

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) Discuss the “Doctrine of *Stare Decisis*”, under the sources of law.
- (b) Rajasthan Legislature passed a law restricting the use of sound amplifiers. The law was challenged on the ground that it deals with a matter which falls in entry 81 of List-I under the Constitution of India which reads :
“Post and telegraphs, telephones, wireless broadcasting and other like forms of communication” and therefore, the State Legislature was not competent to pass it. Examine the proposition in the light of “Pith and Substance Rule” referring the case law on this point.
- (c) Describe “Arbitration Agreement” specified under Section 7 of the Arbitration and Conciliation Act, 1996.
- (d) Describe the “Rule of Reasonable Construction” under the Interpretation of Statutes.

(5 marks each)

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

2. (a) Explain the role of 'Preamble' as internal aid in interpretation of statute. Though the preamble cannot be used to defect the enacting clause of a statute, it has been treated to be a key for the interpretation of the statute. Examine.
- (b) Enumerate any four categories of cases in which a police officer may arrest a person without an order from magistrate and without a warrant under section 41 of Cr.P.C., 1973.
- (c) Allegation against the accused was that he furnished a certificate to get employment as ETT Teacher which was found to be bogus and forged in as much as school was not recognized for period given in the certificate. However, the certificate did not anywhere say that school was recognized. Whether the accused is guilty of any offence ? Explain with the help of decided judicial precedent.
- (d) Explain the rights of a party to appear before the National Company Law Tribunal.

(4 marks each)

OR (Alternate question to Q. No. 2)

- 2A. (i) Briefly explain the 'Purposive Rule of Interpretation' under the General Clauses Act, 1987.

(4 marks)

: 3 :

- (ii) Enumerate in short the exceptional circumstances of the application of natural justice under Administrative Law.
(4 marks)
- (iii) Discuss the provisions relating to persons under legal disability under the Limitation Act, 1963.
(4 marks)
- (iv) Describe kinds of offences under which capital punishment may be awarded by Court under Indian Penal Code.
(4 marks)
3. (a) What do you understand by 'set off' and 'counter-claim' under the Civil Procedure Code, 1908 ? What is the effect of set-off ?
- (b) Describe in brief the cases in which a Search Warrant can be issued under Section 93 in the Criminal Procedure Code, 1973.
- (c) What is the extent of liability of instruments to stamp duty where several instruments are executed in a single transaction ? Explain with any one illustration.
- (d) Judicial review is the authority of Courts to declare void the acts of the legislature and executive, if they are found in violation of provisions of the Constitution. Comment.
(4 marks each)

4. (a) Discuss briefly “Malicious Prosecution” and its essential elements under the law relating to Torts.
- (b) Explain the special provisions as to Evidence relating to Electronic Record under the provisions of the Indian Evidence Act, 1872.
- (c) State at least four instruments which are exempted from the provisions of Section 17(1) of the Registration Act, 1908.
- (d) Explain any four categories of ‘information’ which have been exempted from disclosure under the Right to Information Act, 2005.

(4 marks each)

5. (a) Discuss the provisions relating to information to the police and their power to investigate in cognizable and non-cognizable cases under the Criminal Procedure Code 1973.
- (b) The Indian Penal Code, 1860 provides for general exceptions for a person accused of committing any offence under the code to plead in his defence. Explain any eight exceptions.

(8 marks each)

: 5 :

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

6. (a) Describe the documents or transactions to which the Information Technology Act, 2000 shall not apply.
- (b) Under the circumstances and arbitral award may be set aside by the Court under the provisions of Arbitration and Conciliation Act, Explain any four.
- (c) Name of the officers of the Company who can be held liable in case the Company has issued share warrant without proper stamp duty. What shall be the penalty as prescribed under Sec. 62(2) of the Stamp Act.
- (d) Where any central legislation or any regulation enacted after the commencement of the General Clauses Act, 1897 repeals any Act, what shall not be affected by such repeal ?

(4 marks each)

OR (Alternate question to Q. No. 6)

- 6A. (i) Anil and Amit are two partners of a firm. Anil, while ordinarily dealing with another firm, bribed that firm's clerk to divulge secret relating to the other firm where that clerk was working. In this case, who shall be liable—whether both the Partners i.e. Anil and Amit or only Anil ? Explain.

(4 marks)

(ii) Under what circumstances the decision exercised by administrative authorities are treated as abuse of discretion ? Explain any four.

(4 marks)

(iii) Describe the constitution of Special Court established under Section 435 of the Companies Act, 2013.

(4 marks)

(iv) Write a short note on writ of '*Quo Warranto*'.

(4 marks)

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