

EXAMINATION: B.A. L.L.B. (HONS.) SEMESTER VII EXAMINATION
2017-18

LAW

Paper no.: BLBH-411- Jurisprudence

Time: 3 Hours

Max. Marks: 70

(WRITE YOUR ROLL NO AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER.)

NOTE: ATTEMPT ANY FIVE QUESTIONS IN ALL. QUESTION NUMBER ONE IS COMPULSORY. ALL QUESTION CARRY EQUAL MARKS. MARKS ARE INDICATED AGAINST THE QUESTIONS.

1. Write short answers on any seven of the following:

- (i) Meaning of "Is" and "ought" under Analytical Positivism and Realist School.
- (ii) What is Positive Law ?
- (iii) What is Positive Morality ?
- (iv) What is the status of International Law under the Pure Theory of Law?
- (v) What are the three attributes of sovereignty according to John Austin?
- (vi) What are the views of Savigny on codification of law?
- (vii) What is the meaning of "Status" under the "Status to Contract theory"?
- (viii) What are 'Jural postulates' under "Social engineering theory"?
- (ix) What is the meaning of "post modernism"?
- (x) Write two definitions of Jurisprudence. **(7X2=14)**

2. Write salient features of the Analytical Positivism as has been explained by Professor H.L.A. Hart. Do you think that the separation between "is" and "ought" possible?
(7X2=14)

3. Critically analyse the Pure theory of law. Write views of Kelsen on the International Law.
(14)

4. Explain the theory of Status to Contract under Historical School. What are the factors that facilitated emergence of the notion of "contract" in progressive societies? **(14)**

5. Explain the following:

- (i) Application of Austinian approach under the Indian Legal System
- (ii) Nature of Jurisprudence and its relation with other disciplines of knowledge. (7X2=14)

6. In the light of Social Engineering theory explain the following:

- (i) Interest Theory
- (ii) Jural Postulates (7X2=14)

7. Write short answers on the following:

- (i) What are the salient features of Natural Law School ?
- (ii) Write views of any two jurist of the 20th century that deal with revival of Natural Law.

(7X2=14)

8. Write short notes on the following:

- (i) Any two theories of Justice.
- (ii) Views of Jerome Frank and Llewellyn.

(7X2=14)

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B.A. LL.B. (Hons.) SEMESTER VII EXAMINATION 2017-18**LAW****BLBH - 413 : Human Rights Law in Practice****Time : Three hours****Max. Marks : 70***(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)***NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. MARKS ARE INDICATED AGAINST THE QUESTIONS.**

1. Answer any seven questions in short. 2×7=14
 - a) What are first generation human rights?
 - b) What is the meaning of the obligations "to promote" respect for human rights?
 - c) What do you understand by the "International Bill of Human Rights"?
 - d) What are international non-governmental organizations (INGOs)?
 - e) What is the meaning of "natural rights"?
 - f) What are different kinds of human rights?
 - g) What is civil society?
 - h) What is the composition of the National Human Rights Commission?
 - i) What is the Vienna International Plan of Action on Ageing (VIPAA)?
 - j) What is "standard - setting" in the context of human rights?
2. What are human rights? Are human rights universal in nature? 14
3. Distinguish between civil and political rights on the one hand, and the economic, social and cultural rights on the other hand. 14
4. Discuss various civil and political rights contained in the Universal Declaration of Human Rights (UDHAR). 14
5. What are the rights and entitlements of "persons with disability" under the newly enacted Act "Rights of Persons with Disabilities Act"? 14
6. Discuss in brief the functions and powers of the National Human Rights Commission. Is it right to say that the Commission is a "toothless tiger"? 14
7. Discuss in brief the impact of globalization on human rights. 14
8. Write a short notes on any two of the following : 7×2=14
 - a) Role of media in promoting the respect for human rights.
 - b) Future of Human Rights.
 - c) Rights of a senior citizen under the Maintenance and Welfare of Parents and Senior Citizens Act.
 - d) United Nations Principles for Older Persons.

