

*Roll No. ....*

*Time allowed : 3 hours*

*Maximum marks : 100*

*Total number of questions : 6*

*Total number of printed pages : 6*

*NOTE : Answer ALL Questions.*

1. (a) “Though the normal rule is that a person who is affected by administrative action is entitled to claim natural justice, that requirement may be excluded under certain exceptional circumstances.” Discuss.
- (b) Sameer finds ₹ 10,000 on the high road, not knowing to whom the rupees belong, he picks up the rupee. Has Sameer committed the offence of dishonest misappropriation of property under Section 403 of The Indian Penal Code, 1860 ? Explain.
- (c) According to Austin, “Law is the command of sovereign that is backed by sanction.” Discuss.
- (d) Discuss the rules with respect to permissible classification as evolved in various decisions and have been summarised by Supreme Court in Ram Kishan Dalmiya V. Justice Tendolkar, AIR 1958 SC, 538.

*(5 marks each)*

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

2. (a) Discuss in brief the applicability and non-applicability of the doctrine of sufficient cause under section 5 of The Limitation Act, 1963.

*(4 marks)*

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- (b) What is a statute ? Discuss the various classes of a statute.  
(4 marks)
- (c) What is Malicious Prosecution under Law of Torts and what are its essential elements ?  
(4 marks)
- (d) What do you mean by preventive detention ? Article 22 contains certain safeguards against preventive detention. Explain.  
(4 marks)

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

- 2A.** (i) Discuss the provisions related to effect of repeal of any enactment under the General Clauses Act, 1897.
- (ii) PQR Construction Co. enters into a contract with the State Government for construction of a bridge. The contract was made in the name of the Governor. Examine the following with help of constitutional provisions :
- (a) Whether the contract is valid ?
- (b) Is the Governor personally liable in respect of breach of the contract by the State Government ?
- (iii) Discuss in brief the important stages in the proceedings of a suit under The Code of Civil Procedure, 1908.
- (iv) Discuss the sentences which can be passed by various courts under Sections 28 and 29 of the Criminal Procedure Code, 1973.

(4 marks each)

: 3 :

3. (a) Vijay used to run a grocery store. Sanjay was one of his customers. One day, Vijay and Sanjay had an argument over something. With the intention of causing loss to Vijay, Sanjay opened a grocery store right in front of Vijay's shop. As a result, Vijay lost some customers, and he suffered heavy losses. Can Vijay recover damages from Sanjay ? Explain.
- (b) What do you mean by stamp under The Indian Stamp Act, 1899 ? Which instruments are stamped with adhesive stamps ?
- (c) Discuss the rights available to a person under the Right to Information Act, 2005 who does not receive a decision within the specified time or is aggrieved by a decision of the PIO.
- (d) 'There are exceptional circumstances under which *mens rea* is not required in criminal law'. Discuss.

(4 marks each)

4. (a) What do you mean by Electronic Signature Certificate under the Information Technology Act 2000 ? Discuss the procedure to obtain Electronic Signature Certificates under the Act.

(4 marks)

- (b) Discuss the provisions relating to appeal from the orders of Tribunal under Section 421 of the Companies Act, 2013 ?

(4 marks)

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(c) Define 'Arbitration Agreement'. Briefly state the essential features of an 'Arbitration Agreement' under Section 7 of the Arbitration and Conciliation Act, 1996.

(4 marks)

(d) Rajendra Singh, aged 56, was appointed on 1st July 2018 as Information Commissioner by the Central Government for a period of 5 years. On 1st July 2020, he was promoted and appointed as Chief Information Commissioner for 5 years. Discuss the validity of appointment as Chief Information Commissioner under The Right to Information Act, 2005.

(4 marks)

5. (a) "Under the Indian Evidence Act, 1872, there are some facts of which evidence cannot be given though they are relevant." Explain.

(b) Discuss the grounds on which an arbitral award can be set aside under Section 34 of the Arbitration and Conciliation Act, 1996.

(8 marks each)

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

6. (a) Answer the following with help of legal provision of The Indian Registration Act, 1908.

(i) On 20th January, 2023, Anil made a will in favour of his nephew Ronak. Anil submits the documents for registration on 25th July, 2023. Will Anil be successful ?

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(ii) Nandita leased her premises to Sohan for a period of 8 months. Is registration of lease deed compulsory ?

(4 marks)

(b) Explain the Rule of *Noscitur a Sociis*. What are the conditions when this rule will not apply ?

(4 marks)

(c) What are the exemptions of certain documents executed by or in favour of Government under The Registration Act, 1908 ?

(4 marks)

(d) Answer the following with legal provisions under The Indian Stamp Act, 1899 :

(i) There is a contract of exchange, in which, Amit transfers his land to Sanjay, in return Sanjay transfers his house to Amit. By whom will the stamp duty be paid ? If it was a contract to sell and Sanjay paid money in return, would your answer be same ?

(ii) Three brothers A, B and C are joint owners of a land. They divide this land in the ratio of 1 : 1 : 2 through a mutual agreement. By whom will the stamp duty be paid ?

(4 marks)

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

- 6A.** (i) “Under the Limitation Act, 1963, the period of limitation starts only after fraud or mistake is discovered by the affected party.” Comment.
- (ii) Discuss the inherent powers of the High Court under Section 482 of Criminal Procedure Code, 1973.
- (iii) What are the essential requisites of a valid custom to be legal and binding ?
- (iv) Under the Information Technology Act, 2000, Controller of Certifying Authorities issued an order on 1st April, 2023. Deepak received the certified copy of the order on 3rd April, 2023. Deepak is dissatisfied with a decision issued by the Controller of Certifying Authorities and subsequently filed an appeal on 3rd May, 2023 against this decision to the Appellate Tribunal. Examine the validity of the appeal.

*(4 marks each)*

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