



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-601

Subject: Family Law-II

B.A./B.B.A. LL.B. 6th Semester29th September, 2020

Time: 2hrs. 30minutes (Writing Examination- 10:30 am-12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) A died leaving behind a son B, two grandsons E and F, two great-grandsons X and Y and one great-great-grandson Z. what will be the share of each coparcener at the time of partition under the Mitakshara and Dayabhaga law? Discuss the rule by which they will get a share?

(B) W married to M. At the time of marriage M was already having a son S and daughter D from his first wife F. After the marriage W and M had two grand-daughters D1 and D2. W died intestate in 2014 and had earned the property worth Rs. 70 lakhs by her skill and exertion plus 30 lakhs property. What will the share of heirs in the property of W?

(C) A Muslim woman died and left behind her husband H and two daughters and a DSD (Daughter's Son's Daughter). What will be the share of these heirs? Under what rule DSD will get a share in her property. Divide the share by discussing different rules relating to that.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 Makhi Ram had two sons S1 and S2 and four daughters D1, D2, D3 and D4. All children were married but it was only after the marriage of S2, relations of family members with him got strained. S2 on one or the other occasion started asking for his share in the

property. One day, Makhi Ram got paralysis attack and after that, he wrote a letter in which he showed his desire to separate from his sons. After getting the notice of this letter members of the family assembled and tried to convince him. But after some days, the matter was sorted and they started living happily. But one day S2 again reached home in drunkard condition and shouted on his father and asked him to get out of the home. Makhi Ram, after that incidence, filed a suit for partition and died after the first hearing of the suit. Now following questions arise:

- a. Who are coparceners in the family?
- b. Who will get a share in the property?
- c. Which is the effective date of partition?
- d. What will be the share of the wife of Makhi Ram and wife of S1 and S2?
- e. Whether sorting of the situation by relatives and friends amounts to a reunion?

Decide with the help of relevant case laws.

Q.3 F dies leaving behind a wife W with whom he married in the year 1954 and he had no child by that wife and he again married to L in 1960 and had three sons from that wife S1, S2 and S3. He was also having a father and mother: brother's son (BS) and a uterine Sister's daughter (SD). He also has three great-great-grandsons GS1, GS2 and GS3. How the property will devolve among his heirs according to the rules of succession. After F's death, his brother's widow pleaded that with regard to some amount of the property he (Her husband) filed income tax returns under HUF and asked for a share in the property. Can she do so? Decide with the help of relevant provisions.

Q.4 Rahim was seriously ill by COVID 19. Due to the fear of the disease, his family members abandoned him but the family of his friend helped him a lot during his illness. He was hopeless and can understand that his end is near so he executed gift of whole of his properties in favour of his friend Kadir, his wife and their unborn child and later on Rahim died. In the light of above facts, answer the following questions:

- a. Whether the gift is valid in favour of the unborn?
- b. Can Rahim gift the property in the same deed to multiple persons?
- c. What if the properties are indivisible in nature?
- d. Can heirs of Rahim challenge the gift?
- e. What would have been the nature of the gift if Rahim was a Hindu?

Examination R.NO.

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HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examination

Paper Code: LB-602

Subject: Jurisprudence-I

B.A./B.B.A. LL.B. 6th Semester1st October, 2020

Time: 2hrs. 30minutes (Writing Examination- 10:30 am-12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) A Revolutionary organization, 'Protectors of Mother India (PMI)', intending to rid mother India of subversive elements condemns to death an army commander, of the Government of India, believing that army to be the enemy of people.

Discuss the subjective and the objective meaning of the 'act' of the PMI, with reference to the methodology of Kelsen.

(B) 'X' a taxi driver is standing at a red light waiting for light to turn green. 'Y', CEO of a multinational company, who was being late for his office, reaches after 'X' but jumps the red light. 'X' criticizes the conduct of 'Y'.

Explain the 'self-critical attitude' element of a social Rule.

