

B.L. DEGREE EXAMINATION , NOVEMBER 2011.

Third Semester/Second Year

CONSTITUTIONAL LAW – II

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain how does the president exercise the ordinance making powers.
2. Explain the provisions of law relating to transfer of high court judges with reference to decide cases.
3. Discuss how are the civil servants guaranteed that the disciplinary authority excercises their power properly and fairly.
4. Discuss whether the emergency provisions modify the federal character of the Indian Constituion.
5. How is the legislative power distributed between the centre and states?

PART B – (8 X 6 = 48)

6. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Procedure for impeachment of the President.
- (b) Speaker of Loksabha
- (c) Advisory jurisdiction of Supreme Court.
- (d) Reports, duties and powers of Comptroller and Auditor General.
- (e) Doctrine of pith and substance.
- (f) Full faith and credit clause.
- (g) State's power to impose sales tax of goods.
- (h) Power of the states to regulate trade and commerce.
- (i) National emergency.
- (j) Procedure for amending the constitution.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. A person was found guilty and awarded death sentence. As the sentence described the murder as very gruesome, the Supreme Court had no hesitation in confirming the death sentence. The condemned prisoner filed a mercy petition to the President. The President after going through the judgements of the courts below rejected the mercy petition thinking that he could not go behind the final decision of the Supreme court. Now, can the court interfere in the President's exercise of power.
8. In order to tide over an urgent situation, the central Government requested the President to promulgate an ordinance. The President after satisfying himself that circumstances exist for him to take immediate action promulgated the ordinance as required by the Government. Can this ordinance be challenged before the court?
9. Some Senior Officers of the Bangalore development authority indulged in irregularities in auction to cheat the BDA and the general public including not considering the orders of the Governor. A private construction company filed an SLP before the Supreme Court to investigate the irregularities and to initiate disciplinary proceedings against the officers. Will the Supreme Court entertain the company's appeal.
10. The public health is very much affected due to large scale pollution of waters in a state. The same is the situation in most of the states. Standard will have to be fixed for polluting waters. Citing examples advise the central Government to formulate suitable laws for the states to be made by the parliament.
11. The state legislature enacted a taxing law in the year 2010. The law provided for exemption from tax for handmade goods but levied an additional tax burden for machine manufactured goods to be effective from 2008. The factory owners claimed that they have been unduly discriminated. Advise the factory owners as to their position in law with respect to taxing laws.
12. The Government of Tamil Nadu had ventured into the trade of tourist car operation in competition with private car operators. The private tourist operators filed a writ in the High Court for a direction to restrain the Government from interfering with their business. Will the court entertain this petition.

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Third Semester/Second Year

CONSTITUTIONAL LAW – II

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

13. Explain the procedure for the amendment of the Constitution. What restrictions does the doctrine of basic structure of the Constitution place on the amending power of parliament?
14. Compare the writ jurisdiction of the Supreme Court and High Courts in India.
15. Is the President bound by the advice tendered by the Council of Ministers? Compare the position of Governors of states with that of the President on the question.
16. Narrate about the parliamentary privileges.
17. What are the constitutional safeguards available to a civil servant?

PART B – (8 X 6 = 48)

- 18. Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (k) President's assent.
- (l) Status of speaker of Lok Sabha.
- (m) Comptroller and Auditor General of India.
- (n) National Emergency.
- (o) Election Commission.
- (p) Inter state council.
- (q) Doctrine of colourable legislation.
- (r) Advisory jurisdiction of the Supreme Court.
- (s) Doctrine of pith and substance.
- (t) Doctrine of immunity of instrumentality.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

19. A government servant's promotion was withheld by the authorities as his performance was not satisfactory. The High Court did not interfere in this matter. Can the Supreme Court come to the rescue of the Govt. Servant?
20. A State Governor re-promulgated the same ordinance for the 8th time without bringing the matter before the state legislature. Discuss its validity.
21. Raja was punished to undergo 3 days simple imprisonment by an order of a legislature for breach of its privileges. He was not given an opportunity to explain his case. He approaches the High Court to quash the order. Decide.
22. A convict was awarded death sentence by the trial court which was confirmed by the High Court. The Supreme Court did not interfere in the lower court's order. The prisoner filed a mercy petition before the President of India to pardon him. The President rejected the mercy petition without assigning any reason for doing so. Can the court ask the President for his reason?
23. Rajesh, a member of Parliament was put under preventive detention, while the parliament was in session. Rajesh challenges his detention order on the ground that a member of the parliament cannot be detained so as to prevent the member from exercising his constitutional right as a member of the parliament. Explain the validity of the detention order.
24. The legislative assembly in its budget levied tax on the sales of Agarbati in the state. On the same commodity the corporation also taxed. The Agarbati manufacturer filed a writ petition before the High Court complaining that it is an instance of double taxation. Will the High Court interfere in this matter?

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Third Semester/Second Year

CONSTITUTIONAL LAW – II

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Critically examine the nature and scope of Parliamentary privileges in India. Is Codification of privileges necessary in the present context.
2. What is the effect of proclamation of emergency under Article 352? Can it be challenged before the courts? If so, on what grounds?
3. Discuss the legislative relations between the union and the states. Explain briefly the principles of interpretation in this regard.
4. What are the different jurisdictions of the supreme court of India? Explain them.
5. Define state liability and explain the state liability regarding contracts.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Doctrine of pleasure.
- (b) Union Public Service Commission.
- (c) Joint sitting.
- (d) Position and power of the Prime Minister.
- (e) Attorney General of India.
- (f) Colourable legislation.
- (g) Inter state council.
- (h) Doctrine of pith and substance.
- (i) Writ of certiorari.
- (j) Rajya sabha.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. A Contractor constructed a house at the request of an official who has accepted his tender. The house was constructed and accepted by the government but the contractor was not paid as the contract failed to fulfil the requirements of Article 299 (1). Can the contractor claim his dues from the government?
8. A bill was introduced in parliament on the recommendation of the President and after obtaining an opinion from the concerned state legislative regarding division of the state. However contrary to the opinion expressed by the concerned state legislative, parliament passed the law. Decide on the constitutional validity of the law passed by the parliament.
9. The Supreme court of India passed an order transferring a long pending case in a special court to the High court on the ground that speedy trial is a fundamental rights under the constitution. Decide on the constitutional validity of the order.
10. Govindan pillai challenged his removal from the office of the speaker of legislative assembly on the ground that the procedure laid down by the constitution was not followed – Decide.
11. In order control a riot, police started firing. A bullet pierced the car and entered into body of the driver who lost his life. The wife of the driver filed a petition to claim compensation. Will she succeed?
12. Laxmi stores, a firm, had liquor trade in Kerala. The notification issued under the Kerala Excises Act, 1915 authorised the government to impose excise duty on ‘ Foreign liquor’ Produced in India or abroad imported into the state of kerala from other parts of india at the rate of Rs.40 per L.P. Gallon. But in 1961,by another notification issued under the same act, this duty on foreign liquor was raised to the Rs. 70 per L.P.Gallon. The Laxmi stores challenged the increased duty. Decide.

