

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) Discuss in brief the doctrine of severability. (8 marks)
- (b) Describe the right of minorities to establish and administer educational institutions as enshrined in the Constitution of India. (6 marks)
- (c) Explain the rule of *ejusdem generis* with the help of any case decided by the Supreme Court of India. (6 marks)
2. (a) What do you mean by 'promissory note' ? State the requisites of a promissory note with the help of some illustrations. (5 marks)
- (b) Discuss in brief the main remedies available to a person against whom *ex parte* decree is passed. (5 marks)
- (c) What is meant by 'preventive detention' ? What are the safeguards available against preventive detention ? (6 marks)
3. Distinguish between the following. Attempt **any four** :
  - (i) 'Specific performance' and 'injunction'.
  - (ii) 'Battery' and 'assault'.
  - (iii) 'Set-off' and 'counter claim'.
  - (iv) 'Review' and 'revision'.
  - (v) 'Summons' and 'warrant of arrest'.(4 marks each)
4. (a) Discuss the evidentiary value of an instrument not duly stamped under the Indian Stamp Act, 1899. (4 marks)
- (b) Describe the offence of 'hacking' the computer system as provided under the provisions of the Information Technology Act, 2000. (4 marks)
- (c) State the meaning and characteristics of immovable property as per the Transfer of Property Act, 1882. (4 marks)
- (d) What do you mean by the rule of *lis pendens* ? Write down the essentials of rule of *lis pendens* as provided in the Transfer of Property Act, 1882. (4 marks)

5. (a) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) 'Lease' means a lease of \_\_\_\_\_ property.
  - (ii) There are two types of stamping namely, adhesive stamping and \_\_\_\_\_ stamping.
  - (iii) 'Private key' means the key of a key pair used to create a \_\_\_\_\_ as given under section 2(1)(zc) of the Information Technology Act, 2000.
  - (iv) No court shall take cognizance of an offence after six months, if it is punishable with \_\_\_\_\_ only.
  - (v) All \_\_\_\_\_ shall have the right to seek information subject to the provisions of the Right to Information Act, 2005.
  - (vi) Attack on the reputation of a person is called \_\_\_\_\_ .
  - (vii) \_\_\_\_\_ is at times appended to a section to explain the meaning of words contained in the section.
  - (viii) A licence does not transfer any \_\_\_\_\_ in the property and the licensee has no right to possession.
- (1 mark each)
- (b) Write the most appropriate answer from the given options in respect of the following :
- (i) Which of the following conditions are necessary for the application of section 41 of the Transfer of Property Act, 1882 —
    - (a) The transferor is the ostensible owner
    - (b) The transferor has given his consent
    - (c) The transfer is not for consideration
    - (d) Both (a) and (b) above.
  - (ii) Which of the following conditions are required for the principle of *res judicata* to suits as applied by courts *vide* section 11 of the Code of Civil Procedure, 1908 —
    - (a) The matter directly and substantially arise in former and later suits
    - (b) The former suit has not been decided
    - (c) The said suit has not been heard and decided
    - (d) All the above are required for the application of *res judicata*.
  - (iii) Which of the following are the different classes of criminal courts —
    - (a) High Courts
    - (b) Sessions Courts
    - (c) Judicial Magistrates
    - (d) All of the above.
  - (iv) Which of the following judicial authorities shall not conduct a summary trial —
    - (a) Any Judge of a High Court
    - (b) Any Chief Judicial Magistrate
    - (c) Any Metropolitan Magistrate
    - (d) Any first class Magistrate specifically empowered by a High Court.

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- (v) To avoid any inconsistency or repugnancy either in a section or between sections and other parts of the statutes, the rule applied is that of —
- Harmonious construction
  - Literal construction
  - Reasonable construction
  - None of the above.
- (vi) Any person aggrieved by an order of the Controller of Certifying Authorities or of the Adjudicating Officer can appeal to the Cyber Appellate Tribunal within —
- 30 days
  - 45 days
  - 60 days
  - 90 days.
- (vii) Under law of torts, exception to the strict liability is —
- Inevitable accident
  - Inevitable mistake
  - Consent of the plaintiff
  - All of the above.
- (viii) 'Computer network' means the interconnection of one or more computers through the use of —
- Satellite
  - Microwave
  - Terminals
  - All of the above.

*(1 mark each)*

6. State, with reasons in brief, whether the following statements are true or false :
- The right to know, receive and impart information has been recognised within the right to freedom of speech and expression.
  - The rules of evidence are the same in civil and criminal proceedings and there is no strong and marked difference as to the effect of evidence in civil and criminal proceedings.
  - The courts of India are not bound by the specific provisions of the Limitation Act, 1963.
  - The Right to Information Act, 2005 imposes stringent penalty on a public information officer (PIO) for failing to provide information and the penalty is ₹150 per day upto a maximum of ₹15,000.
  - Under section 24 of the Registration Act, 1908 a document executed by several persons at different times may be presented for registration and re-registration within six months from the date of each execution.
  - The mere existence of arbitration clause in agreement bars the jurisdiction of civil courts automatically.
  - The chance of an heir apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of kinsman or any other mere possibility of a like nature cannot be transferred.

- (viii) Delay in registration of a deed of gift under the Transfer of Property Act, 1882 postpones its operation.

*(2 marks each)*

7. (a) An instrument bears a stamp of sufficient amount, but of improper description. Can it be certified as duly stamped? How the instrument can be rectified and what would be the date of its execution?

*(6 marks)*

- (b) Achal gives an instrument to Basu which is unstamped. This instrument is also not registered —

(i) Will the instrument be admitted in evidence?

(ii) Will the situation change if the instrument is stamped but not registered before passing to Basu and Basu gets it registered subsequently?

*(5 marks)*

- (c) Ragini told Rajendra in the year 2007 that she had committed theft of the jewellery of her neighbour Asha. Thereafter, Ragini and Rajendra were married in the year 2008. In the year 2009, criminal proceedings were instituted against Ragini in respect of the theft of the said jewellery. Rajendra is summoned to give evidence in the said criminal proceedings.

Decide whether Rajendra can disclose the communication made to him by Ragini in the year 2007, in the criminal proceedings in respect of the theft of the jewellery.

*(5 marks)*

8. (a) Mohan and Sohan are jointly tried for the murder of Rohan. It is proved that Mohan said, "Sohan and I murdered Rohan." Can the court consider the effect of this confession as against Sohan? Give reasons.

*(5 marks)*

- (b) The driver of a petrol lorry, while transferring petrol from the lorry to an underground tank at a garage, struck a matchstick in order to light a cigarette and then threw it, still alight on the floor. An explosion and a fire ensued.

Who is liable for the damage so caused? Decide giving case law on this point.

*(5 marks)*

- (c) Shyam, a police officer comes to know from reliable sources that four persons are staying in a house and planning to kidnap and murder Rajan. They are equipped with automatic weapons. The police officer apprehends that they will commit the crime at any moment. He directly goes to that house and, without any warrant or order from the Metropolitan Magistrate, arrests all the four persons along with weapons in their possession. Is the arrest of all the four persons valid? Decide with reasons.

*(6 marks)*