(C) 'Q', a young man, is a convict of rape in a case where he had raped a young girl, 'Z'. The convict comes from a rich family. The victim belongs to poor middle-class parents who are barely able to bear expenses of her studies. During the trial of the case 'Q' expressed his feeling of remorse and repentance. He also offered to make good of indescribable harm he has caused to the victim by marrying her. The Court decided the case accordingly in which the condition of the marriage was a component of the quantum of sentence awarded to the convict.

Write a comment criticizing Dworkin's analysis of 'principles, policies and other standards of law.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 Read the following brief statement of facts in *R. v. Dudley and Stephens*:

“Dudley and Stephens along with Brooks and Parker(victim) were cast away at sea without weeks of food and water except for some turnips and a turtle. After twenty days, Dudley and Stephens proposed one person sacrifice himself in order to save the rest. Brooks dissented while Dudley and Stephens decided to kill Parker since he was the weakest and youngest. One eventual day, seeing no rescue in sight, the two men killed Parker and the three men feasted on his body. Four days later a vessel rescued them and Dudley and Stephens were charged with murder”.

If the applicable Criminal laws, procedure and Evidence rules were identical to that of Indian legal system, argue the case for conviction and acquittal, both, from the point of views of theoretical understanding of law by ‘positivism of Austin’ and basic principles/premises of ‘modern natural law’ theory, respectively.

Q.3 “Historical School of law showed the ways in which law is connected to social facts. The birth and propagation of the theory is contemporaneous to that of positivism. The school, however, concentrated its study on the past social facts. As opposed to it, the sociological school concerned itself to the present social needs and realities. In that sense, sociological school is indebted to the historical school. On the other hand, the current studies in legal pluralism, once again, emphasizes diverse social manifestations of law in a given community. Yet, the legal pluralism is a great advancement over the two previous schools, in the sense in which, it tries to de-couple law from the dominant paradigm of the modern state”.

Critically examine the statement. Illustrate your arguments with appropriate examples.

Q.4 Write a critical comparative analysis of the roles/functions played by the concepts of, sovereign in Austin; Grund Norm for Kelsen; and the Ultimate and Supreme secondary Rule, in Hart’s theories of Law.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examination

Paper Code: LB-603

Subject: Code of Civil Procedure and Limitation Act

B.A./B.B.A. LL.B. 6th Semester

3rd October, 2020

Time: 3hrs. s (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets– 12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)

(2x5=10 Marks)

Q.1 Short Answer Type Questions:

(A) Sanitizer Manufacturing Company has its registered Office at New Delhi. It has branches in New Delhi, Ambala, Shimla and Gurgaon. Mr. X of Shimla ordered a lot of sanitizers directly from the factory at Noida. Contract is entered into at Noida and contract is to be performed at Noida. Dispute arose between the Company and Mr. X. Mr. has filed a suit at Shimla. Whether the court has Shimla has jurisdiction? Give reasoned answer referring to relevant legal provisions.

(B) Mahendra filed a civil suit for partition of property and for possession against Surender and other members of family. During the course of trial, Mahendra proved that he is entitled to partition and separate share. Surendra claimed that there was an oral family settlement few years back and parties were allowed separate possession of properties by virtue of such family settlement. He claimed that there is documentary evidence to show that parties entered into possession of respective shares in property in lieu of family settlement. However, he could not produce such evidence during the course of trial. Court closed the evidence and reserved judgment. Before judgment could be delivered, Surendra got hold of such documents and filed an application for producing additional evidence which was rejected by the trial court. Surendra and others have filed an appeal and they want to produce such documents as additional evidence. Whether they will be allowed to produce additional evidence by appellate court?

