

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 7

NOTE : Answer *SIX* questions including *Question No.1* which is compulsory.

1. (a) To what extent does the Indian Constitution differ from the federal system of other countries ?
(8 marks)
- (b) "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 provided in the Constitution of India.
(6 marks)
- (c) Certain organisations have been exempted from the ambit of the Right to Information Act, 2005, subject to certain conditions. Which are those organisations ? What type of information these organisations are bound to provide ?
(6 marks)
2. Attempt *any four* of the following :
- (i) Explain the importance of rule of *harmonious construction* in the interpretation of a statute with the help of a decided case law.
(4 marks)
- (ii) Discuss 'e-governance' under the Information Technology Act, 2000.
(4 marks)
- (iii) Explain 'mandatory injunction' under the Specific Relief Act, 1963.
(4 marks)
- (iv) Explain 'conciliation' as per the Arbitration and Conciliation Act, 1996.
(4 marks)
- (v) What are the modes of cancellation of an adhesive stamp ?
(4 marks)

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

- (i) 'English mortgage' and 'mortgage by conditional sale'.
- (ii) 'Inquiry' and 'investigation' under the Code of Criminal Procedure, 1973.
- (iii) 'Hacking' and 'passing off' as per the Information Technology Act, 2000.
- (iv) 'Cognizable offence' and 'non-cognizable offence' as per the Code of Criminal Procedure, 1973.
- (v) 'Electronic form' and 'electronic record'.

(4 marks each)

4. Attempt *any four* of the following :

- (i) There are some facts of which evidence cannot be given, though they are relevant. They are also referred to as 'privileged communications'. Discuss briefly.
- (ii) "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application can stop it." Discuss.
- (iii) Mention the documents where registration is optional under the Registration Act, 1908.
- (iv) Explain the rule of *lis pendens* as provided in the Transfer of Property Act, 1882.
- (v) Explain the consequences that follow where the instruments are not duly stamped under the Indian Stamp Act, 1899.

(4 marks each)

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

- (i) Article 16 of the Constitution of India guarantees to all _____ equality of opportunity in matters relating to employment or appointment of office under the State.
- (ii) A vested interest is transferable and _____.

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- (iii) According to section 72(1) of the Registration Act, 1908, if the Sub-Registrar refuses to admit a document for registration, the aggrieved person can make an appeal to _____.
- (iv) The doctrine of *res judicata* underlines the general principle that no one shall be _____ vexed for the same cause.
- (v) The term 'judicial proceeding' includes inquiry and trial but not _____.
- (vi) A Magistrate of the First Class may pass a sentence of imprisonment for a term not exceeding _____ years or of a fine not exceeding five thousand rupees or of both.
- (vii) The Central Information Commission is to be constituted by the Central Government through a _____.
- (viii) An explanation is at times appended to a section to _____ the meaning of words contained in the section.

(1 mark each)

- (b) Write the most appropriate answer from the given options in respect of the following :
 - (i) Who acts as the Chairman of committee for constitution of Central Information Commission —
 - (a) Prime Minister of India
 - (b) Home Minister of India
 - (c) Union Minister of Information and Broadcasting
 - (d) None of the above.
 - (ii) Which of the following falls within the meaning of legal representative —
 - (a) An assignee from a deceased *zamindar*
 - (b) A trespasser or a person who claims adversely the estate of the deceased
 - (c) A new trustee appointed or elected on the death of the trustee
 - (d) None of the above.

- (iii) Which one of the following qualifies as a broad rule regarding oral evidence —
 - (a) It may be direct or indirect.
 - (b) All facts except the contents of documents may be proved by oral evidence
 - (c) The contents of documents must be stated orally.
 - (d) It is not required from the person who perceived the fact to which he deposes.

- (iv) How many kinds of appeals are provided under the Code of Civil Procedure, 1908 —
 - (a) Two
 - (b) Three
 - (c) Four
 - (d) Five.

- (v) Under section 11 of the Arbitration and Conciliation Act, 1996 the parties by an agreement must make the appointment of an arbitral tribunal within —
 - (a) 30 Days
 - (b) 45 Days
 - (c) 60 Days
 - (d) 90 Days.

- (vi) As per the Indian Stamp Act, 1899 an instrument executed outside India, not duly stamped, can be stamped within a period of —
 - (a) 1 Month
 - (b) 3 Months
 - (c) 4 Months
 - (d) 6 Months.

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- (vii) Injunction is generally directed to prevent the violation of a negative act and therefore deals with —
- (a) Contracts
 - (b) Torts
 - (c) Performance of an activity
 - (d) Both (a) and (b) above.
- (viii) Section 46 of the Information Technology Act, 2000 provides for —
- (a) Hacking
 - (b) Tampering
 - (c) Contravention of a rule
 - (d) Appointment of adjudicating officer.

(1 mark each)

6. State, with reasons in brief, whether the following statements are true or false :
- (i) A writ of prohibition is issued to an inferior court preventing the latter from usurping jurisdiction which is not legally vested in it.
 - (ii) The rule of strict liability has no exception.
 - (iii) Where the information requested for concerns the life or liberty of a person, the same should be provided within 48 hours of the receipt of such request under the provisions of the Right to Information Act, 2005.
 - (iv) As per the provisions of the Arbitration and Conciliation Act, 1996 a conciliator is bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872.
 - (v) Summary trial is speedy trial by dispensing with formalities or delay in proceedings.
 - (vi) Where there is infringement of a legal right not resulting in harm, the plaintiff can still sue under the law of torts.
 - (vii) The laws passed by the Parliament in national interest cease to have effect automatically after nine months.
 - (viii) Where allowance is made for spoiled or misused stamps, the collector may give in *lieu* thereof, other stamps of the same description or value.

(2 marks each)

7. Answer the following with the help of decided case law, if any :

- (a) A, a Hindu, in a suit to which B, his alleged wife is the defendant, seeks a declaration that his marriage was duly solemnised and prays for the order of restitution of conjugal rights. The Court makes the declaration and order of restitution of conjugal rights. C, a third party claiming that B is his wife, sues A for the recovery of B. Decide whether the declaration made in the former suit is binding upon C.

(5 marks)

- (b) A mortgage deed provided that if the mortgage money was not paid at a certain time, the mortgagee might enter into possession for a period of twelve years and that mortgagor's right to redeem would remain suspended for that period. Is the condition laid down proper and lawful ?

(5 marks)

- (c) A suit was instituted by the plaintiff company alleging infringement by the defendant company by using name of medicine and selling the same in wrapper and carton of identical design with same colour combination, *etc.*, as that of plaintiff company. A subsequent suit was instituted in a different court by the defendant company against the plaintiff company with same allegations. Can the decision be given by both the courts in the respective suits ?

(6 marks)

8. Discuss the following with the help of decided case law, if any :

- (a) Amrit executed a gift deed in his life time in favour of Bhanu. The gift deed was not registered during the life time of Amrit. Bhanu, after death of Amrit, presented the gift deed before the Registrar for its registration. Rakshit, brother of Amrit, raised an objection for the registration of gift deed on the ground of fake signature of Amrit. Both the witnesses to the gift deed contended that the signatures were made in their presence by the donor at the time of execution of gift deed.

Whether the gift deed will be treated valid for registration under the Registration Act, 1908 ?

(6 marks)

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

(5 marks)

- (c) A executes a deed of mortgage in favour of B. A gets back the deed from B by fraud and endorses on it a receipt for ₹1,200 purporting to be signed by B. B's signature is forged. Is B entitled to have the endorsement cancelled ?

(5 marks)

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