

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) "A declaration of fundamental rights is meaningless unless there is an effective judicial remedy for their enforcement." Comment on this statement explaining the judicial remedies which the Constitution of India provides.  
(8 marks)
- (b) When and under what circumstances can the Parliament legislate on matters enumerated in the State List ? Discuss.  
(6 marks)
- (c) Briefly mention internal and external aids to interpretation of statute.  
(6 marks)
  
2. Write short notes on **any four** of the following :
  - (i) Expert opinion
  - (ii) Doctrine of feeding the grant by *estoppel*
  - (iii) Doctrine of *lis pendens*
  - (iv) E-governance
  - (v) Adjudicating officer.

(4 marks each)
  
3. Distinguish between **any four** of the following :
  - (i) 'Public key' and 'private key'.
  - (ii) 'Vested interest' and 'contingent interest'.
  - (iii) 'Complaint' and 'FIR'.
  - (iv) '*Res judicata*' and 'stay of suits'.
  - (v) 'Computer' and 'computer network'.

(4 marks each)
  
4. Attempt **any four** of the following :
  - (i) State the modes of cancellation of adhesive stamps.
  - (ii) State the documents of which registration is optional.
  - (iii) Specify the categories of information that have been exempted from disclosure under the Right to Information Act, 2005.

- (iv) What are the cyber offences under the Information Technology Act, 2000 ?
- (v) "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application can stop it." Discuss.
- (vi) Explain the maxim *damnum sine injuria* under the law of torts.

(4 marks each)

5. State, with reasons in brief, whether the following statements are correct or incorrect :

- (i) In computing the period of limitation for an application to set aside an award, the time required for obtaining a copy of the award shall not be excluded.
- (ii) A document executed by several persons at different times may be presented for registration and re-registration within six months from the date of each execution.
- (iii) Anubhav sells a property to Balwant for Rs.5 lakh which is subject to a mortgage to Charu for Rs.10 lakh and unpaid interest of Rs.2 lakh. Stamp duty is payable on Rs.17 lakh.
- (iv) Suits for compensation for false imprisonment can be filed within two years from the date when the imprisonment ends.
- (v) Article 53 of the Constitution of India lays down that the executive powers of the Union shall be vested in the President of India.
- (vi) The rule of 'harmonious construction' is the best rule of interpretation of any provision of any statute.
- (vii) Under certain circumstances, the court may award damages in addition to specific enforcement of the contract.
- (viii) Generally orders passed by the court under the Code of Civil Procedure, 1908 are not appealable but there are certain exceptions to it.

(2 marks each)

6. (a) Choose the most appropriate answer from the given options in respect of the following :

(i) The Constitution of India came into force on –

- (a) 26<sup>th</sup> November, 1949
- (b) 15<sup>th</sup> August, 1947
- (c) 26<sup>th</sup> January, 1947
- (d) 26<sup>th</sup> January, 1950.

(ii) The right to alienate the mortgaged property without intervention of the court is available to the mortgagee in the case –

- (a) Where the mortgagee is government
- (b) Where there is English mortgage
- (c) Where there is mortgage by conditional sale
- (d) Under both (a) and (b).

- (iii) The relief regarding recovery of possession of immovable property is available under –
- (a) Provisions of the Code of Civil Procedure, 1908
  - (b) Provisions of the Specific Relief Act, 1963
  - (c) Provisions of the Code of Criminal Procedure, 1973
  - (d) Both (a) and (b).
- (iv) In the transfer of property with condition, the condition is void and transfer is valid –
- (a) Where transfer is made with void condition
  - (b) Where transfer is made with the condition restraining absolutely future transfer of such property
  - (c) Where transfer is made absolutely with the condition restraining enjoyment of such property
  - (d) Both (b) and (c).
- (v) Section 20 of the Right to Information Act, 2005 imposes penalty on a public information officer for failing to provide information –
- (a) Rs.250 per day
  - (b) Rs.250 per day to the extent of maximum Rs.50,000
  - (c) Rs.300 per day to the extent of maximum Rs.25,000
  - (d) Rs.250 per day to the extent of maximum Rs.25,000.
- (vi) The Chief Judicial Magistrate is empowered to pass –
- (a) Any sentence authorised by law
  - (b) Any sentence except a sentence of death
  - (c) Any sentence except a sentence of death, life imprisonment or imprisonment for a term exceeding seven years
  - (d) Any sentence except a sentence of death and life imprisonment.
- (vii) The definition of 'decree' as given under section 2 of the Code of Civil Procedure, 1908 includes –
- (a) An 'award' passed by the arbitral tribunal under the Arbitration and Conciliation Act, 1996
  - (b) Rejection of plaint under Order 7, Rule 11 of the Code of Civil Procedure, 1908
  - (c) Adjudication of any question raised by any party to the decree during execution proceedings under section 47 of the Code of Civil Procedure, 1908
  - (d) An order of which appeal lies like an order.