(C) X owed a sum of Rs. 10000 to Y on a promissory note. Before the expiry of limitation period prescribed under the Limitation Act, X paid Rs. 4000 to Y towards the promissory note. What is the effect of this payment on the limitation period. Answer referring to relevant legal provisions?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Mr. Mohanty filed a suit for declaration of title and possession of immovable properties against Mr. Chander Prakash. Court served summons upon the defendant calling upon the defendant to file his written statement on or before the day mentioned in Summons i.e. within 30 days of date of service of summons. Mr. Chander Prakash instead of filing written statement, filed an application under Order VII (11) for rejection of plaint contending inter alia that suit has been filed after expiry of period of limitation and therefore suit is barred. Court instead of deciding the application for rejection of plaint, directed defendant to file written statement. Defendant Chander Prakash has filed an appeal against such order. Decide the maintainability of such appeal and also decide whether the decision of the court is valid and legal.
- Q.3** A civil suit was filed for recovery of money by Mr. Anubhav for Rs. 20 lacs against Mr. Prateek. Suit was decreed in his favour. He filed an application for execution of the decree. In execution, court ordered sale of immovable property of the judgment debtor (Prateek) and accordingly property was sold in auction in January 2000. Application for setting aside the sale was filed by Prateek before the execution court which was dismissed. Against such dismissal, Prateek filed an appeal in High Court in March 2002 which was heard by single judge of the High Court. Appeal was dismissed by single judge of the High Court in August 2002 against which a letters patent appeal was filed. In letters patent appeal, division bench of the High Court ruled that second appeal against an order is barred under section 104(2) of CPC. Feeling aggrieved, Prateek approached Supreme Court (October 2002) against the order of the division bench of the High Court. Matter is pending before the Supreme Court. In the light of these facts, answer following questions referring to relevant legal provisions
- 1) Whether Letters patent appeal was maintainable in the light of bar under section 104(2)?
 - 2) What is the effect of 2002 amendment for the matter pending in Supreme Court?

Q.4 A, Karta of a HUF, entered into an agreement to sell for sale of immovable property of HUF for legal necessity (discharging liability towards payment of income tax) on 10th January 2012 with B, C and D. As per the agreement, B and C were to get $\frac{1}{2}$ of the property and the remaining property was to be sold to D. Consideration was fixed at Rs. 10 lakhs of which 4 lacs were paid as earnest (2 lacs by B & C and 2 lacs by D). As per the agreement, sale deed was required to be registered on or before 31st March 2012 and time was the essence of the contract. D paid Rs. 3 lacs on 5th March 2012 and he was allowed to enter possession on $\frac{1}{2}$ of the property but sale deed was not entered into. B and C tendered the balance consideration (their part i.e. 3 lacs) to A in the last week of March and requested for registration of Sale deed. However, members of family resisted the sale of immovable property and sale deed could not be entered into. When the matter could not be settled, B and C approached D for filing a suit for specific performance but he refused to join as plaintiff since he already was in possession. Thereafter, B and C filed a civil suit for specific performance against A & three other members of HUF, D was also made a defendant. Suit was filed in January 2014. In March 2016, D filed an application under order I rule 10, CPC for his transposition as plaintiff. In the light of these facts, answer the following questions by referring to relevant legal provisions and judicial decisions.

- a) Whether this application under Order I rule 10 CPC is permissible keeping in view limitation period prescribed by limitation Act?
 - b) What will be the date of institution of suit qua D?
- Give reasoned answer.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-604

Subject: Information Technology Laws

B.A./B.B.A. LL.B. 6th Semester5th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) The Diebold Systems Pvt. Ltd [a manufacturer and supplier of Automated Teller Machines (ATM)] had sought a clarification from the Advance Ruling Authority (ARA) of the state of Karnataka to determine whether ATMs can be considered as “computer” or “computer terminal”. Discuss, on the basis of characteristics and essentials provided in the relevant provision of IT Act.

(B) Software is a programme of instructions, which operate the system or hardware to function in a planned manner. Hence, there arises a need to classify and define, in legal terms, the vague nature of software in comparison with other products. The code and its source can be understood as information planned, in a way, to operate the system leading to the conclusion, that, it is not a property and not a good in the legal sense.

In the light of above statement, decide with the help of relevant case laws, whether software can be considered as ‘Goods’ to serve the purpose of specific legislation in the domain of E-commerce.

