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Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8
Total number of printed pages : 6

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

1. (a) "The Constitution of India is basically federal with certain unitary features". Discuss.
(8 marks)
- (b) Discuss briefly whether the law made by the Parliament with respect to a subject included in the State List and made applicable to the State is valid.
(6 marks)
- (c) What are the presumptions in the interpretation of statutes when the intention of legislature is not clear ?
(6 marks)
2. Comment on *any four* of the following :
 - (i) The law of limitation bars the remedy in a court of law only, but does not extinguish the right.
 - (ii) Heydon's rule is not always operative in interpretation of statutes.
 - (iii) A contract may not always be specifically enforced.
 - (iv) Conciliation is an informal process in which the conciliator, the third party, tries to bring the disputants to agreement.
 - (v) An instrument admitted in evidence is not to be questioned.

(4 marks each)

3. Distinguish between *any four* of the following :
- (i) 'Mortgage' and 'charge'.
 - (ii) 'Trust' and 'bailment'.
 - (iii) 'Cognizable offence' and 'non-cognizable offence'.
 - (iv) 'Injunction' and 'specific performance'.
 - (v) 'Decree' and 'order'.

(4 marks each)

4. (a) Write short notes on *any two* of the following :
- (i) Rule of *ejusdem generis*
 - (ii) Jurisdiction of arbitral tribunals
 - (iii) Digital signature.

(4 marks each)

- (b) Re-write the following sentences after filling-up the blank space with appropriate word(s) so as to convey the correct meaning :
- (i) A condition which destroys or divests the rights upon the happening of an event is known as _____.
 - (ii) An award can be corrected by an arbitral tribunal within _____ days from the date of the award.
 - (iii) Hacking with a computer system is a crime punishable with an imprisonment which may extend upto _____ years.
 - (iv) No sentence of imprisonment for a term exceeding _____ months shall be passed in any conviction in summary trials.

(1 mark each)

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

- (i) In the interpretation of statutes, an important role is played as an internal aid by :
 - (a) Schedules
 - (b) Preamble
 - (c) Heading
 - (d) All the above.
 - (ii) Under the law of limitation, suits can be filed within three years in cases relating to :
 - (a) Seamen's wages
 - (b) Hire of animals
 - (c) Price of goods sold and delivered
 - (d) All the above.
 - (iii) Fraudulent transfer of a property is :
 - (a) Void
 - (b) Voidable
 - (c) Illegal
 - (d) None of the above.
 - (iv) Imposition of penalty or payment thereof in respect of unstamped or insufficiently stamped document :
 - (a) Exempts a person from prosecution
 - (b) Does not necessarily exempt a person from prosecution
 - (c) Criminal proceedings can be initiated against him by the collector
 - (d) Any of the above; as per the situation.
- (1 mark each)*

5. (a) Discuss the relationship between 'Fundamental Rights' and 'Directive Principles of the State Policy'.
- (6 marks)*

(b) What are the circumstances under which the

court may, in its discretion, award damages instead of specific performance of a contract ?

(5 marks)

- (c) When can the magistrate take cognizance of an offence ?

(5 marks)

6. (a) Discuss the remedies available to a person who has been refused to register a document by a Sub-Registrar. Can registration of documents be refused on the ground of under-valuation for stamp duty ?

(6 marks)

- (b) Chanchal sues Indian Online Ltd. (IOL) for allowing a subscriber Rajat to use its chatroom for making video tapes and photographs of child pornography in which Chanchal's minor son appears. The complaint alleged that IOL was negligent *per se* in allowing Rajat to use its facilities for producing obscene materials, therefore, is liable under criminal law and under the Information Technology Act, 2000. IOL contends that it has no knowledge of such transmission of unlawful information. Decide the liability of IOL.

(5 marks)

- (c) A document, which is apparently an agreement granting a franchise, is produced in the Court, but is not stamped. Examine, citing relevant provisions of the Indian Stamp Act, 1899, whether —

- (i) the document is void; or
- (ii) the document can be admitted on payment of penalty; or
- (iii) the parties are liable to be prosecuted ?

(5 marks)

7. (a) Bijoy executed a contract for purchasing a piece of land in Delhi from Ajoy. Just after the execution of contract, Bijoy proceeded to England and he is not expected to return to India before six months. Chirag, a good friend of Ajoy who has general power of attorney to act on behalf of Bijoy, gets the said sale deed registered. Is this registration valid ?
(6 marks)
- (b) Atul living in Delhi, is a trustee for Bimal, living in Chennai. Atul remits certain amount from trust fund to Bimal by bills drawn by a person from undoubted credit in favour of the trustee as such and payable at Chennai. The bills are dishonoured. Is Atul, the trustee, liable for the loss of trust fund ?
(5 marks)
- (c) Ratan is charged with forging a particular document. The prosecution produces in evidence a number of documents apparently forged, found in possession of the accused. Are these documents admissible in evidence ?
(5 marks)
8. (a) Amba, a society registered under the Societies Registration Act, 1860, with a view to amalgamate with another registered society, convened a general meeting of its members. At the meeting, the secretary of the society placed a special resolution regarding amalgamation. Out of 50 members, 49 members attended the meeting. The resolution was put to vote and 30 members voted in favour of the resolution. Whether the society Amba can effect the amalgamation with the said society on the basis of the resolution passed ? State the reasons for your answer.

(6 marks)

- (b) Avinash, residing in Delhi, requests his friend Bishnoy, residing in Lucknow, for a loan of Rs. 10 lakh. Bishnoy asks Avinash to come to Lucknow and collect the cheque for the said amount. Accordingly, Avinash collects the cheque at Lucknow. Avinash has failed to repay the loan. Bishnoy wants to institute a suit for the recovery of loan against Avinash. Mention the place where Bishnoy can file a suit against Avinash. Give reasons in support of your answer.

(5 marks)

- (c) Ram agrees to sell and deliver a ship to Shyam, to be paid for by Shyam's acceptance of four bills of exchange, for sum amounting to Rs.50,000 to be drawn by Ram on Shyam. The bills are drawn and accepted, but the ship is not delivered according to the agreement. Ram sues Shyam on one of the bills. State with reasons whether Shyam can obtain cancellation against all bills ?

(5 marks)

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