

JURISPRUDENCE, INTERPRETATION AND GENERAL LAWS

DEC - 2022

421

Roll No. _____

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer ALL Questions.

1. (a) The Charters of the several High Courts established by the British Government has laid down the rule to decide a case where the law on a matter is silent. Explain with the help of Supreme Court of India's view in similar situation.
- (b) Explain the test laid down by the Supreme Court of India for determining whether an entity is an instrumentality or agency of the state.
- (c) Explain substituted mode of service of summons and its effect.
- (d) Discuss the effect of repeal under Section 6 of General Clauses Act, 1897.

(5 marks each)

Attempt all parts of either Q. No. 2 or Q. No. 2A

2. (a) There is a contract between A and contractor B. There is another contract between B and sub-contractor C to execute same work. On completion of work C demanded money from B. On non-payment C filed a criminal complaint against B alleging that B having received the money from A had misappropriated the money. Discuss with reasons the matter of the case and offence committed by B, if any.
- (b) Oral evidence must be direct in all cases. Explain this statement.

(4 marks)

(4 marks)

: 2 :

- (c) Explain the meaning of continuous running of time under Section 9 of Limitation Act with exceptions and applicability. (4 marks)
- (d) The biggest check over administrative action is the power of judicial review. Elaborate. (4 marks)

OR (Alternate question to Q. No. 2)

- 2A. (i) State the remedies available in tort other than an action for unliquidated damages.
- (ii) What are the remedies under Criminal Procedure Code, where a warrant remains unexecuted ?
- (iii) The enforcement of Foreign Award is subject to certain conditions. Explain this statement.
- (iv) Explain the time limit set up under the Indian Stamp Act, 1899 for making an application for relief in respect of impressed spoiled stamps. (4 marks each)
3. (a) Write any four exceptions to the registration of non-testamentary documents under Sub-section (2) of Section 17 of Registration Act.
- (b) Section 4 of the Right to Information Act, 2005 has entrusted certain obligations on the public authorities. Discuss any eight obligations.
- (c) Discuss the types and importance of document or transactions mentioned in the first schedule of Information Technology Act, 2000.
- (d) State the justifiable grounds for Parliament and State Legislature to pass law of preventive detention and briefly explain safeguards against such preventive detention laws. (4 marks each)

: 3 :

4. (a) In the interpretation of a statute a Judge must not alter the material of which it is woven, but he can and should iron out the creases. Comment.
- (b) Explain the provisions applicable to making of rules or bye-laws after previous publication under Section 23 of General Clauses Act.
- (c) Explain the difference between the powers of the Collector under Section 39 and the powers of the Controlling Revenue Authority under Section 45 of Indian Stamp Act, 1899.
- (d) Do you consider that there is no antithesis between effective government and controlling the exercise of administrative powers ? <https://www.pyqonline.com>

(4 marks each)

5. (a) State the procedure of appeal before the National Company Law Appellate Tribunal.
- (b) What is presumption ? When is it needed and not needed for interpretation ?

(8 marks each)

Attempt all parts of either Q. No. 6 or Q. No. 6A

6. (a) Explain the three fundamental provisions to which the Information Technology Act, 2000 is made applicable.

(4 marks)

- (b) Discuss the grounds under which the Court at the time of passing sentence on accused person, order him to execute a bond for keeping peace to such period and when such a bond so executed shall become void ?

(4 marks)

P.T.O.

: 4 :

(c) Explain with suitable examples that legal damage is neither identical with actual damage nor is it necessarily pecuniary.

(4 marks)

(d) Explain the limitations under Civil Procedure Code that every suit shall be instituted in a court within the local limit of whose jurisdiction the defendant actually resides or carries on business.

(4 marks)

OR (Alternate question to Q. No. 6)

- 6A. (i) The classical view of that 'no mens rea, no crime' has long been eroded. Elaborate.
- (ii) All facts logically relevant are not legally relevant. Narrate.
- (iii) Name the kind of suits for which period of limitation prescribed by the Limitation Act is 30 years and 12 years respectively.
- (iv) State the reason and purpose of Arbitration and Conciliation (Amendment) Act, 2015 passed by the Parliament.

(4 marks each)

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