

31678

BEAS – III (CBCS – 2015 COURSE): WINTER – 2016  
SUBJECT: MERGER & ACQUISITION

Day: Friday  
Date: 18-11-2016

Time: 10.00 A.M. To 1.00 P.M.  
Max. Marks: 60

N.B.:

- 1) All questions are **COMPULSORY**.
- 2) Each question carries **12** marks each.

Q.1 a) "A company is an artificial person created by law with a perpetual succession and a common seal". Define company and discuss essential characteristics of a company.

OR

b) "Corporate Restructuring is the process of redesigning one or more aspects of a company with a single objective and multiple objectives". Discuss meaning concept and objectives of Corporate Restructuring.

Q.2 a) Companies Act, 2013 provides for a fast track approach for merger or amalgamation between two Small Companies. Give a detail outline of this process.

OR

b) The Competition Act, 2002 regulates combinations which cause or likely to cause an appreciable adverse effect on competition in India. Discuss the procedure for regulating combinations under the Act.

Q.3 a) XYZ Co. Ltd is a sick company defined as per the Sick Industrial Companies Act. Suggest as to how the sick company can be revived through a scheme of amalgamation.

OR

b) PQR Co. Ltd has plans for organic restructuring by capitalizing its profits through buy back of shares. Explain the procedure to the directors of PQR Co. Ltd prescribed for buy back under Companies Act.

Q.4 a) When does an open offer under SEBI Takeover code gets triggered. Explain the open offer process in detail.

OR

b) What is Amalgamation? Discuss the provisions of Income Tax Act which become applicable in case of amalgamation of companies.

Q.5 a) Write short notes on :  
i) Due Diligence Report  
ii) Person acting in concert

OR

b) Write short notes on:

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BEAS – III (CBCS – 2015 COURSE ) : WINTER 2016  
SUBJECT: RIGHT TO INFORMATION

Day : Friday  
Date: 18-11-2016

Time: 10.00 A.M. To 1.00 P.M.  
Max Marks. 60

**N.B**

- 1) All questions are **COMPULSORY**.
- 2) All carry **EQUAL** marks.

**Q.1** “In a democratic country, every citizen has a right to know what happened with the money contributed by the citizens into the nations treasury”. Explain the above statement with reference to Right to Information Act, 2005.

**OR**

Critically evaluate the historical development or right to Information Act, 2005.

**Q.2** “The RTI Act 2005 is a recognition of such Fundamental Rights making possible the participation of the citizens in the decision making process ion a democracy”. Explain the relationship between Art . 19 (1) (a), right to privacy and RTI.

**OR**

Explain the concept of Public Authorities and Right to Access information held by them by the citizens. How will this lead to transparency in dealings?

**Q.3** Discuss the concept of breach of confidential its and privacy under Indian Information Technologies Act, 2000.

**OR**

Elucidate the Officials secrets Act as an exception to disclosures under the RTI Act 2005.

**Q.4** Discuss the United Nations perspective of Right to Information.

**OR**

Compare the RTI in USA with that of the United Kingdom.

**Q.5** Explain the constitution, eligibility criteria, terms of office & removal of the Information Commissioners.

**OR**

Discuss the concept of Electronic information dissemination & its need of regulation.

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Day : Wednesday  
Date : 16-11-2016

Time : 10.00 A.M. To 1.00 P.M.  
Max. Marks : 60

**N.B.:**

- 1) All questions are **COMPULSORY**.
- 2) Each question carries **12** marks.

**Q.1 a)** XYZ Co. Ltd., was in the process of incorporation. Promoters of the company signed an agreement for the purchase of certain furniture for the company and payment was to be made to the suppliers of furniture by the company after incorporation. The company was incorporated and the furniture was used by it. Shortly after incorporation, the company went into liquidation and the debt could not be paid by the company for the purchase of above furniture. As a result suppliers sued the promoters of the company for the recovery of money. Examine whether promoters can be held liable for payment under the following situations:

- i) When the company has already adopted the contract after incorporation?
- ii) When the company makes a fresh contract with the suppliers in terms of pre incorporation contract?

**OR**

**b)** Peek Ltd. Co., issued and published its prospectus to invite the investors to purchase its shares. The said prospectus contained false statement. Mr. X purchased some partly paid shares of the company in good faith on the Stock Exchange. Subsequently, the company was wound up and the name of Mr. X was in the list of contributors. Decide:

- i) Whether MR. X is liable to pay the unpaid amount?
- ii) Can Mr. X sue the directors of the company to recover damages?

**Q.2 a)** "Separate personality of a company is of special privilege. In case of dishonest or fraudulent use of this privilege corporate veil can be lifted". Discuss with reference to decided case laws.

**OR**

**b)** In what way does the Companies Act, 2013 and rules made there under regulate the appointment of women director in a company? Explain.

**Q.3 a)** Briefly explain the doctrine of ultra virus under Companies Act, 2013. What are the consequences of ultras virus acts of the company?

**OR**

**b)** "The intention of legislature is to prevent easy alteration of the clauses contained in Memorandum of Association". State and explain the procedure for alteration of Memorandum of Association.

**Q.4 a)** Write short notes on:

- i) CSR committee
- ii) Rule in Foss v. Harbottle

**OR**

**b)** Write short notes on:

- i) Oppression and mismanagement
- ii) Transfer and Transmission of shares

**Q.5 a)** 'A prospectus must state truth and nothing but the truth'. Explain the golden rule of prospectus.

**OR**

**b)** What is a debenture? What are different kinds of debenture? Distinguish between a shareholder and debenture holder.

