

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 the rights of minorities to establish and administer educational institutions.
(6 marks)

(b) Write short notes on **any two** of the following :

- (i) Doctrine of eclipse
- (ii) Doctrine of severability
- (iii) Doctrine of waiver.

(4 marks each)

(c) When can the opinion of third persons become relevant in evidence ? Discuss.

(6 marks)

2. Comment on the following :

- (i) The Constitution of India has a federal form of government and is not a unitary constitution with some federal features.
- (ii) A mere acknowledgement in writing of the receipt of immoveable property will not be called a receipt as per the Indian Stamp Act, 1899.
- (iii) Under the Registration Act, 1908, all documents do not require registration.
- (iv) A complaint in a criminal case is what a plaint is in a civil case.

(4 marks each)

3. Distinguish between **any four** of the following :

- (i) 'English mortgage' and 'a mortgage by conditional sale'.
- (ii) 'Vested interest' and 'contingent interest'.
- (iii) 'Trust' and 'agency'.
- (iv) 'Writ of *habeas corpus*' and 'writ of *mandamus*'.
- (v) 'Logical relevancy' and 'legal relevancy'.

(4 marks each)

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

- (i) Colourable legislation
- (ii) 'Settlement agreement' under the Arbitration and Conciliation Act, 1996
- (iii) Anomalous mortgage
- (iv) *Mens rea*
- (v) Discovery by interrogation
- (vi) E-governance.

(4 marks each)

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

- (i) Under the Specific Relief Act, 1963, recovering possession of property is a –
 - (a) Specific relief
 - (b) Preventive relief
 - (c) Either (a) or (b)
 - (d) None of the above.
- (ii) Rule of *ejusdem generis* shall apply when –
 - (a) The statute contains an enumeration by specific words
 - (b) The members of the enumeration constitute a class
 - (c) The class is not exhausted by the enumeration
 - (d) All the above.
- (iii) The following can be said as 'immovable property' under the Transfer of Property Act, 1882 –
 - (a) A right of way
 - (b) Hereditary office
 - (c) Both (a) and (b)
 - (d) None of the above.
- (iv) Where in a lease there is also an agreement to pay a certain sum on account of the balance of the previous year, the document is chargeable as –
 - (a) A lease
 - (b) A bond
 - (c) Both (a) and (b)
 - (d) Either (a) or (b).

- (v) An arbitral award –
- (a) must be in writing
 - (b) may be an oral decision
 - (c) either (a) or (b) depending upon the circumstances of the case
 - (d) must be in writing and made on a stamp paper of prescribed value.
- (vi) Digital signature as a valid method of authentication is –
- (a) Recognised
 - (b) Not recognised
 - (c) Either (a) or (b) as per the circumstances
 - (d) None of the above.
- (vii) Investigation and inquiry as per the Code of Criminal Procedure, 1973 are –
- (a) The same
 - (b) Different
 - (c) Depend upon the circumstances
 - (d) None of the above.
- (viii) A trust is created when the author of the trust indicates with reasonable certainty by any words or acts –
- (a) The purpose of the trust
 - (b) The beneficiary and transfer of trust property
 - (c) An intention on his part to create thereby a trust
 - (d) All 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 Supreme Court of India has expressed the view that the rule in Heydon's case is applicable only when the words in question are _____ and are reasonably capable of more than one meaning.
 - (ii) The remedy of specific performance is only supplementary to the common law _____ of damages.
 - (iii) Place of arbitration is important for the determination of the rules applicable to substance of dispute, and recourse against the _____.
 - (iv) The term 'sufficient cause' has not been defined in the Limitation Act, 1963. It depends on the _____ of each case.

- (v) A 'tangible property' means a property which can be touched _____ and hence capable of physical dealing.
- (vi) Courts have invariably upheld the principle of substance of the transaction over the _____, in the matter of deciding the nature of the instrument.
- (vii) 'Private key' means the key of a key pair, used to create a _____ signature.
- (viii) A lease for one year containing an option to the tenant to renew for a further period of one year or any other term is not a _____ for a term exceeding one year and does not require registration.

(1 mark each)

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

- (i) Attestation is an important formality in connection with the execution of the transfer as per the Transfer of Property Act, 1882.
- (ii) A procedure by way of summary suit applies to suits upon the bills of exchange, hundies or promissory notes, when the plaintiff desires to proceed under the provisions of Order 37 of the Code of Civil Procedure, 1908.
- (iii) The governing body of a registered society can amend or alter its bye-laws.
- (iv) Interpretation of a statute is aimed at giving 'force and life' to the intention of the legislature.
- (v) Freedom of speech and expression is guaranteed to the citizens of India, subject to reasonable restrictions.
- (vi) Every confession must be an admission but every admission may not amount to a confession.
- (vii) Each cyber appellate tribunal consists of 3 persons only.
- (viii) The limitation period for money payable for the interest upon money due from the defendant to the plaintiff is 12 years.

(2 marks each)

7. (a) Akhil without Sunil's authority contracts to sell to Bhushan an estate which Akhil knows belongs to Sunil. Can Akhil enforce specific performance of this contract if Sunil is willing to confirm it ?

(5 marks)

(b) Adarsh transfers Rs.10,000 to Brajesh on the condition that he shall marry with the consent of Ravi, Azad and Satish. Brajesh marries with the consent of Ravi and Azad only as Satish has died earlier. Decide the effect of the condition.

(5 marks)

(c) Anil makes a gift of some immovable property to Sunita. But, before the registration of gift document, Anil dies. Can the document be presented for registration after his death ? If yes, what will be the effect of registration ?

(6 marks)

8. (a) Sanjay commits an offence by causing injury to Yogesh, punishable under section 323 of the Indian Penal Code, 1860, the punishment for which is imprisonment for a term which may extend to one year or a fine upto Rs.1,000 or with both. Yogesh makes a complaint to the metropolitan magistrate against Sanjay after ten months of the commission of the offence. Can the said court take cognizance of that offence ? Give reasons.

(5 marks)

- (b) Anuj intentionally and falsely leads Vinod to believe that certain house belongs to him and thereby induces Vinod to buy and pay for it. The house afterwards becomes the property of Anuj but subsequently he seeks to set aside the sale on the ground that at the time of sale he had no title to the property. Decide the remedy available to Vinod.

(5 marks)

- (c) Arun, a member of a society, is in arrear of subscription which he is bound to pay according to the rules for a period exceeding two months. He participates in voting on some matter in the society. Can he be sued as a stranger ? Give reasons.

(6 marks)

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