B.L. DEGREE EXAMINATION , NOVEMBER 2014.

Third Semester/Second Year

CONSTITUTIONAL LAW – II

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Examine the collective responsibility of the council of ministers to the lower house.
2. Explain the writ jurisdiction of the High Court. How it varies from the Supreme Court of India?
3. Enumerate the immunities and privileges of the members of the parliament and state legislative assembly.
4. “No Tax shall be levied or collected except by authority of law”. Comment.
5. Examine the procedure prescribed for the amendment of the Constitution of India and the role of States in Constitutional Amendments.

PART B – (8 X 6 = 48)

6. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Pardoning power.
- (b) Special leave petition.
- (c) Consolidated fund of India.
- (d) Residuary powers.
- (e) Doctrine of repugnancy.
- (f) Bhim Singh Vs State of Jammu and Kashmir.
- (g) Atiabari Tea company Vs State of Assam.
- (h) Planning commission.
- (i) Cauvery water Tribunal
- (j) Anti – Defection law.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. The parliament of India made a constitutional amendment to decide on election disputes of Prime Minister and excluded it from judicial review and the real power was conferred on the parliament. Whether the parliament can restrict the power of court? Argue.
8. Government of India ordered English as the medium of instruction in minority educational institution. But the university ordered that Hindi shall be the sole medium of instruction in the affiliated colleges. Describe the constitutional validity of the order of the university.
9. Nanban was sentenced for death by the sessions court in 2000. His daughter, a final year law student filed a mercy petition to reduce the death sentence into life sentence. Is her claim sustainable? Decide.
10. 'X' was dismissed from service based on the findings under the Public Service enquiry Act 1960. Subsequently 'X' was prosecuted under the various offences of the Prevention of Corruption Act and the Indian Penal Code. Is it sustainable? Advice.
11. Mr. Manavan, a person belonging to Backward community got appointment to the post meant for most backward community by fraud. He was terminated from the service without due compliance of the procedure under Article 311 of the Constitution of India. The order of termination was challenged. Decide.
12. The Madras High court issued a writ against the Election Commission, a statutory body with headquarters at New Delhi. Decide the scope for the execution of the order of the High court.

B.L. DEGREE EXAMINATION , NOVEMBER 2015.

Third Semester/Second Year

CONSTITUTIONAL LAW – II

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. “The supreme court may in its discretion grant special leave to appeal”. Explain the scope of special leave jurisdiction of the Supreme Court pointing out the exceptions. Compare with other appellate jurisdiction of the Supreme Court.
2. Trade, commerce and intercourse throughout territory of india shall be free – elucidate.
3. “In certain exceptional circumstances the power of the union parliament are extended over subjects mentioned in the state list” – What are such exceptional circumstances?
4. Discuss whether the emergency provisions modify the federal character of the Indian Constitution.
5. Examine the safeguards to civil servants under the Constitution of India with the latest cases.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Doctrine of immunity of instrumentailites.
- (b) Ordinance making power.
- (c) Impeachment procedure of a High Court Judge.
- (d) Public Service Commission.
- (e) Advisory Jurisdiction of Supreme Court.
- (f) Office of Profit.
- (g) Methods of Amending the Constitution.
- (h) Full faith and credit clause.
- (i) Need for Constitutional Review.
- (j) Residuary Powers.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. A member of the legislative assembly made a speech on the floor of the house. The speaker ordered certain portions of the speech to be expunged. And the same was removed. The newspaper editor and publisher published the entire speech containing the expunged portion as well. The privilege committee of the legislative assembly issued summons to the editor for breach of privilege. It was challenged before the Court. Decide.
8. The executive of the State Government entered into a contract with suppliers for supply of materials for the construction of house for the poor. Due to urgency, a lower division clerk signed the contract without following the law. Can the suppliers claim the amount from the government for the goods supplied?
9. A State Government without taking into consideration the income produced from the land levied uniform land tax for all kinds of land. Explain whether such levy of tax is constitutionally valid.
10. A Public spirited body filed a petition in the court of law on behalf of the convict, who was awarded death sentence, seeking issuance of a writ on the ground that the execution of sentence, pursuant to rejection of mercy petition by the president of india is unconstitutional and to set aside the death sentence imposed upon convict, by commuting the same to imprisonment for life. Decide.
11. A State Govenor repromulgated the same ordinance for the 10th time without bringing the matter before the state legislature. Discuss its validity.
12. A person who was not contesting in the presidential election filed a petition before the high court challenging the candidature of a particular presidential candidate. What are the defences available to the presidential candidate?

B.L. DEGREE EXAMINATION , NOVEMBER 2011.

