

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) Discuss whether laws made by the Parliament with respect to a subject included in the State List and made applicable to the State are valid.
(8 marks)
- (b) Discuss the relationship between Fundamental Rights and Directive Principles of State Policy.
(6 marks)
- (c) What are the presumptions in the interpretation of statutes when intention of the legislature is not clear ?
(6 marks)
2. (a) "A person who commits breach of a contract by non-performance of a part of the promise is not entitled for specific performance of the contract." Comment.
(4 marks)
- (b) "He who is first in time is better in law." Comment.
(4 marks)
- (c) "The Indian Society of Arbitrators (ISA) is a non-profitable society for the promotion and development of arbitration and alternative dispute resolution (ADR) mechanism." Explain.
(4 marks)
- (d) "The use of force can be made to disperse an unlawful assembly." Comment.
(4 marks)
3. Distinguish between **any four** of the following :
 - (i) 'Summons cases' and 'warrant cases'.
 - (ii) 'Trust' and 'bailment'.
 - (iii) 'Cognizable offence' and 'non-cognizable offence'.
 - (iv) 'Mortgage' and 'charge'.
 - (v) 'Decree' and 'order'.

(4 marks each)

4. Write notes on **any four** of the following :

- (i) Golden rule of interpretation
- (ii) Public nuisance
- (iii) Domain names
- (iv) Preventive detention
- (v) Constructive trust.

(4 marks each)

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

- (i) Under Article 356 of the Constitution of India, the powers conferred upon the President of India are –
 - (a) Absolute
 - (b) Conditional
 - (c) Both (a) and (b)
 - (d) Either (a) or (b).
- (ii) Specific performance of a contract is enforceable by the court in case of breach of a contract –
 - (a) At its discretion
 - (b) On the application made by the parties
 - (c) Both (a) and (b)
 - (d) Either (a) or (b).
- (iii) Arbitration is a mode for resolving disputes and differences between the parties expeditiously and inexpensively relating to –
 - (a) Law
 - (b) Fact
 - (c) Both (a) and (b)
 - (d) None of the above.
- (iv) Period of limitation in suits of contracts relating to seamen's wages is –
 - (a) 3 years
 - (b) 5 years
 - (c) 12 years
 - (d) None of the above.

- (v) In the interpretation of statutes, important role is played as an internal aid by –
- (a) Schedules
 - (b) Preamble
 - (c) Heading
 - (d) All the above.
- (vi) As per the Information Technology Act, 2000, 'hacking' with a computer system is a crime and punishable with an imprisonment which may extend to –
- (a) 3 years or with fine or both
 - (b) 5 years or with fine or both
 - (c) 8 years or with fine or both
 - (d) None of the above.
- (vii) 'Lease' means a lease of immovable property and may be –
- (a) A *patta*
 - (b) A *kabuliyat*
 - (c) Either (a) or (b)
 - (d) None of the above.
- (viii) Registration of a 'will' is –
- (a) Compulsory
 - (b) Optional
 - (c) Either (a) or (b)
 - (d) None of the above.

(1 mark each)

- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) The Constitution of India does not use the term 'statute' but it employs the term _____ to describe an exercise of legislative power.
 - (ii) The justice of the case requires that not only specific performance but also some compensation for the _____ of the contract should also be given to the plaintiff.
 - (iii) A lease comes to an end by forfeiture. A forfeiture occurs when there is breach of _____ in a lease contract by the lessee.
 - (iv) Registration of a document *inter alia* ensures proper preservation and _____.
 - (v) A system of digital signature of an electronic communication pre-supposes that the sender must create a _____.

- (vi) The 'judgment' means a _____ given by a judge on the grounds of a decree or order.
- (vii) The Court of Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of _____ or of imprisonment for life.
- (viii) A 'beneficiary' has a right that the trust property is properly _____ and held and administered by proper person.

(1 mark each)

6. State, with reasons in brief, whether the following statements are correct or incorrect :
- (i) Writ of *mandamus* is also used for securing judicial enforcement of public duties.
 - (ii) The object of freedom declared by Article 301 of the Constitution of India is to ensure the economic unity of India.
 - (iii) The pendency of a suit in a foreign court precludes the courts in India from trying a suit having the same cause of action.
 - (iv) Death of a trustee forbids the co-trustees to exercise their rights.
 - (v) A society registered under the Societies Registration Act, 1860 is not a body corporate.
 - (vi) A person cannot approbate and reprobate.
 - (vii) A person can be vexed twice for the same cause of action.
 - (viii) An oral arbitration agreement is valid in the eye of the law.

(2 marks each)

7. (a) Murli instituted a suit against Gunjan beyond the prescribed period of limitation. Gunjan did not raise the objection that the suit was barred by the law of limitation. The civil court allowed the suit for a hearing and decreed. Would the decree be treated valid in such a suit ? Decide giving reasons.

(5 marks)

- (b) A requisition was received by the sub-inspector of a police station from another police station to arrest one Mohan in connection with the commission of a non-cognizable offence. Accordingly, the sub-inspector arrested Mohan. Is the action of the sub-inspector valid ?

(5 marks)

- (c) 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. What offence has been committed in the atomic research centre ? What punishment can be given to the offender ? Decide.

(6 marks)

8. (a) Rama executed a power of attorney both in his personal capacity and in his capacity as an executor, trustee, manager and liquidator in favour of Krishna. Decide the liability towards duty payable on the instrument.

(5 marks)

- (b) Arman transfers his house under a written contract of sale to Balvan for Rs.2 lakh. Balvan pays Rs.20,000 to Arman and takes possession of one of the three rooms of the house. The sale deed was not registered. After 4 months of the said contract of sale, Arman sells the same house to Chaman for Rs.3 lakh. Chaman had no knowledge of the previous transaction between Arman and Balvan. When Chaman claimed possession of the house, Balvan took protection of part-performance of the contract. Will Balvan succeed ?

(5 marks)

- (c) Subir effects an insurance policy of his own life with the Life Insurance Corporation of India and deposits it with a bank for securing payment of an existing debt. Subir dies and the bank claims the amount from the Life Insurance Corporation of India against Subir's heirs. Whether the claim of the bank is maintainable ?

(6 marks)

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