(C) INDOTA Publisher published a book titled ‘Facets of IPR’ authored by Toufiqulla. The book was available online shopping site named ‘REMAJAAN’ at the cost of Rs. 500/- with a discount of 30%. The publisher’s registered office is in Cyria, the online

shopping cite is a registered company of US and the books were online purchased and delivered in India. Mr. Z is a lawyer, who claims that certain part of the book are plagiarized content of his published article and the author has breached Copyright Law. Whether REMAJAAN being intermediaries can be held liable for violation of IPR of the author?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 “The offences covered and defined under the I.T. Act, 2000, are not exhaustive in nature. Since, with the advancements in technologies, computer programs and networks are constantly changing and evolving, and with these advancements, the nature of cybercrimes is also evolving”. Critically examine.

Q.3 E-commerce exists in a borderless environment. If there is a dispute, it creates concern about whose jurisdiction, where to take action, and what test & laws to be followed when individual resides outside a particular jurisdictional area. On the basis of above statement critically evaluate following issues -

- i. Cross-Border Issues.
- ii. Unlawful behavior.
- iii. Digital Products – Services or Goods.
- iv. Taxation.

Q.4 In the State of Himachal Pradesh, the Governor orders a lockdown stating *unprecedented apprehension of rioting and violence due to enactment of certain legislation on reservation for the state domiciled candidates*. Prior to the enactment, certain individuals belonging to an ideological group ‘S’, have strongly agitated against the enactment and the provision for reservation. The individuals of the group ‘S’ were also involved in vandalism in various corners of the State of which the State has compelling evidence but has not been able to trace the perpetrators.

Therefore, during this period of lockdown, the access to internet is curtailed to the extent that complete ban on use of internet is applied for 6 months, with limited low-speed connectivity.

In addition to this, the e-commerce entities have been restrained from doing business in the State of Himachal Pradesh. Furthermore, due to curtailment of access to the internet, the media houses are not able to showcase the scenario of the State on a real-time basis.

Ramesh a delivery boy working for one of the biggest e-commerce websites is the sole bread-winner of his family, moves the Himachal Pradesh High Court by way of a petition under Article 226 of the Constitution of India claiming that his fundamental right of freedom of profession has been infringed by the said Order of lockdown.

Rita, a journalist was disallowed from enquiring the situation even for the purpose of journalism and she has moved the Himachal Pradesh High Court by way of Article 226 claiming that her fundamental right to freedom of speech and expression has been infringed by the said Order of lockdown.

The High Court of Himachal Pradesh has clubbed the two petitions and is scheduled to decide on the matter. Petitioners have, separately, approached you for legal advice. Advice in light of the relevant Constitutional and legal provisions and decided case laws.

1. Whether the Government's order of curtailing access to the internet is justified?
Whether the access to the internet is a fundamental right?
2. Whether the order of the Government banning internet is violative of the fundamental right to business and profession? Decide on the basis of various tests developed by the courts (Indian and foreign).



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-605

Subject: Economics-VI(Quantitative Techniques)

B.A./B.B.A. LL.B. 6th Semester7th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets--
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) Calculate Median and Mode of the following data. Using these two find Arithmetic Mean:

Marks	10	20	30	40	50	60
No. of Students	8	23	45	65	75	80

(B) Does correlation and dependency intend the identical object? In simple words if Covid-19 and rise in GDP have correlation of zero, does this convey they are not dependent and vice-versa?

(C) WPI in 2019 was 150, whereas WPI in 2020 is 165. Find the rate of inflation in Indian economy currently i.e. in 2020.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x20=40 Marks)**

Q.2 As researchers we know that sample method need less time, money and energy; therefore, it is mostly used by all the researchers. However, as far as accuracy and better results are concerned, these are provided by census method of investigation. If you are to conduct a research at HPNLU which method shall you deploy? Differentiate between these two methods along with merits and demerits of each method.

Q.3 Inequalities are increasing day by day in India and Lorenz Curve is one of the techniques to assess the inequalities. Draw a Lorenz curve from the following data:

No. of Persons (X)	26	20	10	8	2
Income (Y) in Rs. (000)	39	50	38	40	13

Q.4 In a moot court competition at HPNLU, two Judges gave their marks as under:

A	50	55	65	50	55	60	50	65	70	75
B	110	110	115	125	140	115	130	120	115	160

Obtain the rank correlation co-efficient.