Third Semester/Second Year

LAND LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain the salient features of the TamilNadu Cultivating Tenants Protection Act, 1955.
2. What is the legal position of right to property under the Constitution of India? Give relevant case laws.
3. Explain the origin and development of Ryotwari system.
4. “Publication of S.4(1) notification is the beginning of land acquisition” –Explain.
5. Explain the factors to be considered for fixing for rent under the TamilNadu Buildings(Lease and Rent Control) Act 1960.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Procedure for the preparation of Record and Tenancy Rights under the TamilNadu Agricultural lands Record of Tenancy Rights Act 1969.
- (b) Statutory tenant.
- (c) Reference
- (d) TamilNadu cultivating Tenants (Special provisions) Act 1968
- (e) TamilNadu Land Reforms Special Appellate Tribunal.
- (f) Wilful default.
- (g) Claims of mortgage, charge holder, limited owner and maintenance holder on surplus land held by them under the TamilNadu Land Reforms (Fixation of Ceiling on land) Act 1961.
- (h) Alternative site.
- (i) Public Purpose.
- (j) Rent Controller.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. The tenant took a building for running a cycle shop. Without abandoning the business large number of liquor bottles were kept in the shop. They were recovered from the shop. Under which ground he can be evicted under TamilNadu buildings (Lease and Rent Control) Act 1960.
8. A Christian family consists of husband, his wife and his two minor sons. The husband and minor sons have no property. The wife has stridana land of 20 standard acres. How much land they can hold under the Land Ceiling Act 1961. Whether there is any surplus land, Decide.
9. S.4(1) notification under Land Acquisition Act 1894, stated that the land was acquired for housing cooperative society, but the name of the society was not stated in the notification. The society was not stated in the notification. The petition challenges the validity of the notification. Decide.
10. The land lord filed an execution petition for eviction of the tenant. The executing controller has virtually varied the order of execution and granted six months time from the date of the order. It is valid?
11. The tenant converts his house into kennel and breed dogs and keep ferocious dogs. The landlord filed a petition for eviction of the tenant – Decide.
12. The joint family consisted of five members. One of the family members contributes his physical labour in the cultivation of the land. But the entire family claimed the protection under the TamilNadu cultivating Tenants Protection Act 1955- Decide.

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Third Semester/Second Year

LAND LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain how the constitutional hurdles in the way of agrarian reforms have been removed by constitutional amendments.
2. What is meant by Kudiyruppu? What are the conditions to be satisfied in order to get ownership of Kudiyruppu?
3. State the objects for the passing of the Tamil Nadu Reforms (Fixation of ceiling on land) Act 1961, and its salient features.
4. Discuss the grounds of eviction of a tenant under the Tamil Nadu Buildings (Lease and Rent control) Act, 1960?
5. Explain the provisions relating to the Declaration under the Land Acquisition Act, 1894.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Tamil Nadu Cultivating tenants special provisions Act, 1968.
- (b) Alternative site.
- (c) Award.
- (d) Agriculturist.
- (e) Record officer.
- (f) Significance of Sec.11(4) under the Tamil Nadu Buildings (Lease and Rent Control) Act,1960.
- (g) Statutory tenant.
- (h) Rights and obligations to Ryotwari Pattadar.
- (i) Family
- (j) Person interested.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. In a joint family, one of the members contributes his physical labour in cultivating the land. But the entire family claims protection under the Tamil Nadu Cultivating Tenants Protection Act, 1955. – Decide.
8. The owner provides alternative site to the agriculturist in pursuance of the permission granted by the authorized officer under the Tamil Nadu Occupants of Kudiyiruppu (conferment of ownership) Act, 1971. The agriculturist fails to shift to the alternative site. Will he get ownership under this Act? – Decide.
9. The land lord files a petition for eviction against the tenants for the purpose of carrying on the profession of law. Can he recover the possession from the tenant – Decide.
10. In Land Acquisition Act 1894, after completing the land acquisition proceedings, award was not passed by the collector. Decide the effect of land acquisition proceedings.
11. A Christian family consists of the husband, his wife and his three unmarried daughters. The wife has 20 standard acres of stridana land and the husband has 30 standard acres of land. What is the ceiling of land under the Tamil Nadu land Reforms (fixation of ceiling on land) Act, 1961. Is there any surplus land?
12. At the time of fixation of ceiling on land lord's land, the surplus land is with the mortgagee. Decide the claims of mortgagee in surplus land.

B.L. DEGREE EXAMINATION , NOVEMBER 2013.

Third Semester/Second Year

LAND LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain the origin and development of various land systems in India.
2. Explain the benefits conferred on the cultivating tenants through the Tamilnadu cultivating tenants (Special Provisions) Act 1968 and the Tamilnadu Cultivating tenants arrears of rent (Relief) Act, 1972.
3. Explain the procedure followed by the record officer in preparation of record of tenancy rights under the Tamilnadu agricultural lands record of tenancy rights Act, 1969.
4. State the grounds of eviction of a tenant under the Tamilnadu buildings (lease and rent control) Act, 1960.
5. Discuss the role of the collector in land acquisition proceedings.

PART B – (8 X 6 = 48)

6. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Rights of an owner under the Tamilnadu Cultivating Tenants (Payment of Fair Rent) Act, 1956.
- (b) Bar of jurisdiction of civil court.
- (c) Inam commissioner.
- (d) Award.
- (e) Art 300 A of the constitution.
- (f) Land held by public trusts and religious institutions.
- (g) Cultivating tenants ceiling Area.
- (h) Changes in fair rent.
- (i) Kudiyiruppu and its transfer.
- (j) Tamilnadu land reforms special appellate tribunal.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. A family consists of husband and his wife. The husband is a member of an undivided Hindu family and his share in the land held by the individual Hindu family is 10 standard acres. The wife has stridhana land of 10 standard acres. What is the ceiling on land? Is there any surplus land?
8. The tenant has not remitted the rent even after knowing the consequences, will it amount to wilful default.
9. The publication of notification under section 4 of Land Acquisition Act, 1894 stating that the land was acquired for housing cooperative society, but the name of the society was not stated in the notification. Petitioner challenges the validity of notification. Decide.
10. Landlord lets out the building to the tenant. The tenant repaired the premises without the consent of the landlord and deducted the charges from the rent. Landlord seeks remedy under the Tamilnadu buildings (Lease and Rent Control) Act, 1960. Decide.
11. The heir of the Landlord is collecting the rent during the life time of the landlord. Whether he can file a petition for eviction after the death of the landlord?
12. Is the legal heirs of a deceased cultivating tenant entitled to claim any protection under the Cultivating Tenants protection Act? Decide.

