

**Roll No. ....**

**Time allowed : 3 hours**

**Maximum marks : 100**

**Total number of questions : 6**

**Total number of printed pages : 4**

**NOTE : Answer ALL Questions.**

1. (a) The students of Patra University appeared in an examination under a special scheme, and their results were declared but the degree of successful students was not issued as the University decided to further examine the students on the additional subject. Can the University do so ? Discuss the relevant rule of evidence.
- (b) “Trade, commerce and intercourse throughout the territory of India shall be free.” Critically examine this statement with reference to Indian Constitution.
- (c) Discuss the position of vicarious liability of an employer for an independent contractor. What are the conditions when an employer is liable and when he is not liable ?
- (d) Throw light on the role of a Conciliator in a Conciliation Proceeding under the Arbitration and Conciliation Act, 1996. In what manner a Conciliation Proceeding may be terminated ?

(5 marks each)

**Attempt all parts of either Q. No. 2 or Q. No. 2A**

2. (a) Distinguish between *Ratio decidendi* and *Obiter dicta*. What are the rules governing binding force of judicial precedents ? Discuss. (4 marks)
- (b) Where in an enactment, there are two provisions which cannot be reconciled, they should be so interpreted that, if possible, the effect may be given to both. Explain this statement. (4 marks)

: 2 :

- (c) If the date of enactment is not specified under the legislation, when does it come into force ? Cite the relevant provision of the General Clauses Act, 1897.

(4 marks)

- (d) Is Section 3 of the Limitation Act, 1963 mandatory in nature ? Discuss.

(4 marks)

**OR (Alternate question to Q. No. 2)**

- 2A. (i) “A judge is supposed to be indifferent to the parties to the controversy. He cannot act as a judge of a case in which he himself has some interest either pecuniary or otherwise as it affords the strongest proof against neutrality.” Elucidate.
- (ii) “Reference and Review are various remedies provided under the Civil Procedure Code, 1908 to cater to different situations.” Explain.
- (iii) What is Special Court under the Companies Act, 2013 ? Discuss any two offences which are triable by these courts ?
- (iv) “A mere alteration of the document does not make it a forged document unless made for some gain.” Explain this statement under Indian Penal Code, 1860.

(4 marks each)

3. (a) What are the objects of summary trials under Criminal Procedure Code, 1973 ? State any four offences which may be summarily tried.
- (b) What are the benefits of E-stamping ? How do we verify e-stamping ?
- (c) What is the effect of the non-registration of documents that need to be registered under the Registration Act, 1908 ?
- (d) State the penalty provisions for failure to furnish information, return and to maintain records under the Information Technology Act, 2000.

(4 marks each)

: 3 :

4. (a) What are the appellate authorities and time limit to file an appeal against the decision under the Right to Information Act, 2005 ?
- (b) Explain in brief the relationship between the statute of Limitation and Writs under the Constitution.
- (c) Differentiate between rule of *res judicata* and *res subjudice*.
- (d) Discuss how an arrest should be made under Section 46 of the Criminal Procedure Code, 1973.

(4 marks each)

5. (a) X, a surgeon, knowing that a particular operation is likely to cause the death of Y and intending in good faith Y's benefit, operates on Y with Y's consent to relieve him of his pain. Y dies during the operation. What offence X has committed ? Discuss any six general exceptions with an example provided under the Indian Penal Code, 1860 for a person accused of committing any offence.
- (b) What instruments may be stamped with adhesive ? Why and how affixed stamps are cancelled as per the Indian Stamp Act, 1899 ?

(8 marks each)

***Attempt all parts of either Q. No. 6 or Q. No. 6A***

6. (a) What are the public nuisances against which conditional order for removal can be made under Section 133 of the Criminal Procedure Code, 1973 ?
- (b) List any eight (8) acts done without permission of the owner under the Information Technology Act, 2000 that makes a person liable to pay damages by way of compensation.

(4 marks)

: 4 :

- (c) “Every confession must be an admission but every admission may not amount to a confession.” Examine this statement.

(4 marks)

- (d) Briefly state the essential features of an Arbitral Award under the Arbitration and Conciliation Act, 1996.

(4 marks)

**OR (Alternate question to Q. No. 6)**

- 6A.** (i) Discuss the provisions related to the place of registration of documents affecting immovable property as per the Registration Act, 1908.
- (ii) Explain the object of interpretation. What is the function of the court in interpretation ?
- (iii) Discuss the principle of protection against compulsion of self-incrimination embodies Article 20(3) of the Constitution of India with the help of judicial decisions.
- (iv) According to Kelsen, law is a “normative science”. Explain.

(4 marks each)

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