

SRI SRI COMMERCE ACADEMY

5/6, Kunj Vihar, Near Yadu Hotel, Nandan Cinema, Garh Road, Meerut, Ph:7417396086

Time Allowed: 3hrs

Maximum Marks: 100

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) Discuss the ordinance making powers of the President of India and of the Governor of a State as provided in the Constitution of India. (6 marks)
- (c) "Rule of *ejusdem generis* is merely a rule of construction to aid the courts to find out the true intention of the legislature." Explain. (6 marks)
2. (a) State the modes of cancellation of adhesive stamps. (5 marks)
- (b) State the documents of which registration is optional. (5marks)
- (c) What are the contracts which cannot be specifically enforced? (6 marks)
3. (a) "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application can stop it." Discuss. (5 marks)
- (b) Explain the maxim *damnum sine injuria* under the law of torts. (6 marks)
- (c) What are 'cyber offences' under the Information Technology Act, 2000? (5 marks)
4. Explain in brief **any 4** of the following: (4 marks each)
 1. Expert opinion
 2. Doctrine of feeding the grant by estoppel
 3. Doctrine of *lis pendens*
 4. E-governance
 5. Adjudicating officer.
- 5 Distinguish between **any 4** of the following: (4 marks each)
 1. 'Admission' and 'confession'.
 2. 'Vested interest' and 'contingent interest'.
 3. 'Mortgage' and 'charge'.
 4. 'Review' and 'revision' in civil law.
 5. 'Lease' and 'licence'.

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6. a) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) : (1 mark each)

(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.

(b) Choose the most appropriate answer from the given options in respect of the following : (1 mark each)

(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

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- (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.

(c) Explain **either** of the following: (4 marks)

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

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

- a) In computing the period of limitation for an application to set aside an award, the time required for obtaining a copy of the award shall not be excluded.
- b) 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.

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- c) Anubhav sells a property to Balwant for Rs.5 lakh which is subject to a mortgage to Charu for Rs.10 lakh and unpaid interest of Rs.2 lakh. Stamp duty is payable on Rs.17 lakh.
- d) Suits for compensation for false imprisonment can be filed within two years from the date when the imprisonment ends.
- e) Article 53 of the Constitution of India lays down that the executive powers of the Union shall be vested in the President of India.
- f) The rule of 'harmonious construction' is the best rule of interpretation of any provision of any statute.
- g) Under certain circumstances, the court may award damages in addition to specific enforcement of the contract.
- h) Generally orders passed by the court under the Code of Civil Procedure, 1908 are not appealable but there are certain exceptions to it. (2 marks each)

8. a) On 20th March, Kamal told his wife that he was going to Berhmpore, as Pankaj's wife has written a letter and asked him to come and receive payments due to him. On 21st March, Kamal left his house in time to catch a train for Berhmpore, where Pankaj lived with his wife. On 23rd March, Kamal's dismembered body was found in a box which had been purchased for Pankaj. Decide whether on the trial of Pankaj for the murder of Kamal, the statement made by Kamal to his wife was admissible in evidence. If so, on what grounds ? (6 marks)

(b) Arpit took a debt of Rs.10,000 from Bharat on January, 1998 and promised to pay by 31st December, 2003. He could not pay such debt within the stipulated time. On 1st December, 2006, Arpit paid Rs.500 as interest against such debt to Bharat against receipt. Bharat filed a suit against Arpit to recover such debt on 15th December, 2008. Whether the suit filed by Bharat is within the period of limitation ? Decide with reasons citing relevant provisions of the law. (5 marks)

(c) Arjun transfers his property to Bhanu for life and after Bhanu's death to that of his unborn sons as shall first attain the age of 25 years and if no son of Bhanu shall attain that age, to Chandan who is living at the time of the transfer. Decide the validity of this transfer. (5 marks)