(viii) A magistrate may take cognizance of any offence upon –

- (a) His own knowledge
- (b) The information of police officer
- (c) The information of any person other than police officer
- (d) His own knowledge, police report and complaint or information received from any person other than police officer.

(1 mark each)

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

- (i) Temporary injunction is granted under order \_\_\_\_\_ of the Code of Civil Procedure, 1908.
- (ii) Declaratory decree is granted under \_\_\_\_\_ of the Specific Relief Act, 1963.
- (iii) A police officer may arrest any person without warrant if he has committed \_\_\_\_\_ offence.
- (iv) \_\_\_\_\_ means any person against whom a decree has been passed or an order capable of execution has been made.
- (v) The law of limitation bars the remedy as well as extinguishes the right where \_\_\_\_\_.
- (vi) A fresh suit is barred for the same cause of action under section(s) \_\_\_\_\_ of the Code of Civil Procedure, 1908.
- (vii) Application for obtaining information with prescribed fees may be submitted to \_\_\_\_\_ officer under the provisions of the Right to Information Act, 2005.
- (viii) Central Information Commission is constituted by \_\_\_\_\_ through a gazette notification.

(1 mark each)

7. (a) Ajit, a Hindu, who has separated from his father Baljit, sells to Charanjit three fields X, Y and Z representing that Ajit is authorised to transfer the same. Of these fields, Field-Z does not belong to Ajit, it having been retained by Baljit on the partition of property. But subsequently on Baljit's death, Ajit, as a heir obtains Field-Z. Decide the validity of the sale of the above said fields in a circumstance where Charanjit does not rescind the contract of sale.

(6 marks)

(b) In a case, Hamid was terminated from the police service. Hamid filed a writ petition against termination order on the ground that a reasonable opportunity of being heard was not given to him by the government. The writ petition was

dismissed by the court as the government proved that reasonable opportunity of being heard had been given to the petitioner. Afterwards, Hamid filed another writ petition on the ground that as he was appointed by the Director General of Police, termination by the order of Deputy Inspector General of Police was in violation of Article 311(1) of the Constitution of India. Decide the validity of the second writ petition.

(5 marks)

- (c) Anurag, a child, entered the botanical garden of a municipality and consumed some attractive looking but poisonous berries. As a result of that, he died. The representatives of the child sued the municipality for damages. Will they succeed? Give reasons.

(5 marks)

8. (a) On 20<sup>th</sup> March, Kamal told his wife that he was going to Berhmpore, as Pankaj's wife has written a letter and asked him to come and receive payments due to him. On 21<sup>st</sup> March, Kamal left his house in time to catch a train for Berhmpore, where Pankaj lived with his wife. On 23<sup>rd</sup> March, Kamal's dismembered body was found in a box which had been purchased for Pankaj. Decide whether on the trial of Pankaj for the murder of Kamal, the statement made by Kamal to his wife was admissible in evidence. If so, on what grounds?

(6 marks)

- (b) Arpit took a debt of Rs.10,000 from Bharat on January, 1998 and promised to pay by 31<sup>st</sup> December, 2003. He could not pay such debt within the stipulated time. On 1<sup>st</sup> December, 2006, Arpit paid Rs.500 as interest against such debt to Bharat against receipt. Bharat filed a suit against Arpit to recover such debt on 15<sup>th</sup> December, 2008. Whether the suit filed by Bharat is within the period of limitation? Decide with reasons citing relevant provisions of the law.

(5 marks)

- (c) Arjun transfers his property to Bhanu for life and after Bhanu's death to that of his unborn sons as shall first attain the age of 25 years and if no son of Bhanu shall attain that age, to Chandan who is living at the time of the transfer. Decide the validity of this transfer.

(5 marks)

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