

# 221

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8      Total number of printed pages : 5

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

1. (a) "Article 14 of the Constitution of India forbids class legislation, but does not forbid classification." Discuss.  
*(10 marks)*  
(b) Differentiate between the 'powers of the Supreme Court under Article 32' and 'powers of High Courts under Article 226' of the Constitution of India.  
*(6 marks)*  
(c) When can a writ of *quo warranto* be issued ?  
*(4 marks)*
  
2. (a) What are the contracts which cannot be specifically enforced ?  
*(6 marks)*  
(b) Discuss Heydon's rule of interpretation of statutes.  
*(5 marks)*  
(c) Mention the grounds under which an arbitral award may be challenged before the court under the provisions of the Arbitration and Conciliation Act, 1996.  
*(5 marks)*

3. Write notes on *any four* of the following :
- (i) Constructive trust
  - (ii) Effect of acknowledgement on the period of limitation
  - (iii) Doctrine of holding out
  - (iv) Effect of non-registration of documents required to be compulsorily registered
  - (v) Network service providers.
- (4 marks each)
4. (a) State the places where documents effecting immovable property may be presented for registration under the Registration Act, 1908.
- (6 marks)
- (b) Discuss the evidentiary value of an instrument not duly stamped under the Indian Stamp Act, 1899.
- (4 marks)
- (c) What are the grounds of revocation of the 'digital signature certificate' by the certifying authority under the Information Technology Act, 2000 ?
- (4 marks)
- (d) Akhilesh executes a sale deed of a house in favour of Brijesh. The house is situated at Patna. Akhilesh wants to get the sale deed registered at Delhi. Can he do so ?
- (2 marks)
5. (a) A tenant had abandoned the disputed house before his death but possession of the said house was not handed over to the landlord. The heirs of the deceased tenant had not paid rent but they had locked the house. The Sub-Divisional Magistrate issued an order under section 144 of the Code of Criminal Procedure, 1973 to unlock the house. The heirs of the deceased tenant resist the order of the Sub-Divisional

Magistrate. Will they succeed ? What will be your answer, if the said house is in a dilapidated condition and is likely to endanger human life, health or safety ?

(6 marks)

- (b) Arpit pledges certain jewels to Rakshit to secure a loan. Rakshit disposes of jewels before he is entitled to do so. Arpit without having paid or tendered the amount of the loan, sues Rakshit for possession of the jewels. Is Arpit entitled to do so ?

(5 marks)

- (c) Pankaj is the owner of a ship. He takes an insurance policy declaring fraudulently that the ship is sea-worthy. But, the ship is not sea-worthy. Has the insurance company any right against Pankaj ? Give answer with reasons.

(5 marks)

6. (a) Angad transfers his property worth Rs.50,000 to Bheem and by the same document asks Bheem to transfer his property worth Rs.25,000 to Chander. Bheem refuses to accept the gift of such property. Meanwhile, Angad dies before Bheem exercises his option. Decide the rights of Chander.

(6 marks)

- (b) Ajeet resides at Bhopal, Baljeet at Indore and Charanjeet at Lucknow. Ajeet, Baljeet and Charanjeet being together at Kolkata, Baljeet and Charanjeet make a joint promissory note payable on demand and deliver it to Ajeet. Where can Ajeet sue Baljeet and Charanjeet for the amount of the promissory note ?

(5 marks)

- (c) Rakesh, a member of a society, is in arrears of subscription which he is bound to pay according to rules of the society. Can he be sued as stranger under the Societies Registration Act, 1860 ?

(5 marks)

7. (a) Ashish was dismissed from the service. He filed a writ petition in the High Court for quashing the order of dismissal on the ground that he was not given reasonable opportunity to refute the allegations made against him and that the action taken against him was *mala fide*. The petition was dismissed on merit. Thereafter, he instituted a suit in the Court of Civil Judge in which he challenged the order of dismissal on the grounds *inter alia* that he had been appointed by the Inspector General of Police and that the Deputy Inspector General of Police is not competent to dismiss him by virtue of Article 311(1) of the Constitution of India. Decide.

(6 marks)

- (b) Manav is tried summarily by the Chief Judicial Magistrate on the charge of committing theft and is sentenced to undergo rigorous imprisonment for six months. Manav wants to challenge this decision. Can he do so ? Discuss.

(5 marks)

- (c) An accused person makes a confessional statement to the police officer in the hearing and presence of a private person. Can the private person give evidence of the confessional statement made by the accused person so as to be proved against the accused ?

(5 marks)

8. (a) One morning, scientists at an atomic research centre found a rude-nuclear message splashed across their computer screens. Someone had breached the atomic research centre's advanced security system and sensitive mail. What offence has been committed in the atomic research centre ?

*(6 marks)*

- (b) By an agreement, Anamika transferred to Bipasha a decree of a court by which she was entitled to possess 500 bighas of land. Is it necessary to register such a transfer under the Registration Act, 1908 ?

*(5 marks)*

- (c) Amit, a trustee of certain land for Mohan, Rohan and Sohan, is authorised to sell the land to Biju for a specified sum. Mohan, Rohan and Sohan being competent to contract, consent that Amit may sell the land to Chirag for a lesser sum. Can Amit sell the land for less than the specified sum ?

*(5 marks)*

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