B.L. DEGREE EXAMINATION , NOVEMBER 2014.

Third Semester/Second Year

LAND LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What is Ryotwari system ? What are the rights and obligations of a riot?
2. Explain the term 'Payment of fair rent'. How the determine fair rent? When it can be altered or revised?
3. Explain elaborately the procedure for the preparation of record of tenancy rights.
4. Write in detail about "Acquisition of land for urgency".
5. Bring out the grounds of eviction under the Tamilnadu Buildings (Lease and Rent control Act, 1960.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Right to property under the 44th Amendment.
- (b) Major Inams.
- (c) Record officer.
- (d) Revision by the High Court.
- (e) Lease deed.
- (f) Fixation of fair rent.
- (g) Denial of title.
- (h) Alternative site.
- (i) Special Appellate Tribunal.
- (j) Person interested.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. Under the Land Acquisition Act 1894, in a case the District Collector published the notification on 1.10.2009. He made an award on 1.10.2012. Decide the validity of the award. Give reasons.
8. A family consisting of husband, wife and two sons had only 15 standard acres of Sridhana land of the woman. How many acres shall the family hold under the Land Ceiling Act?
9. A landlord took a building for repair. Even after a period of six months, he didn't deliver the building to the tenant. When the tenant can seek remedy.
10. An agricultural labourer, who got a Kudiyruppu under the Kudiyruppu Act, wants to sell it after the period of five years was over. Can he do so?
11. A tenant residing in a building often abused the landlord and his neighbours with vulgar language. (Can he be evicted? If yes means, under what grounds he can be evicted?)
12. In certain villages, the govt. issues a notification that it is going to prepare a record of tenancy rights and all the tenants must furnish the information about their tenancy. Knowing the well, a tenant did not produce the particulars and the documents? Can he be punished?

B.L. DEGREE EXAMINATION , NOVEMBER 2015.

Third Semester/Second Year

LAND LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. State the characteristics features of Ryotwari system. What are the rights and obligations of Rytowari Pattadar?
2. Summarise the provisions relating to fixation of ceiling on land holding U/S 5 of the Tamilnadu Land Reforms (Fixation of Ceiling on Land) Act 1961.
3. What do you understand by major and minor Inams? How they were abolished?
4. Discuss the role of the Collector on land acquisition proceedings.
5. Discuss the scope of the Tamilnadu Cultivating Tenants Protection Act 1955.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Right to property
- (b) Company under the Land Acquisition Act, 1894
- (c) Constitution of Advisory Committee.
- (d) Willfull Default.
- (e) Statutory tenant.
- (f) Public purpose.
- (g) Religious nature of public trust.
- (h) Draft Assessment Roll.
- (i) Family
- (j) Alternative site.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by

referring to provisions of Law and decided cases with cogent reasons.

7. The tenant has not remitted the rent even after knowing the consequences, will it amount to wilful default.
8. Is the legal heirs of a deceased cultivating tenant entitled to claim any protection under the Cultivating Tenants Protection Act? Decide.
9. The publications of Notification U/S 4 of Land Acquisition Act 1894, stated that the land acquired for Housing Co-operative Society, but the name of the society was not stated in the notification. Petitioner challenges the validity of notification. Decide.
10. At the time of fixation of ceiling on landlord's land, the surplus land is with the mortgagee. Decide the claim of mortgagee in surplus land.
11. The owner provides alternative site to the agriculturist in pursuance of the permission granted by the authorized officer under the Tamilnadu Occupants of Kudiyruppu (Conferment of Ownership) Act 1971. The agriculturist fails to shift to the alternative site. Will he get ownership under this Act ? Decide.
12. A family consists of Husband, wife and two sons had 15 standard acres of land as Stridhana property of the woman. How many acres the family can hold under the Ceiling Act?

B.L. DEGREE EXAMINATION , NOVEMBER 2011.

Third Semester/Second Year

INTERPRETATION OF STATUTES

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. “Interpretation is the process by which the court seeks to ascertain the meaning of a particular legislation – Explain.
2. Explain the general rules of construction as laid down in the General Clauses Act, 1897.
3. “The power of a legislative body to repeal a co-extensive with the power to enact such a law. Comment.
4. Examine the external aids of Interpretation Statutes.
5. “The principles relating to Interpretation of Constitution are within Constitution itself” – Comment.

PART B – (8 X 6 = 48)

- 6. Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Supreme Legislation.
- (b) Mandatory Act.
- (c) Interpretation clause.
- (d) Revival
- (e) Doctrine of Implied Power.
- (f) Generalia Specialibus non derogant.
- (g) Logical Interpretation.
- (h) Deeming provision.
- (i) Consolidating Act.
- (j) Rule of loquitor volgus.

PART C – (4 x 4 = 16 marks)

7. Answer FOUR of the following (not exceeding 2 pages each)

- (a) Asylum stops when extradition begins.
- (b) International law is the vanishing point Jurisprudence.
- (c) Rights and duties of sovereign state.
- (d) Interpretation of Treaties.
- (e) Nuremberg Trial.
- (f) Codification of International Law.

B.L. DEGREE EXAMINATION , NOVEMBER 2012.

Third Semester/Second Year

INTERPRETATION OF STATUTES

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What are the extrinsic aids in interpretation of statutes?
2. What are the general principles to be followed in construction of statutes where punishments are provided.
3. What is meant by beneficial construction of a statute? When can it be resorted to? What are the limitations?
4. What are the canons of harmonious construction?
5. What are the general rules of construction available under Sec. 25, 26 and 27 of the General Clauses Act, 1897?

PART B – (8 X 6 = 48)

6. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Effect of repeal.
- (b) Golden Rule.
- (c) Restrictive construction.
- (d) Contemporaneous construction.
- (e) Historical Background.
- (f) Doctrine of pith and substance.
- (g) Laches.
- (h) Short title.
- (i) Declaratory statutes.
- (j) Retrospective operation of law.

