

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

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

1. (a) Explain powers of the Parliament to enact laws on subjects enumerated in the State List.
(8 marks)
- (b) Is it correct to say that Directive Principles of State Policy have to conform to and run as subsidiary to Fundamental Rights ? Discuss.
(6 marks)
- (c) Write in brief the importance of the writ of *habeas corpus*.
(6 marks)
2. Write notes on **any four** of the following :
 - (i) Penalties which can be imposed on public information officer under section 20 of the Right to Information Act, 2005
 - (ii) Temporary and perpetual injunction
 - (iii) Malicious prosecution
 - (iv) *Res gestae*
 - (v) Primary and secondary evidence.(4 marks each)
3. (a) Mention the circumstances under which refund of stamp duty or penalty may be made by revenue authorities.
(4 marks)
- (b) State the documents whose registration is optional under the Registration Act, 1908.
(4 marks)
- (c) Discuss the rule of harmonious construction in the interpretation of statutes.
(8 marks)

4. (a) The law of limitation bars the remedy in a court of law when the period of limitation has expired. However, there are certain exclusions in the computation of the period of limitation. Explain. (4 marks)
- (b) Distinguish between the following :
- (i) 'Cognizable offence' and 'non-cognizable offence'.
 - (ii) 'Hacking' and 'passing off'.
 - (iii) 'Computer network' and 'computer system'.
- (4 marks each)
5. (a) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) The publication of defamatory statement through written words is known as _____.
 - (ii) A pending suit, action, petition or the like is known as _____.
 - (iii) The doctrine which underlines the general principle that no one shall be vexed twice for the same cause is known as _____.
 - (iv) A statement given by a judge on the grounds of decree or order is known as _____.
 - (v) Actionable claims are claims to _____ debts.
- (1 mark each)
- (b) Write the most appropriate answer from the given options in respect of the following :
- (i) The Constitution of India was enacted on —
 - (a) 26th November, 1949
 - (b) 26th January, 1950
 - (c) 28th January, 1950
 - (d) None of the above.
 - (ii) The Preamble of the Constitution —
 - (a) Is a part of the Constitution
 - (b) Can be used for interpreting the Constitution
 - (c) Both (a) and (b)
 - (d) None of the above.
 - (iii) The relief of cancellation of instrument is founded upon the principle of —
 - (a) Preventive justice
 - (b) Protective justice
 - (c) Proper justice
 - (d) None of the above.

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- (iv) As per the Transfer of Property Act, 1882, a person is an ostensible owner of an immovable property where he becomes interested therein by —
- Express consent
 - Implied consent
 - Either (a) or (b)
 - Both (a) and (b).
- (v) Second appeal to the Central Information Commission or the State Information Commission, as the case be, may be filed within —
- 30 days
 - 60 days
 - 90 days
 - 120 days.
- of the date on which the decision was given by the First Appellate Authority.
- (vi) The right of review has been conferred by the Code of Civil Procedure, 1908. It provides that any person considering himself aggrieved by a decree or order may apply for a review of the judgement to the —
- Appellate Court
 - High Court
 - District Court
 - Court which passed the decree or order.

(1 mark each)

- (c) Define *res judicata* and state the conditions of its application.

(5 marks)

6. State, with reasons in brief, whether the following statements are true or false :

- A contract which is dependent upon the personal qualifications can be specifically enforced.
- 'Arbitral tribunal' means a sole arbitrator or a panel of arbitrators.
- A mere right to sue can be transferred.
- A complaint in a criminal case is what a plaint is in a civil case.
- In a declaratory decree, the right of any person to any property or his legal character is ascertained.
- A writ of *certiorari* is issued to prevent a lower court from usurping jurisdiction which is not legally vested in it.
- All documents produced for the inspection of the court are known as documentary evidence.
- An instrument not 'duly stamped' can be accepted in evidence by an arbitral tribunal.

(2 marks each)

7. (a) Alok was running a school at a certain place. Bimal started another school near the school of Alok. As a result of this, most of the students of Alok's school left his school and joined Bimal's school. Due to competition, Alok had to reduce the fees by ₹40 per student per quarter thereby suffering huge monetary loss. Alok instituted a suit against Bimal in the court for claiming compensation. Is the suit instituted by Alok maintainable ?
(6 marks)
- (b) Ashok intentionally and falsely leads Bikram to believe that certain land belongs to Ashok, and thereby induces Bikram to buy and pay for it. Afterwards, the land becomes the property of Ashok, and Ashok seeks to set aside the sale on the ground that at the time of the sale he had no title to the property. Can he be allowed to prove his want of title ?
(5 marks)
- (c) A document was executed by several persons at different times. The person in whose favour such execution was made, presented the document for re-registration after expiry of three months. Can such document be registered and if so, within what period ?
(5 marks)
8. (a) A mill owner employed an independent contractor to construct a reservoir on his land to provide water for his mill. There were old disused mining shafts under the site of the reservoir, which the contractor failed to observe because they were filled with soil. Therefore, the contractor did not block them. When water was filled in the reservoir, it burst through the shafts and flooded the plaintiff's coal mines on the adjoining land. Is the mill owner liable to compensate for loss or damage caused to the plaintiff ? Give reasons.
(6 marks)
- (b) There was a partition of property between a Hindu father and his five sons. The deed provided that if any one of his sons wanted to sell his share, he shall sell it to one of his brothers only and not to any stranger. The consideration for that share shall be ₹1,000 only. Are these conditions valid ? Give reasons.
(5 marks)
- (c) Ram and Shyam entered into an agreement to refer a dispute relating to genuineness of a will to an arbitral tribunal. In spite of this, Shyam commenced proceedings relating to this dispute in the district court of competent jurisdiction. Ram filed an application for stay of legal proceedings under the Arbitration and Conciliation Act, 1996. Will Ram succeed ? Explain.
(5 marks)