B.A. LL.B. (Hons.) SEMESTER VII EXAMINATION 2017-18**LAW****BLBH - 412 : Private International Law****Time : Three hours****Max. Marks : 70****(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)****NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. MARKS ARE INDICATED AGAINST THE QUESTIONS.**

1. Answer the following : 2×7=14
 - i) What is the meaning of 'Foreign Law'?
 - ii) What is the meaning of 'Jurisdiction'?
 - iii) What do you mean by 'Cause of action'?
 - iv) What is the meaning of "Lex fori"?
 - v) What is the 'lex loci solutionis'?
 - vi) What do you mean by 'applicable of law'?
 - vii) What do you mean by 'locus regit outm'?
2. What is 'Private International Law'? Also discuss its nature and scope. 14
3. What do you understand by 'domicile'? Distinguish domicile of origin from domicile of choice in Private International Law. 14
4. What is doctrine of Renvoi? Discuss the significance of Renvoi in providing solutions to a difference in the Private International Law of two Countries. 14
5. What are the rules relating to the proper law of Contract? Discuss with reference to law of India. 14
6. What are the rules relating to jurisdiction in cases involving foreign elements? What is the difference between the Indian and English law on this point? 14
7. Discuss the rules of choice of law in the context of the validity of a marriage in Private International Law. 14
8. Write a short notes on any **two** of the following : 7×2=14
 - a) Classification of a rule of law,
 - b) Legitimacy and Legitimation,
 - c) Adoption and Inter-Country Adoption,
 - d) Domicile and Nationality.

B.A.LL.B. (Hons.) SEMESTER VII EXAMINATION 2017-18**LAW****BLBH - 416 : Labour & Industrial Law****Time : Three hours****Max. Marks : 70****(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)****NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. MARKS ARE INDICATED AGAINST THE QUESTIONS.**

1. Answer the following questions briefly : 2×7=14
 - a) Distinguish between Industrial dispute & Individual dispute.
 - b) Who is not a "Workman" as per the definition of "Workman" given in the Industrial Disputes Act?
 - c) Distinguish between settlement and award.
 - d) Section 2-A of the Industrial Disputes Act covers which type of individual disputes.
 - e) Distinguish between strike and lock-out.
 - f) Distinguish between Section 33 & Section 33-A of the Industrial Disputes Act.
 - g) Explain the general and special fund of registered trade union as given in the Trade Unions Act.

2. "The interpretation of the definition of Industry has been subject to various and varied tests, as evolved by the different Judgments of the Supreme Court of India."
 In the light of this statement, discuss the various tests as evolved by the Supreme Court, with a particular emphasis as to whether you agree with the interpretation given by Justice Hidayatullah or Justice Krishna Iyer. 14

3. Explain the significance of the expression "any person" as given in the definition of Industrial dispute. Give your answer with the help of relevant case law whether the workers employed by the contractor can raise an Industrial dispute against the principal employer? Give reasons for your answer. 14

4. a) Discuss whether the appropriate government under Section 10(1) of the Industrial Disputes Act, review its earlier order of declining to make a reference, and if so on what grounds. Give your answer with the help of relevant case law. 7

 b) Discuss in brief the nature of reference making power of the appropriate government under Section 10 (1) of the Industrial Disputes Act. 7

5. a) Whether the workmen can go on a strike, when an Industrial dispute is pending before the adjudication authority, for a matter which is unconnected with the pending Industrial dispute? Give your answer quoting the relevant statutory provisions and case law. 7

 b) Distinguish between justified and unjustified strikes. 7

P.T.O.

6. a) Explain the meaning of the expression "undertaking of an Industrial establishment" as given in Section 25 - O of the Industrial Disputes Act. 7
- b) On what grounds the Supreme Court has declared the earlier Section 25 - O as unconstitutional in the famous case of Excel Wear V. Union of India, and what are the changes effectuated by the Parliament when it introduced the new Section 25 - O. 7
7. Discuss the procedure of registration of a Trade union as given in the Trade Unions Act. Can teachers employee in educational institutions form a Trade Union? Give reasons for your answer. 14
8. Write short notes on any two of the following : 7×2=14
- a) Definition of retrenchment,
 - b) Pre-requisites for collective bargaining,
 - c) Essentials of voluntary arbitration,
 - d) Out-siders in Trade Unions.