PART C – (4 x 4 = 16 marks)

7. Answer FOUR of the following (not exceeding 2 pages each)

- (a) Causus Omisus.
- (b) Delegatus non potest delegare.
- (c) Legal Fiction.
- (d) Heyden's Case.
- (e) Rule of ejusdem generis.
- (f) Doctrine of eclipse.

B.L. DEGREE EXAMINATION , NOVEMBER 2013.

Third Semester/Second Year

INTERPRETATION OF STATUTES

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Describe the salient features of the General Clauses Act of 1897.
2. “The role of judge is not to make law but to declare the law” – Comment.
3. Enumerate the rules of interpretation of statutes which excludes the jurisdiction of the courts.
4. Explain the general principles relating to retrospective operation of statutes.
5. State the rules followed by the courts while trying to interpret a taxing statute.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Need for interpretation.
- (b) Foreign decisions.
- (c) Restrictive construction.
- (d) Definition clause.
- (e) Expost facto law.
- (f) Declaratory clause.
- (g) Doctrine of Ultra vires.
- (h) Statutes in pari material.
- (i) Commencement of legislation.
- (j) Causa Omissus.

PART C – (4 x 4 = 16 marks)

7. Answer FOUR of the following (not exceeding 2 pages each)

- (a) Literal egis.
- (b) Ut resmagis valeat quam pereat.
- (c) Marginal notes.
- (d) Effect of repeal.
- (e) Harmonious construction.
- (f) Rule of ejusdem generis.

B.L. DEGREE EXAMINATION , NOVEMBER 2014.

Third Semester/Second Year

INTERPRETATION OF STATUTES

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. “The duty of the Judiciary is to discover and act upon the true intention of the legislature” – Explain.
2. Examine the external aids to interpretation of statute.
3. Describe the methods of interpretation adopted by the courts in construing various provisions of taxing statute.
4. “The provisions of the General Clauses Act, 1897 is the basis for all laws” – Comment.
5. Explain the doctrine of harmonious construction.

PART B – (8 X 6 = 48)

- 6. Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Golden Rule.
- (b) Codifying statutes.
- (c) Saving clause.
- (d) Use of dictionary
- (e) Non- obstante clause
- (f) “De minimis non curat lex”
- (g) Doctrine of pith and substance.
- (h) ‘Mensrea’ under Indian penal laws
- (i) Beneficial construction.
- (j) Importance of Premable.

PART C – (4 x 4 = 16 marks)

7. Answer FOUR of the following (not exceeding 2 pages each)

- (a) Effect of repeal.
- (b) Definition of clause
- (c) Strict Construction
- (d) Menaka Gandhi's Case
- (e) Enabling statutes

B.L. DEGREE EXAMINATION , NOVEMBER 2015.

Third Semester/Second Year

INTERPRETATION OF STATUTES

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What are the different kinds of a statute? How are they useful in the interpretation?
2. Examine the rules relating to interpretation of statutes.
3. Explain the principles that govern the construction of statutes.
4. What is meant by Beneficial Construction of Statutes? What are the limitations?
5. Analyse the salient features of General Clauses Act of 1897.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Ut res magis Valet quam pereat.
- (b) Golden rule of interpretation.
- (c) Generalia specialibus non-derogant.
- (d) Doctrine of pith and substance.
- (e) Keshavanandha Bharathi's case
- (f) Supreme Legislation
- (g) Heydon's case
- (h) Harmonious construction.
- (i) Use of Dictionaries
- (j) Marginal notes.

PART C – (4 x 4 = 16 marks)

7. Answer FOUR of the following (not exceeding 2 pages each)

- (a) Non – obstante clause.
- (b) Interpretation of fundamental rights.
- (c) Doctrine of prospective overruling.
- (d) Interpretation of preamble
- (e) Bye laws
- (f) Delegated legislation.

B.L. DEGREE EXAMINATION , NOVEMBER 2011.

Third Semester/Second Year

COMPANY LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What are the advantages and disadvantages of a company and to what extent the lifting of corporate and to what extent the lifting of corporate veil is workin as a disadvantages of a company? Under what circumstances the corporate veil will be lifted?
2. “Memorandum of Association protects the outsiders and Articles of Association helps the company”. Decide this concept with the help of decided cases and state the differences?
3. What is the most important rule regarding framing of a prospectus? Examine the legal consequences of untrue statements in a prospectus?
4. State the rule in Foss Vs. Harbottle ad explain the exceptions.
5. What do you mean by “debenture” ? Examine the characteristics of a debenture. What are the remedies available to the debenture holders?

PART B – (8 X 6 = 48)

6. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Pre-Incorporation contrats.
- (b) Promoters.
- (c) Share certificate and Share warrant.
- (d) Doctrine of Ultra vires.
- (e) Annual general meeting.
- (f) Auditor.
- (g) Kotla Ventakatasamy Vs. Ramamurthy.
- (h) Voluntary winding up.
- (i) Surrender of shares.
- (j) Powers of Directors.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. Mr. Harne was appointed as the managing director of the plaintiff company on the condition that “he shall not at any time while he shall hold the office of Managing Director (or) afterwards solicit (or) entice away the customers of the company”. His employment was determined under an agreement. Shortly afterwards he started a business in the name of a company which solicited the plaintiff’s customers. Decide.
8. A clause in the articles of a company provided Rs.250 a month a remuneration of the company’s secretary. The plaintiff accepted the post upon those terms, subsequently, the company modified the article and reduced the Secretary’s pay to Rs.25 a month . Could this be done?
9. Notices were posted on October 17, for a meeting to be held on November 7. The notice was held to be short by one day as in computing the interval twenty one days, the date of posting and date meeting should be excluded. Is the meeting valid one.
10. W and R, who traded separately as cigarette manufacturers, agreed to amalgamate the business, and formed a Pvt. Ltd., company which they were the share holders and directors. They had equal voting rights. Both then became hostile that they spoke through the secretary. Thus there was a complete dead lock. On which ground the company will be wound up.
11. The plaintiff applied for 300 shares in a company. A clerk in the company who owned no shares executed a transfer in favour of the plaintiff. The company without requiring the clerk to produce his certificate registered the transfer and issued a new certificate to the plaintiff. Whether the company is held liable to the plaintiff for damages.
12. The promoters of a company before incorporation entered into an agreement to purchase a plot of land from ‘A’ on behalf of the company. After incorporation the company refuses to buy the same plot of land. What remedy is available to ‘A’.

