

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) Critically examine the statement by Austin that “Law is the command of sovereign”.
- (b) Discuss the doctrine of ‘Res Sub Judice’ under Section 10 of Civil Procedure Code, 1908.
- (c) Discuss the test laid down by the Supreme Court of India to determine the entity of “State”, whether it is ‘instrumentality or agency of State’.
- (d) Swaraj an employer of ABC Company Ltd., appointed Rakesh as an independent contractor. Discuss under what circumstances Swaraj would be liable for the fault of Rakesh.

(5 marks each)

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

2. (a) Distinguish between ‘Ratio Decidendi’ and ‘Obiter Dicta’ in a judgment by a Court.
- (b) Distinguish between ‘Admission’ and ‘Confession’ under Indian Evidence Act, 1872.
- (c) Distinguish between ‘Damnum Sine Injuria’ and ‘Injuria Sine Damnum’ under the law relating to Torts.
- (d) In exceptional cases, mere ‘preparation’ to commit an offence is punishable under Indian Penal Code, 1860. Discuss.

(4 marks each)

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

- 2A.** (i) Discuss 'Digital Signature' and 'Electronic Signature' under the Information Technology Act, 2000.
- (ii) Discuss the 'Rule of Strict Liability' under the Law of Torts.
- (iii) Explain the 'Rule of Harmonious Construction' for interpretation under General Clause Act, 1997.
- (iv) "Article 20 of the Constitution of India guarantees protection against self-incrimination". Explain briefly.

*(4 marks each)*

- 3.** (a) Atul mortgages his house of the value of ₹ 50,000 to Vijay. After some time Vijay buys the house from Atul for ₹ 25,000. Decide the amount on which Vijay has to pay the stamp duty under Indian Stamp Act, 1889.
- (b) What are the restrictions on right to freedom of speech and expression under Article 19 of the Constitution of India ?
- (c) Discuss briefly the grounds for opposing the 'foreign award' made under the Arbitration and Conciliation Act, 1996.
- (d) The 'mens rea' is an essential element to constitute an offence under Indian Penal Code, 1860. Discuss briefly.

*(4 marks each)*

: 3 :

4. (a) What is 'documentary evidence' under Indian Evidence Act, 1872 ? Explain briefly.
- (b) Manoj died on 3rd August, 2016 before a right to institute a suit accrued, leaving behind a minor son of the age of 15 years. Decide the time from where the period of limitation shall be calculated under Limitation Act, 1963.
- (c) Explain in brief the 'International Commercial Arbitration' under the Arbitration and Conciliation Act, 1996.
- (d) In a civil case what remedies are available for the defendant against whom an ex-parte decree has been passed by the court ?

(4 marks each)

5. (a) Discuss in brief the provisions for challenging the arbitrator under the Arbitration and Conciliation Act, 1996.
- (b) Discuss 'the procedure established by law' under Article 21 of the Constitution of India with decided case laws.

(8 marks)

(8 marks)

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

6. (a) Explain in brief 'Principle of Estoppel' under Indian Evidence Act, 1872.
- (b) Define 'Lease' under the Indian Stamp Act, 1889.
- (c) Explain the 'mischief rule' under the Interpretation of Status.
- (d) What remedies can be sought under the Law of Torts ?

(4 marks each)

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

- 6A.** (i) Discuss the liability of Corporate body for data protection under Information Technology Act, 2000.
- (ii) Discuss in brief the composition and the powers of Central Information Commission (CIC) given under the Right to Information Act, 2005.
- (iii) Explain in brief 'Audi Alterum Partem Rule' under the Administrative law.
- (iv) Discuss the summary trial by a Magistrate under the Criminal Procedure Code, 1973.

*(4 marks each)*

————— o —————