**Subject : Practical Paper-II (Drafting Pleading & Conveyancing)**

Day : Saturday

Date : 12/11/2016



Time : 10.00 AM TO 01.00 PM

Max Marks : 60 Total Pages : 1

**N.B.:**

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

**Q.1** What is Pleading? State the fundamental rules of Pleading.

**OR**

- Q.1** Explain :
- a) Forms of Pleading
  - b) Amendment of Pleaint

**Q.2** Draft a Criminal Complaint u/s 138 of the Negotiable Instrument Act, 1881.

**OR**

**Q.2** Draft an Application for Anticipatory Bail u/s 438 of Criminal Procedure Code.

**Q.3** Draft a Petition on behalf of a husband for restitution of conjugal rights against wife under sec 9 of the Hindu Marriage Act, 1955.

**OR**

**Q.3** Draft a written statement on behalf of the defendant in a suit filed by the plaintiff for specific performance of contract.

**Q.4** Draft a Deed of Mortgage by conditional sale between Mr. Shanker Patil and MNC Finance Ltd.

**OR**

**Q.4** Mr. Sureshchandra a businessman who wants to gift his self acquired house property to his daughter. Draft a Gift-deed.

**Q.5** Draft a General Power of Attorney in favour of a son for selling and purchase of a flat by father who is going abroad.

**OR**

**Q.5 a)** Draft a promissory note.

**b)** Draft an Affidavit for Mrs. Rajani who has lost her original Marriage Certificate.

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**Subject : Interpretation of Statutes**

Day : Thursday  
Date : 10/11/2016



Time : 10.00 AM TO 01.00 PM  
Max Marks : 60 Total Pages : 1

**N.B.:**

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

**Q.1** "Literal rule of interpretation is called as safest rule because legislative intention can be deduced from word and court has no business to look into the consequences of interpretation." Explain literal rule of interpretation with the help of various case laws.

**OR**

**Q.1** "If two constructions are possible upon the language of statute, the court must choose the one which is consistent with good sense and fairness and eschew the other which makes its operation unduly oppressive, unjust and unreasonable." Explain Golden rule of interpretation in the light of above statement.

**Q.2** Critically enumerate the External aids used while construing a statute.

**OR**

**Q.2** Explain the rule of 'Mandatory and Directory provision' as an aid to interpretation.

**Q.3** "While interpreting Penal statute it must be borne in mind that punishment could be imposed only when the conduct of accused falls clearly within letters of law." Explain the rules of interpretation of Penal statute.

**OR**

**Q.3** Write short notes on :  
a) Rule of ejusdem generis  
b) Noscitur a sociis

**Q.4** There is strong presumption that civil courts have jurisdiction to decide all questions of civil nature. Still sometimes the civil courts are excluded from the jurisdiction. Elaborate the principles of exclusion of jurisdiction of civil courts.

**OR**

**Q.4** Write short notes on :  
a) Preamble  
b) Definition

**Q.5** Discuss various doctrines used in interpretation of the constitution.

**OR**

**Q.5** Write short notes on:  
a) Operation of statute  
b) Taxing statute

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BEAS – III (CBCS 2015 COURSE) : WINTER – 2016  
SUBJECT : CIVIL PROCEDURE & LIMITATION ACT

Day : Tuesday  
Date : 08-11-2016

Time : 10.00 A.M. To 1.00 P.M.  
Max. Marks : 60

N.B.

- 1) All questions are **COMPULSORY**.
- 2) All questions carry 12 marks.

**Q.1** Explain the provisions of C.P.C. which are applied in determining the forum for institution of suit relating to immovable property.

**OR**

Explain Decree and Order and distinguish between them.

**Q.2** What do you understand by reference? What is difference between Review and Revision. On what grounds does a Revision lie to the H.C.? Illustrate with example.

**OR**

What is the procedure followed for attachment of property under execution? What properties are liable to attachment and sale in execution of Decree? State exceptions.

**Q.3** What are the objects and essential conditions of the Doctrine of *Res Judicata*?

**OR**

Explain the procedure regarding the suits by or against minor.

**Q.4** Write a note on parties to the suit with special reference to *mis-joinder* and *non-joinder* of parties.

**OR**

What is *ex-parte* Decree? Enumerate the circumstances in which *ex-parte* Decree can be set aside.

**Q.5** Explain –Limitation bars remedy but does not extinguish the right.

**OR**

Write a note on :

- a) Court commissioner
- b) Caveat

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BEAS -III: (CBCS 2015 COURSE): WINTER- 2016  
SUBJECT: FAMILY LAW-I

Day: Saturday  
Date: 05-11-2016

Time: 10.00 A.M. To 1.00 P.M.  
Max Marks: 60

**N.B:**

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

**Q.1** When does a marriage become void & voidable under Hindu Law? Distinguish between void & voidable marriages.

**OR**

“Mehr is an essential integral part of Muslim marriages”. Explain.

**Q.2** Explain the procedure of solemnization of marriage under Parsi Law.

**OR**

Discuss the provision of Restitution of Conjugal Rights under section 9 of Hindu Marriage Act. Discuss its constitutional validity.

**Q.3** Explain the grounds of divorce available to wife under Hindu Marriage Act, 1955.

**OR**

Discuss in detail the provision of mutual consent divorce under all personal laws.

**Q.4** Explain the grounds of divorce available to Christians. Discuss the changes made by Indian Divorce (Amendment) Act, 2001.

**OR**

‘Muslim Marriage is a civil contract’. - Discuss.

**Q.5 a)** A, a boy of 19 years, marries B, a girl of 16 years according to Hindu rites & ceremonies. Is the marriage valid?

**b)** Write a short note on effects of marriage under The Special Marriage Act.

**OR**

**a)** During subsistence of a marriage A Sunni Muslim male marries his wife's sister. Explain the legal consequence of such a marriage.

**b)** Write a note on: Rupa Hurra v. Ashok Hurra AIR 2002 SC 1771.