B.L. DEGREE EXAMINATION , NOVEMBER 2012.

Third Semester/Second Year

COMPANY LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What is private company? How is a private company converted into a public company?
2. Explain the consequences of Ultravires transactions.
3. Explain the doctrine of lifting the corporate veil.
4. Explain the legal status, powers and duties directors in a company.
5. “A company cannot purchase its own share”. Discuss with the amendments in this regard.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Company limited by Guarantee.
- (b) Issue of share at a premium.
- (c) Quorum.
- (d) Share warrant.
- (e) Company Law Board.
- (f) Contributors.
- (g) Defunct company.
- (h) Redeemable preference share.
- (i) Amalgamation.
- (j) Promoters.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by

referring to provisions of Law and decided cases with cogent reasons.

7. 'A' transferred his shares to 'B' but the directors refused to register. Later on a call was made on 'A'. Could 'A' recover the amount of the call from 'B'.
8. Under a company's articles, two directors constituted a quorum for a meeting of the board. Two directors were present and they appointed one among them as managing director and co-editor of the paper run by the company. The appointments were challenged as invalid. Decide.
9. An application was made by a father as a guardian of his minor daughter for certain shares. The company registered the shares in the name of the daughter described as a minor. The company went into liquidation and the name of the father was placed on the list of contributories. Is he liable.
10. A company created a floating charge by issuing debentures. Three months interest became due and the debenture holders did not take any steps. The company made a mortgage of a specific part of its property. Did the debenture holder have priority over the mortgages?
11. 'A' and 'B' two rival companies. Majority of the members of A were also members of 'B'. A commenced an action against B. At a meeting of 'A' company, the majority passed a resolution of compromise the action favourable to 'B' companies and unfavourable to A company. Examine the effect of the resolution.
12. The promoters of a company before incorporation entered into an agreement to purchase a plot of land from A on behalf of the company. After incorporation the company refused to buy the plot of land. What remedy is available to 'A'?

B.L. DEGREE EXAMINATION , NOVEMBER 2013.

Third Semester/Second Year

COMPANY LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. What do you mean by lifting the Corporate veil? What are the circumstances in which the corporate veil will be lifted?
2. Explain in detail the procedure for conversion of private company into public company.
3. “The will of majority must prevail, is the principle of company management” – Explain. Is there any exceptions to this rule?
4. What is meant by a debenture? State the rights and remedies available to a debenture – holder.
5. State the circumstances in which a company may be wound up voluntarily.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Promoter.
- (b) Doctrine of ‘Ultravires’
- (c) Doctrine of ‘ Indoor management’
- (d) Transfer of shares.
- (e) Floating charge.
- (f) Requirements for a valid meeting.
- (g) Reconstruction and amalgamation.
- (h) Poll.
- (i) Alteration of Articles and its limitations.
- (j) Official liquidators.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. 'X' a minor was registered as a shareholder in a company. He received dividends and continued to receive dividend after attaining majority. The company was dissolved. Is 'X' liable as a share holder?
8. Two shareholders having majority of the shares of the company want to buy the shares of the minority. The minority share holders refused to sell their shares. The majority share holders passed a resolution altering the articles enabling them to purchase the minority shares compulsorily. Decide the validity.
9. 'X' a shareholder, after appointing 'P' as his proxy at a meeting of the company, himself attended and voted on a particular resolution. ' P' thereafter claimed to exercise his vote. Decide the validity of his claim.
10. Mohan, a director of XYZ Ltd, died in an air crash. The company decided to appoint Murali in his place. Is the company required to call extra-ordinary general meeting to approve Murali's appointment as a director? When appointed how long Murali would remain in office?
11. 'X' applied for shares in a company. Shares were allotted to him and the letter of allotment was sent to the company's agent to deliver by hand to 'X'. Before the letter was delivered 'X' withdrew his application. Can he become a shareholder?
12. The articles of a company provided that a person desiring to transfer his shares must inform the secretary give an absolute discretion to the directors to refuse to register the transfer without specifying any reasons. One 'A' transferred his shares of the company to B, but the directors of the company refused to register the transfer. Decide the validity of the transfer and action of the directors.

B.L. DEGREE EXAMINATION , NOVEMBER 2014.

Third Semester/Second Year

COMPANY LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Define company and describe the important characteristics of a company.
2. Explain the doctrine of ultra vires with references of leading cases.
3. Define “Prospectus”. Explain the civil and criminal liability for mis-statement.
4. Define Director. What are the powers and duties of the Director?
5. Define liquidator. What are the powers of the liquidator?

PART B – (8 X 6 = 48)

- 6. Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Limited liability.
- (b) Auditor
- (c) Redeemable debenture.
- (d) Share holder.
- (e) Promoter.
- (f) Lien
- (g) Shares
- (h) Proxy
- (i) Powers of Company Law Board.
- (j) B.G. Somayaji Vs. Karnataka Bank Ltd.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. A Company suffered loss due to the conduct of director. Shankar a member of the company brought an action against the director to make good the losses suffered by the company. Will Shankar succeed?
8. A Company issues a circular marked ‘ For Private circulation only’ asking for subscription to its shares. Discuss whether the circular is a prospectus.
9. ‘X’ a company purchases its own shares. Is it valid? If it is, to what extent and in what circumstances.
10. Annual meeting of a company for 2010 and 2011 is called and held. Is it legal and proper.
11. The Directors of a company paid the dividend out of the share capital. Such act was challenged by share holders. Advise to the share holders.
12. In a general body meeting all the members of the private company were killed in a bomb blast. Does the company cease to exist due to the death of all the members ? State reason.

B.L. DEGREE EXAMINATION , NOVEMBER 2015.

