

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

NOTE : Answer SIX questions including Question No.1 which is compulsory.

1. (a) "Article 14 of the Constitution of India does not rule out classification for purposes of legislation; what it requires is a valid classification for the same." Explain. (8 marks)
- (b) Describe the power of the President of India to promulgate ordinances. (6 marks)
- (c) Discuss in brief the primary rule of literal construction in the interpretation of a statute. (6 marks)

2. Discuss the following. Attempt **any four** :
 - (i) Vicarious liability of the State.
 - (ii) A person taking the benefit of an instrument must also bear the burden of the instrument.
 - (iii) Fraudulent transfer is voidable as per the Transfer of Property Act, 1882.
 - (iv) Summary suit applies to a suit to prevent unreasonable obstruction by a defendant.
 - (v) Liability of network service provider under section 79 of the Information Technology Act, 2000.(4 marks each)

3. Distinguish between the following. Attempt **any four** :
 - (i) 'Judicial remedies' and 'extra-judicial remedies'.
 - (ii) 'Complaint' and 'FIR'.
 - (iii) 'Doctrine of *res sub judice*' and 'doctrine of *res judicata*'.
 - (iv) 'Admissions' and 'confessions' under the Indian Evidence Act, 1872.
 - (v) 'Condition precedent' and 'condition subsequent'.(4 marks each)

4. Attempt **any four** of the following :
 - (i) State any four categories of cases in which a police officer may arrest a person without an order from a Magistrate and without a warrant.
 - (ii) When is the Central Information Commission/State Information Commission duty bound to receive complaints from any person ?
 - (iii) What is the effect of non-registration of documents required to be registered ?
 - (iv) What is the remedy available to a person, if the document presented by him for registration is refused to be registered by the Registrar ?
 - (v) Explain form and contents of an arbitral award.(4 marks each)

5. (a) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :

- (i) Article 21 of the Constitution of India confers on every person the fundamental right to life and _____.
- (ii) *Ejusdem generis*, literally means 'of the same _____'.
- (iii) A declaratory decree is a decree whereby any right as to any property or the _____ of a person is judicially ascertained.
- (iv) According to the maxim _____ where there is infringement of a legal right not resulting in harm, the plaintiff can still sue in tort.
- (v) In lease, there is a transfer of the right to _____ immovable property.
- (vi) _____ as set out in section 2(14) of the Code of Civil Procedure, 1908 is the formal expression of any decision of a Civil Court which is not a decree.
- (vii) In case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, only the _____ instrument shall be chargeable with the prescribed duty as per section 4 of the Indian Stamp Act, 1899.
- (viii) The test of 'sufficient cause' is purely an individualistic test. It is not an _____ test.

(1 mark each)

(b) Write the most appropriate answer from the given options in respect of the following :

- (i) When the President of India makes a reference to the court on questions of fact and law, the advice is given by the —
 - (a) Civil Court
 - (b) Criminal Court
 - (c) High Court
 - (d) Supreme Court.
- (ii) Where a contract comprises an affirmative as well as negative agreement, the court can grant an injunction to perform —
 - (a) Affirmative agreement
 - (b) Negative agreement
 - (c) Both of the above
 - (d) None of the above.
- (iii) Where meaning of a word is known from its accompanying or associating words, the construction is known as —
 - (a) *Noscitur a sociis*
 - (b) Liberal construction
 - (c) Harmonious construction
 - (d) *Ejusdem generis*.
- (iv) The mandate of an arbitrator gets terminated when —
 - (a) He becomes unable to perform his functions
 - (b) He remains in his office to perform his functions
 - (c) The parties agree to retain him in the office
 - (d) None of the above.

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- (v) A party may refuse to produce the document for inspection —
(a) When it discloses party's evidence
(b) When it enjoys a legal professional privilege
(c) When it is injurious to public interest
(d) All of the above.
- (vi) Death sentence can be passed by the court of a —
(a) Chief Judicial Magistrate
(b) Metropolitan Magistrate
(c) Magistrate of the First Class
(d) None of the above.
- (vii) 'Computer network' means the interconnection of one or more computers through the use of —
(a) Satellite
(b) Microwave
(c) Terrestrial line
(d) All of the above.
- (viii) As per section 18 of the Indian Stamp Act, 1899, an instrument not duly stamped can be properly stamped within a period of —
(a) One month
(b) Three months
(c) Four months
(d) Six months.

(1 mark each)

6. State, with reasons in brief, whether the following statements are true or false :
- (i) An instrument not properly stamped is not accepted as evidence in the court of law.
(ii) The court can *suo motu* take note of question of limitation.
(iii) The writ of *habeas corpus* is an effective bulwark of personal liberty.
(iv) A person suing for rescission of a contract can also sue for specific performance of a contract.
(v) Any fact is relevant even when it does not show or constitute a motive or preparation for any fact in issue.
(vi) Bills of exchange and promissory notes drawn or made out of India may be stamped with adhesive stamp.
(vii) A testator has to deposit with any Registrar his 'will' in person.
(viii) Certain wrongful acts concerning computers, *etc.*, are adjudicated not before courts but before Adjudication Officer.

(2 marks each)

7. (a) Amar is a citizen of India and lives in Delhi with his family. He makes an application to the Public Information Officer (PIO) under the Right to Information Act, 2005 and completes all the formalities. The information sought relates to Cabinet papers including records of deliberations of the Council of Ministers. The PIO rejects the application. Has Amar any right to go to the court or to the Central Information Commission against the decision of the PIO ? Give your answer quoting the relevant provisions of law. *(6 marks)*
- (b) Anuj orally grants the rights to catch and carry away fish from his lake to Barun for ₹700. Is the grant valid ? Give your answer under the relevant provisions of the Transfer of Property Act, 1882. Also cite an appropriate case law. *(5 marks)*
- (c) 'X' is charged for murder of 'Y'. The chargesheet is filed in the court of Chief Judicial Magistrate, who passed the order of sentence of life imprisonment. 'X' engages you as an Advocate. What shall be your advice in the matter ? *(5 marks)*
8. (a) A document, which is apparently an agreement granting a franchise, is produced in the court, but is not stamped. Examine, citing the relevant provisions of the Indian Stamp Act, 1899, whether —
 (i) the document is void;
 (ii) the document can be admitted on payment of penalty; and
 (iii) the parties are liable to be prosecuted. *(6 marks)*
- (b) Arun prefers an appeal for setting aside the arbitral award on the ground that he was not given a proper notice of arbitral proceedings and thereby not being able to present his case. He also furnishes sufficient proof and pleads before the court that he received the arbitral award just 15 days back. Decide with reasons —
 (i) Whether Arun will succeed in his prayer; and
 (ii) Whether the law of limitation will not be a bar ? *(5 marks)*
- (c) Atul, executed in favour of his brother, Bimal, a gift of all his property. By another deed, Bimal made provision for the living expenses of his brother Atul and hypothecated in favour of Atul, a part of the property included in the above mentioned gift deed, in order to secure the payment of the living expenses. Decide, whether the gift made by Atul and making a hypothecation in his favour by Bimal are one and the same transaction or more than one transaction. Further, is it a case of 'settlement' under the Indian Stamp Act, 1899 ? *(5 marks)*