

Roll No. 52561

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 5

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

1. (a) "The right of freedom of speech and expression under Article 19(1)(a) of the Constitution of India is not an absolute right but subject to reasonable restrictions." Discuss.

(8 marks)

- (b) What do you mean by double jeopardy ?

(4 marks)

- (c) What do you mean by doctrine of waiver of rights under the Constitution of India ?

(4 marks)

- (d) Discuss in brief the rule of colourable legislation.

(4 marks)

2. Explain **any four** of the following :

- ✓ (i) Rule of *harmonious construction*
(ii) *Proviso*
(iii) *Rectification of an instrument*
(iv) *International commercial arbitration*
(v) *Valid acknowledgement and its effect on period of limitation.*

(4 marks each)

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

- ✓ (i) 'Admission' and 'confession'.
(ii) 'Vested interest' and 'contingent interest'.
(iii) 'Mortgage' and 'charge'.
(iv) 'Review' and 'revision' in civil law.
(v) 'Lease' and 'licence'.

(4 marks each)

4. (a) Discuss briefly the doctrine of part-performance embodied in section 53A of the Transfer of Property Act, 1882.

(6 marks)

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- (b) Discuss the doctrine of *res judicata* under section 11 of the Code of Civil Procedure, 1908.

(5 marks)

- (c) Discuss the powers of various courts under the Code of Criminal Procedure, 1973.

(5 marks)

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

- (i) Any person aggrieved by an order of Controller of Certifying Authorities or of the Adjudicator can appeal to the Cyber Regulations Appellate Tribunal within _____ days.
- (ii) The period of limitation for instituting a summary suit is _____ from the date on which the debt becomes due.
- (iii) Limitation of taking cognizance is _____, if the offence is punishable with fine only.
- (iv) Adjudicating Authority under section 43 of the Information Technology Act, 2000 can impose damages by way of compensation an amount not exceeding Rs. _____.
- (v) Only the principal instrument shall be chargeable under section 4 of the Indian Stamp Act, 1899 with the duty prescribed for the conveyance, mortgage or settlement and each of other instruments shall be chargeable with the duty of Rs. _____.
- (vi) If there is any appearance of inconsistency between the Schedule and a specific provision in an enactment, the _____ shall prevail.

(1 mark each)

- (b) Choose the most appropriate answer from the given options in respect of the following :

- (i) In which of the following case, the Supreme Court made it clear that Parliament cannot alter the basic structure of the Constitution of India —
- (a) I.C. Golak Nath vs. State of Punjab
- (b) Kesavananda Bharati vs. State of Kerala
- (c) Shankari Prasad vs. Union of India
- (d) Indira Gandhi vs. Raj Narain.
- (ii) Doctrine of sufficient cause under section 5 of the Limitation Act, 1963 will apply on —
- (a) Suits
- (b) Appeals and applications
- (c) Both (a) and (b)
- (d) None of the above.

- (iii) Right to information is derived from the constitutional right, *i.e.*,—
- (a) Right of freedom of speech and expression
 - (b) Right to liberty
 - (c) Right of trade and commerce
 - (d) Right to equality.
- (iv) Who may pass any sentence authorised by law —
- (a) District Magistrate
 - (b) Chief Judicial Magistrate
 - (c) Sessions Judge
 - (d) Magistrate of the First Class.
- (v) Public Information Officer for failing to provide information will be liable for fine of Rs.250 per day upto a maximum of —
- (a) Rs.25,000
 - (b) Rs.50,000
 - (c) Rs.75,000
 - (d) Rs.1,00,000.
- (vi) Any person aggrieved by any decision or order of the Cyber Regulations Appellate Tribunal may appeal to the —
- (a) Civil Judge
 - (b) District Judge
 - (c) District Magistrate
 - (d) High Court.

(1 mark each)

(c) Explain *either* of the following :

- (i) Doctrine of marshalling
- (ii) Circumstantial evidence.

(4 marks)

6. (a) Ragini, a singer agreed to sing at Lakshmi's theatre from January to April, 2009 and not to sing anywhere else during that period. Afterwards, she entered into a contract to sing at Kamala's theatre during the said period and refused to sing at Lakshmi's theatre during that period. Lakshmi filed an injunction application to appropriate court. What relief Lakshmi is entitled to get, and for which part court may refuse to grant injunction ? Decide giving reasons.

(6 marks)

- (b) Government of Madhya Pradesh passed a law prohibiting the manufacture of bidis in the villages during the agricultural season. No person residing in the village could employ any other person nor engage himself in the manufacture of bidis during the agricultural season. The objective of the provision was to ensure adequate supply of labour for agricultural purposes. A bidi manufacturer could not even engage labour from outside the State, and so, had to suspend manufacture of bidis during the agricultural season. Even villagers incapable of engaging in agriculture, like old persons, women and children, etc., who supplemented their income by engaging themselves in manufacturing bidis were prohibited without any reason. Decide whether law passed by Government of Madhya Pradesh is constitutionally valid.

(5 marks)

- (c) A suit was instituted by the plaintiff company alleging infringement by the defendant company for using trade name of medicine and selling the same in wrapper and carton of identical designs 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 similar allegations. In such a situation, advise the plaintiff company the procedure adopted by the courts.

(5 marks)

7. (a) Four adhesive stamps were used on an instrument. First adhesive stamp had a single line drawn across the face of the stamp. On the second stamp, there were two parallel lines. The third stamp had three parallel lines, and the fourth stamp had two lines crossing each other. What are the provisions for cancellation of adhesive stamps and which adhesive stamps referred to above will be considered to have been properly cancelled ?

(6 marks)

- (b) Anil has two properties – Property-X and Property-Y. He sells Property-Y to Sunil and puts a condition that Sunil should not construct on Property-Y more than one storey so that Anil's Property-X which he retains should have good light and free air. Is such a condition valid ? Give reasons in support of your answer.

(5 marks)

- (c) Ajay, a Hindu, who was separated from his father, sells to Chander three fields A, B and C representing that he is authorised to transfer the same. Of these fields, Field-C does not belong to Ajay, as it was retained by his father at the time of partition, but after his father's death Ajay being the heir obtained Field-C. Chander did not rescind the contract of sale and asked Ajay to deliver Field-C to him. Whether Chander will succeed ? Decide.

(5 marks)

8. (a) The managing clerk of a firm of solicitors, while acting in the ordinary course of business committed fraud, against a lady client by fraudulently inducing her to sign a document transferring her property to him. He had done so without the knowledge of his principal. Whether principal will be liable ? Give reasons.

(6 marks)

- (b) Aamir effects an insurance policy on his own life with the Life Insurance Corporation of India (LIC) and deposits it with a bank for securing payment of an existing debt. Aamir dies and bank claims the amount from the LIC contrary to the claims of Aamir's heirs. Decide whether the claim of the bank is maintainable.

(5 marks)

- (c) Gautam executed a document on 20th October, 2007 in favour of Thomas. Thereafter, Gautam executed another document on 1st December, 2007 in favour of Peter in respect of the same property. The document between Gautam and Thomas was registered on 15th January, 2008 whereas the document between Gautam and Peter was registered on 15th December, 2007. Which document gets priority and why ?

(5 marks)