Third Semester/Second Year

COMPANY LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

13. Briefly explain theory of Independent corporate personality and when does the court allow lifting the corporate veil.
14. Explain the different kinds of companies and differentiate between private and public company.
15. What are the powers and functions of Directors in a company and how they may be removed?
16. Explain the powers of the National Company Law Tribunal to investigate into the affairs of a company.
17. Briefly examine the establishment of Securities Exchange Board of India and its powers and functions.

PART B – (8 X 6 = 48)

- 18. Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (k) Defunct company.
- (l) Capital clause
- (m) Constructive Notice.
- (n) Prevention of oppression and mismanagement.
- (o) Debentures.
- (p) Private company and small company under 2013 Act.
- (q) Members and shareholders.
- (r) Resolutions.
- (s) Company Law Appellate Tribunal.
- (t) Reconstruction and Amalgamation.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

19. A Company was incorporated in India for the purpose of selling Basumathi Rice. The Pakistan company held the bulk of the shares in the Indian Company. All the Directors belonged to Pakistan. The real control of the Indian company was in Pakistan. During the Kargil war the Indian company controlled by the Pakistanis proceeded an action to recover a trade debt in India. Discuss.
20. A company resolved and sought confirmation for shifting its registered office from Bangalore to Ahmedabad due to some employees' disturbances. The employees strongly objected. Discuss.
21. 'A' transferred his shares to two persons and lodged the certificate of transfer but instead of destroying the original certificate, returned it to the transferor who borrowed money on it. Discuss the company's liability to the lender.
22. On the failure of the directors of a company to call a meeting on requisition the members themselves sent a notice to all the members for a meeting to be held at the registered office, but the M.D. locked the office premises. Hence the meeting was held at other place. Decide the validity of the meeting.
23. The plaintiff's who were in minority in the defendant company carried on a competing business. The majority of the shares were held by the directors, who passed a special resolution, altering the company's articles and conferring powers for the directors to acquire any shareholder's shares who competed with the company's business. Decide the validity of the resolution.
24. Mr. X, a shareholder, brought an action against the company that it has made several investments without adequate security and contrary to the objectives of the company. Hence Mr. X prays the court to grant perpetual injunction to restrain the directors from making such investments. Can Mr. X succeed?

B.L. DEGREE EXAMINATION , NOVEMBER 2011.

Third Semester/Second Year

**BANKING LAW INCLUDING NEGOTIABLE
INSTRUMENTS ACT**

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain the Rights of a Banker.
2. Explain the Duties of a Collecting Banker.
3. Explain the principles that guide the banker in granting loans.
4. Define negotiable instrument and describe its main features.
5. Explain the powers of Reserve Bank of India.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Cheque.
- (b) Nothing and Protest.
- (c) Account Payee only.
- (d) Special customers of a Banker.
- (e) Payment in Due Course.
- (f) Sec. 13 of the Negotiable Instruments Act.
- (g) Liability on Foreign Instruments.
- (h) Drawee in case of Need.
- (i) Presentment of acceptance.
- (j) Kinds of endorsement.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. “I promise to pay ‘Ram’ Rs. 10,000 on Ragaven’s death, provided Ragaven leave me enough property to pay that sum”. Can it be treated as a promissory note.
8. Discuss the validity of the following endorsements
 - a. Pay to Ramlal.
 - b. Pay to Giri on his marriage with Rathna.
9. A banker made payment on a post-dated cheque before the due date. The banker received official information that the customer had expired before the due date of the cheque. State whether the banker has the right to debit the account of the customer for the payment that he had already made.
10. A draws a cheque in favour of B, a minor. B endorses it in favour of C. The cheque is dishonoured by the bank. Discuss the right of C.
11. ‘A’ obtains a cheque and puts it in his coat pocket. The coat is sent for dry wash. Consequently the cheque becomes faded. Can the bank refuse to pay it?
12. The customer hired a bank locker and kept his jewellery in it. It was stolen by break opening the locker room by a thief. There is no proof that the bank was negligent. Is there any remedy available to the customer against the bank?

B.L. DEGREE EXAMINATION , NOVEMBER 2012.

Third Semester/Second Year

BANKING LAW INCLUDING NEGOTIABLE

INSTRUMENTS ACT

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Define a “Banker”. What are the businesses a Banker is permitted to do and prohibited to do?
2. Describe the main powers of Reserve Bank of India under the Banking Regulations Act, 1949.
3. Explain the provisions in sections 138-142 of the Negotiable Instruments Act which were inserted in 1998.
4. Explain the different types of endorsements and their significance.
5. Explain the statutory protection given to the paying banker.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Bill of Exchange.
- (b) Holder in due course.
- (c) Pass book.
- (d) Right of appropriation.
- (e) Financial Institutions Act, 1993.
- (f) Drawee in case of need.
- (g) Letters of credit.
- (h) Banker's Lien.
- (i) Nationalization of Banks.
- (j) Account payee only.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. Minu kept his savings account with Indian Bank. One day in the morning the balance in the account due to Minu was Rs. 5000. About 1 p.m on the same day, a Rs. 4,000 was paid into his account, a little later at 3 pm., a cheque drawn by Minu for Rs. 7,000 was presented. The Rs. 4,000 deposit having not yet been credited to the Minu's account, the payment was refused. Is the bank justified in doing so?
8. A cheque is drawn payable to 'X' or order. It is stolen and X's endorsement is forged. The banker pays the cheque in due course. Is the banker liable?
9. 'X' draws a cheque in favour of 'Y', a minor. 'Y' endorses it in favour of 'Z'. The cheque is dishonoured by the bank. Discuss the rights of Z.
10. The customer hired a bank locker and kept his jewelley in it. It was stolen by break opening the locker room by a thief. There is no proof that the bank was negligent . Is there any remedy available to the customer against the bank?
11. 'A' signed a blank stamped paper and gave it to 'B' and authorized him to fill it as a promissory note for Rs. 20,000. But 'B' fraudulently filled it up for Rs. 50,000 payable to 'C' who, in good faith, advanced Rs. 50,000. Can 'C' recover this amount from 'A'? – Decide.
12. Two cheques drawn by a customer for Rs.10,000 and for Rs.5,000 are presented at the same time and the customer balance is sufficient to honour the cheque for Rs.5,000 only. Bank dishonours both the cheques. Decide.