B.A.LL.B. (Hons.) SEMESTER VII EXAMINATION 2017-18**LAW****BLBH - 414 : Company Law****Time : Three hours****Max. Marks : 70****(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)****NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. MARKS ARE INDICATED AGAINST THE QUESTIONS.**

1. Explain the following in approximately 100 words : 2×7=14
 - a) What do you mean by 'Illegal association'?
 - b) Conversion of Public Co. into Private Co.
 - c) Difference between Subsidiary Company and Associated Company.
 - d) What is Corporate Identification Number?
 - e) SPICE.
 - f) A and B who constitute a partnership firm sell 1000 Sq. yard of land belonging to the firm to a Pvt. Co. 'XY Pvt. Ltd.' which they formed. They claimed exemption from stamp duty on the ground that it is a sale by them in one name to themselves under another name, will they succeed?
 - g) M held all except one share of a timber Co. He had also advanced substantial amount to the Co. He insured the Company's timber in his name. On timber destroyed by fire, he claimed assured money. Will he succeed? Decide.

2. "A company is a artificial person created by law, having separate entity with a perpetual succession and common seal." In the light of this statement discuss the advantages of incorporation. Also examine the statement given below : 10+2+2=14
 - a) Company has a nationality but not citizenship.
 - b) Company has separate legal personality whereas partnership is not a distinct person.

3. a) 'Corporate personality of a company is not inviolative, Courts do in certain cases lift the corporate veil to look at the economic realities.' Comment and state the circumstances in which Court would lift the corporate veil. 10+4=14
 - b) Discuss the theories related to corporate veil in development of corporate law.

4. Promoter is a person who alone or with others takes the preliminary steps in the formation of company. In this context discuss 3.5×4=14
 - a) Statutory definition and kinds of promoter.
 - b) Legal position of promoter as stated in the case of Erlanger Vs New Sombrero phosphate Co. 39LT269
 - c) Liability of Promoter in pre-incorporation contract.
 - d) Legal duties of promoter.

P.T.O.

5. a) Varanasi Law Publishers (Pvt.) Ltd. wants to donate fifty thousand rupees from company's fund for legal literacy programme of Legal Aid Clinic, Law School BHU and equal amount to Chanakya Law Hostel for installation of CCTV and mess management. The object clause is silent on these issue. Company seeks your advice. Give reason and relevant cases while explaining the doctrine of Ultravires. $10 + 4 = 14$
- b) A company wishes to transfer it's registered office. Discuss the provision and procedure in following situations :
- within the same city.
 - within the same state to another city but from the jurisdiction of one registrar to another.
6. a) Discuss the relationship between Memorandum and Article of Association and also distinguish between them. $7+3.5+3.5=14$
- b) i) A limited company is formed with it's article stating that one Mr. James shall be the solicitor for the company and that he shall not be removed except on the ground of misconduct. Can the company remove Mr. James from the position even though he is not guilty of misconduct? Give your reason with decided case law while explaining the effect of Memorandum and Article with reference to outsiders.
- ii) Explain 'Turquand Rule'.
7. 'The prospective shareholders are entitled to true and faithful disclosure in the prospectus.' In the light of the statement discuss the following : $3.5 \times 4 = 14$
- Meaning of Untrue statement & misstatement.
 - Defences available to Director to avoid civil liability.
 - Punishment for fraudulently inducing persons to invest money.
 - Meaning of abridge and Red Herring prospectus.
8. Write a short notes on any two of the following : $7 \times 2 = 14$
- Preference Share,
 - Annual General Meeting,
 - Doctrine of Constructive Notice,
 - Debenture.
