisions and judicial decisions. (12.5)

Q5 Define the term 'Admission'. "Every confession is necessarily an admission but not vice-versa". Discuss with relevant case laws. (12.5)

UNIT-III

Q6 Write short notes:- (12.5)
(a) Expert opinion
(b) Burden of proof

Q7 Differentiate between oral and documentary evidence. Explain the rule of exclusion of hearsay evidence and state the exceptions. (12.5)

UNIT-IV

Q8 Critically analyse role and impact of social media in the law of evidence?(12.5)

Q9 (a) Discuss the legal position on the admisability of DNA Test in India.
(b) Evidentiary value of Hostile witness. (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB(H)] NOVEMBER-DECEMBER 2018

Paper Code: LLB-305

Subject: Corporate Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

(5x5=25)

Q1 Write short notes on the following:-

- (a) Distinction between private and public company
- (b) Disadvantages of Incorporation of a company
- (c) Liability of promoters
- (d) Doctrine of Indoor Management
- (e) Characteristics of a Company

PART-B

UNIT-I

Q2 State the facts of the case *Solomon v Solomon & Co. Ltd.* And explain the principles laid down therein. (12.5)

Q3 "The doctrine of *Ultra Vires* is a protection to the shareholders of a company". Comment. (12.5)

UNIT-II

Q4 (a) What is prospectus? Who are liable for mis-statements in a prospectus? Explain the remedies available to the shareholder against the company, who has been induced to make investments based on the mis-statements in prospectus. (5)

(b) Define preference share capital of a company. Explain the various kinds of preference shares a company is allowed to issue under the Companies Act, 2013. (7.5)

Q5 (a) What is a debenture? What are the different kinds of debentures that may be issued by a company? (7.5)

(b) When shares may be forfeited? Explain the procedure relating to forfeiture of shares. (5)

UNIT-III

Q6 (a) The Board of Directors of ABC Ltd authorized Z, the Managing Director, to sign the director's report on behalf of the Board. How would you deal with it under the provisions of the Companies Act 2013? (6.5)

(b) Discuss the legal position of directors in a company. (6)

Q7 (a) Discuss the powers and functions of National Company Law Tribunal. (7.5)

(b) "It is an elementary principle of law relating to joint stock companies that the court will not interfere with the internal management of companies acting within their powers and in fact, has no jurisdiction to do so." Elaborate the statement. (5)

UNIT-IV

Q8 (a) "On winding-up, a company ceases to be a legal entity." Comment. (6.5)

(b) Write a short note on Corporate Social Responsibility. (6)

Q9 What do you understand by winding-up of a company? What are the various modes of winding-up? (12.5)

END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER-2018

Paper Code: LLB-307

Subject: Civil Procedure Code

(Batch-2014 Onwards)

Time : 3 Hours

Maximum Marks : 75

Note: Attempt all questions from Part A. Attempt one question from each unit of Part B.

PART-A

(5x5= 25)

Q1 Write short notes on the following:-

- (a) Interpleader Suit
- (b) Mesne Profit
- (c) Amendment of pleadings
- (d) Garnishee order
- (e) Caveat

PART-B

UNIT-I

Q2 Describe the concept of *Res-judicata* with help of case law. Differentiate between *Res-judicata* and *Res-Sub judice*. (12.5)

Q3 Explain the concept of Decree and the types of decree under CPC. Distinguish between decree and order and final judgment. (12.5)

UNIT-II

Q4 What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When can an ex-parte decree be set-aside? (12.5)

Q5 What considerations are borne in mind by a court while imposing costs on one of the parties? Also explain the different types of cost provided under Civil Procedure Code, 1908. (12.5)

UNIT-III

Q6 What are the main principles which guide the court, while dealing with an application of temporary injunction? What are the consequences of disobedience or breach of an injunction? (12.5)

Q7 Write Short notes on-

- (a) Receiver
- (b) Summary Procedure

(6)

(6.5)

UNIT-IV

Q8 Describe the procedure for filling an appeal from a decree. Also explain the power and duties of First Appellate Court? (12.5)

Q9 Describe the procedure for making a 'Reference' to High court. What is the difference between Reference and Revision? (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER-2018

Paper Code: LLB-309

Subject: Alternative Dispute Resolution (ADR)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

(5x5=25)

Q1 Write short notes on the following: -

- Good Offices
- Interim measures under Sections 9 and 17 of Arbitration and Conciliation Act
- Lok Adalat under Legal Services Authorities Act
- Appointment of Arbitration under Section 11.
- Explain BATNA and WATNA in Negotiation

PART-B

UNIT-I

Q2 What is the meaning of ADR? Explain the amendment in Civil Procedure Code of India and the modes of ADR recognized under it. What interpretation was given by Supreme Court of India to the provision of CPC in the case of Afcon Infrastructure? (12.5)

Q3 "Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial". In the light of above explain the concept and development of legal aid in India with the help of statutory provisions and various committees. (12.5)

UNIT-II

Q4 Explain procedure for mediation in details. Also outline common negotiation techniques and bargaining strategies use in mediation. (12.5)

Q5 How effective is mediation and conciliation as the ADR techniques? Explain with reference to the flexibility in dispute resolution procedure available to the conciliator selected, and appointed under Arbitration and Conciliation Act. (12.5)

UNIT-III

Q6 Define what is meant by a voluntary Arbitration-Agreement under Section 7 of Arbitration and conciliation Act 1996, and its importance before the Appellate Court when there is issue regarding its binding force, and enforceability as effective-redressal for determining disputes. (12.5)

Q8 Discuss the various grounds for setting aside a domestic arbitral award under the Arbitration and Conciliation Act and how it is different from 1940 Act. Also discuss the form and content of arbitral award. (12.5)

UNIT-IV

Q8 Discuss the procedure for enforcement of a foreign arbitral award in India under Geneva Convention? (12.5)

Q9 Discuss in detail the judgments by Supreme Court in relation to Public Policy and enforcement of Arbitral Award in India. Also discuss its effect on India as seat for International Commercial Arbitration. (12.5)