B.L. DEGREE EXAMINATION , NOVEMBER 2013.

Third Semester/Second Year

BANKING LAW INCLUDING NEGOTIABLE

INSTRUMENTS ACT

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Discuss the business permitted and prohibited for a banking company under the Banking Regulations Act, 1949.
2. State the circumstances in which a banker is justified or bound to dishonor cheques.
3. Examine the statutory protection given to the paying banker.
4. Define “Holder” and “Holder in due course” Discuss the rights of a “Holder in due course”.
5. What is Negotiable Instrument? State the characteristics of Negotiable Instrument.
6. Discuss the role of the collector in land acquisition proceedings.

PART B – (8 X 6 = 48)

7. **Write short answers on EIGHT of the following not exceeding 2 pages each:**

- (a) Endorsement.
- (b) Letters of credit.
- (c) Drawee in case of need.
- (d) Bill of exchange
- (e) Functions of RBI.
- (f) Non-acceptance and protest.
- (g) Devaynes – vs – Noble Clayton.
- (h) Material alteration.
- (i) Rights of Banker.
- (j) Crossing of cheques.

PART C – (4 x 4 = 16 marks)

Answer FOU1R of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

8. 'I promise to pay 'B' Rs.1,000 on D's death provided 'D' leaves me enough property to pay that sum'. Can it be treated as a promissory note?
9. 'X' draws a bill on 'Y' and negotiates it to 'Z'. 'Y' is a fictitious person. Can Z treat it as a promissory note made b 'X'?
10. Mention the reasons for returning the cheques:
 - a. Cheque, dated February 2011 presented on 1st March 2011.
 - b. Cheque, dated 3rd June 2010 presented on 4th December 2010.
11. A draws cheque in favour of B, a minor. B endorses it in favour of C. The cheque is dishonoured by the Bank. Discuss the rights of C.
12. A obtains a cheque and puts it in his coat pocket. The coat is sent for dry wash. Consequently the cheque becomes faded. Can the bank refuses to pay it?

B.L. DEGREE EXAMINATION , NOVEMBER 2014.

Third Semester/Second Year

BANKING LAW INCLUDING NEGOTIABLE

INSTRUMENTS ACT

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain about the special types of customers under the Banking Law.
2. What are the duties of the banker under the Banking Law?
3. What are the relationships between the bank and the customer and explain the rights of banker.
4. Who is paying banker? What are the precautions to be taken by the paying banker?
5. What is banking instrument? Explain the different kinds of banking instruments under the Negotiable Instruments Act.

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) General lien.
- (b) R.C. Cooper Vs. Union of India.
- (c) Cash Reserve.
- (d) Reserve Bank of India.
- (e) Traveller's cheque.
- (f) Public utility services.
- (g) Material alteration.
- (h) Payment in due course.
- (i) IDBI.
- (j) Pass Book.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. Ravi executed a promissory note on attaining majority in consideration of the money advanced to him while he was a minor. Can Ravi be successfully sued and succeed on the promissory note?
8. Teena signs instrument in the following terms. Is it valid?

“ I promise to pay Rm or order for Rs.50,000”.
9. ‘X’ draw a cheque on 1.1.2011 to ‘Y’. Y presented the cheque for collection on 1.7.2011. Decide.
10. Ragu drew a cheque to Sakthi with sufficient fund. Later Ragu closed his account. Sakthi presented the cheque for collection. The Bank dishonoured the cheque with an endorsement “Account closed” – Decide.
11. ‘A’ drew cheque in favour of ‘B’ without sufficient balance at the time of drawing the instrument. While ‘B’ presented the cheque there was sufficient balance. Whether ‘A’ committed any mistake.
12. Siva draws a cheque in favour of Mani in words as Rs. Fifty thousand and writes in numeral as Rs.5,000. What amount Mani is entitled? Explain.

B.L. DEGREE EXAMINATION , NOVEMBER 2015.

Third Semester/Second Year

BANKING LAW

PART A – (3 x 12 = 36)

Answer THREE of the following not exceeding 6 pages each.

1. Explain the historical development of banking in India and explain the special features of the Banking Regulation Act – 1949.
2. Define “Banker and Customer”, explain the business permitted to the banking company.
3. What are the statutory protection given to the collecting banker?
4. What are the criminal remedies available to the drawee in case of dishonor of cheque under the Negotiable Instruments Act 1881?
5. What are the powers and functions of the Reserve Bank of India?

PART B – (8 X 6 = 48)

6. Write short answers on EIGHT of the following not exceeding 2 pages each:

- (a) Pass Book.
- (b) Special type of customers.
- (c) Special status of RBI.
- (d) Rights of the paying banker.
- (e) Different types of deposits.
- (f) Protest.
- (g) Rights of holder in due course.
- (h) Sale of movable secured assets under the SARFAESI Act.
- (i) Clyton’s case.
- (j) Fixed deposit receipt.

PART C – (4 x 4 = 16 marks)

Answer FOUR of the following (not exceeding 2 pages each) by referring to provisions of Law and decided cases with cogent reasons.

7. Ajay executes a promissory note on attaining majority in consideration of a money advanced to him while he was a minor. Can Ajay be successfully sued on the promissory note?
8. Balan, a business man, approached a bank for a loan. The banker knows his personal repaying capacity, promised to sanction the loan without surety. Is the transaction valid?
9. Sasi drew a cheque in favour of Nisha on 03.3.2015. Nisha presented the cheque before her bank on 05.06.2015. The banker refused to honour the cheque. Advice Nisha.
10. Kumar drew a cheque in favour of Rajan for a sum of Rs. 5,000 in numerical and in words Rs. Fifty thousand on 05.05.2015. Can the banker honour the cheque.
11. Deepa draws a cheque in favour of Yesotha, a minor girl. Yesotha endorses it in favour of Leena. The cheque is dishonoured by the bank. Discuss the rights of Leena.
12. Seetha hired a bank locker and kept her valuable documents and jewellery in it. It was stolen by break opening the locker room by a thief. Discuss the remedy to Seetha against the loss.