

Seat No. : _____

AC-106

April-2023

LL.B., Sem.-VI

312 : Law

(Legal Language/Legal Writing Including General English)

Time : 2:30 Hours]

[Max. Marks : 100

- Instructions :** (1) Figures to the right side indicate full marks.
(2) Each question carries equal marks.

1. Write Essay on any **one** from the following : **25**
- (1) Basic Structure Theory as a protector of Constitution and Democracy.
 - (2) Judicial Activism through Public Interest Litigation.
 - (3) Doctrine Rule of Law and its application in India.
 - (4) Free Legal Services in India.
2. Explain any **Five** Legal Terms and frame sentence using that Legal Term. **25**
- | | |
|----------------------------|-----------------------------|
| (1) <i>Status quo</i> | (6) <i>De Facto</i> |
| (2) <i>Ad-interim</i> | (7) <i>In rem</i> |
| (3) <i>Sine qua non</i> | (8) <i>De hors</i> |
| (4) <i>Ratio decidendi</i> | (9) <i>Mens rea</i> |
| (5) <i>Vis Major</i> | (10) <i>Ejusdem Generis</i> |
3. Read the following paragraph and answer the questions given below : **25**
- “...In civic as in social life, women have been subjected to prejudice, stereotypes and social exclusion. In religious life, exclusionary traditional customs assert a claim to legitimacy which owes its origin to patriarchal structures. These forms of discrimination are not mutually exclusive. The intersection of identities in social and religious life produces a unique form of discrimination that denies women an equal citizenship under the Constitution. Recognizing these forms of intersectional discrimination is the first step towards extending constitutional protection against discrimination attached to intersecting identities.

In the dialogue between constitutional freedoms, rights are not isolated silos. In infusing each other with substantive content, they provide a cohesion and unity which militates against practices that depart from the values that underlie the Constitution - justice, liberty, equality and fraternity. Substantive notions of equality require the recognition of and remedies for historical discrimination which has pervaded certain identities. Such a notion focuses on not only distributive questions, but on the structures of oppression and domination which exclude these identities from participation in an equal life. An indispensable facet of an equal life, is the equal participation of women in all spheres of social activity.

The case at hand asks important questions of our conversation with the Constitution. In a dialogue about our public spaces, it raises the question of the boundaries of religion under the Constitution. The quest for equality is denuded of its content if practices that exclude women are treated to be acceptable. The Constitution cannot allow practices, irrespective of their source, which are derogatory to women. Religion cannot become a cover to exclude and to deny the right of every woman to find fulfilment in worship.”

Questions :

- (1) What denies women from enjoying equal citizenship under the Constitution ?
- (2) What are the values underlie within the Constitution ?
- (3) What is indispensable facet of an equal life ?
- (4) Which type of practices cannot be allowed by the Constitution ?
- (5) Give suitable title to above passage.

(Extract from Judgment of Indian Young Lawyers Association & Others v. The State of Kerala and Others in Writ petition (Civil) No. 373 of 2006 rendered by Hon’ble Mr. Justice Dipak Misra CJI)

OR

3. Reduce the above paragraph of Question 3 to about one third of the original length and give suitable title to it. 25

4. Translate the following passage into Gujarati or Hindi. 25

“.... This was my debut in the Small Causes Court. I appeared for the defendant and had thus to cross-examine the plaintiff’s witnesses. I stood up, but my heart sank into my boots. My head was reeling and I felt as though the whole court was doing likewise. I could think of no question to ask. The Judge must have laughed, and the vakils no doubt enjoyed the spectacle. But I was past seeing anything. I sat down and told the agent that I could not conduct the case, that he had better engage Patel and have the fee back from me. Mr. Patel was duly engaged for ₹ 51. To him of course, the case was child’s play.

I hastened from the court, not knowing whether my client won or lost her case, but I was ashamed of myself, and decided not to take up any more cases until I had courage enough to conduct them. Indeed, I did not go to court again until I went to South Africa. There was no virtue in my decision. I had simply made a virtue of necessity. There would be no one so foolish as to entrust his case to me, only to lose it!

But there was another case in store for me at Bombay. It was a memorial to be drafted. A poor Mussalman's land was confiscated in Porbandar. He approached me as the worthy son of a worthy father. His case appeared to be weak, but I consented to draft a memorial for him, the cost of printing to be borne by him. I drafted it and read it out to friends. They approved of it, and that to some extent made me feel confident that I was qualified enough to draft a memorial, as indeed I really was....”

(The Law and the Lawyers - M. K. Gandhi)

OR

4. Examine the following problems and give answer thereof : **25**
- (1) 'A' sustains serious injuries on his face due to punches given by his opponent 'B' during Boxing Match. Has 'A' wants to file suit against 'B' for compensation for injuries the injuries. Will he succeed ?
 - (2) 'A' while driving a car with excessively high speed in a rash and negligent manner and collides with 'B', a pedestrian. 'B' dies on the spot due to accident. Which offence 'A' has committed under the Indian Penal Code ?
 - (3) While going to pilgrimage for about a year, 'A' locks his house and gives key of that house to his friend 'B' for the purpose of preserving house and keeping it in good condition. 'B' gives the aforesaid house for a rent to 'C' and appropriates amount of rent for his own use. Whether 'B' has committed any offence under the Indian Penal Code ?
 - (4) 'A' a Hindu male aged 35 years wants to adopt 'B' a Hindu female aged 16 years. Advise 'A' whether he can adopt 'B' taking into consideration the provisions of Hindu Adoption and Maintenance Act, 1956.
 - (5) 'X' and 'Y' agreed to marry each other on a certain date and before that 'X' goes mad. 'Y' wants to cancel the contract of marriage and also wants to file suit for damages. Advise 'Y'.

