

Seat No. : _____

AK-114

April-2025

LL.B., Sem.-VI

CC-312 : Law

(Legal Language, Legal Writing including General English)

Time : 2:30 Hours]

[Max. Marks : 100

Instruction : All questions carry equal marks.

1. Write an essay on any **ONE** from the following : 25
 - (1) Rule of Law
 - (2) Death penalty : legal and moral issues
 - (3) Uniform Civil Code
 - (4) Ethics and Legal profession

2. Explain any **FIVE** legal terms and frame meaningful sentence by using that Legal Term : 25

(i) Amicus curiae	(ii) Locus standi
(iii) Vis major	(iv) De novo
(v) Ipso facto	(vi) Status quo
(vii) Caveat emptor	(viii) Pendente lite
(ix) Quid pro quo	(x) Intra vivos

3. Read the following paragraph and answer the questions given below : 25

Some reference has already been made to those rules of the Constitution which lack the direct force of law. These extra-legal rules complicate the task of stating the sources from which Constitutional Law is drawn. By sources are meant here – though the term is sometimes used to indicate the historical origins – the means whereby force and expression are given to law. A sufficient definition of the law for this purpose is “a rule of civil conduct enforced by the courts.” Such rules fall into two categories :

General rules prescribed by legislation, that is by Act of Parliament, or by the enactments of the many bodies in the State subordinate to Parliament, to which are entrusted the task of legislating.

Rules to be deduced from decisions of courts of authority, i.e., the Superior Courts of Record, with which decisions the lawyer is acquainted in authoritative form only through the medium of law reports. Judge-made, or judiciary law is derived from two sources :

- (I) The Common Law – proper, consisting of the laws and customs of the realm which have received judicial recognition in the reasons given from early times by the judges for their decisions in particular cases coming before them. In the reports of these cases governing the particular set of facts before the courts are to be found authoritative expositions of the law.
- (II) Interpretation of statute law – here the judges task is in theory confined to an exposition of the meaning of the enacted law and in the case of subordinate legislation to an enquiry into the validity of the enactment. In practice, however, judges make law by interpretation.

(The extract is borrowed from Constitutional Law, E.C.S. Wade and G. Godfrey Phillips, published by Longmans, Green and Co. Ltd.)

Questions :

- (1) What is the definition of Law ?
- (2) Which are the sources of Judge-made laws ?
- (3) What is the task of the Judge ?
- (4) With which decisions the lawyer is acquainted in authoritative form only ?
- (5) Give suitable Title to the paragraph.

OR

Reduce the above paragraph of Question 3 to about 1/3 of its length and give suitable title to it.

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4. Translate the following paragraph in Gujarati or Hindi :

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... The doctrine of stare decisis is not an inflexible rule of law. A larger bench of this Court may reconsider a previous decision in appropriate cases, bearing in mind the tests which have been formulated in the precedents of this Court. The judgement of the majority in PV Narasimha Rao, which grants immunity from prosecution to a member of the legislature who has allegedly engaged in bribery for casting a vote or speaking has wide ramifications on public interest, probity in public life and parliamentary democracy. There is a grave danger of this Court allowing an error to be perpetuated if the decision were not reconsidered Unlike the House of Commons in the UK, India does not have 'ancient and undoubted' privileges which were vested after a struggle between Parliament and the King. Privileges in pre-independence India were governed by statute in the face of a reluctant colonial government. The statutory privilege transitioned to a constitutional privilege after the commencement of the Constitution. An individual member of the legislature cannot assert a claim of privilege to seek immunity under Articles 105 and 194 from prosecution on a charge of bribery in connection with a vote or speech in the legislature. Such a claim to immunity fails to fulfill the twofold test that the claim is tethered to the collective functioning of the House and that it is necessary to the discharge of the essential duties of a legislator ...
(Sita Soren v/s Union of India [2024] 3 S.C.R. 462)

OR

Examine following problems and answer them with reasons :

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- (1) Chetan offers to sell to Dharmesh a painting which Chetan know is a good copy of a well-known masterpiece. Dharmesh thinking that the painting is an original one and that Chetan must be im-aware of this, immediately accepts the offer. Does this result in a contract ?
- (2) A company carrying on business in jute is empowered by the object clause of its Memorandum of Association to do any other business connected with jute. By a resolution passed unanimously the company resolved to alter the objects clause to include the power to carry on additional business in rubber. Is this alteration covered by the Companies Act ?

- (3) Sujoy has a letter of credit upon Binita for rupees 10,000 written by Raxita. Sujoy in order to defraud Binita, adds a cipher to the 10,000 and makes the sum 1,00,000 intending that it may be believed by Binita that Raxita so wrote the letter. Whether Sujoy has committed any offence ? Reply with reasons.
- (4) Alex, a doctor, after full examination of a patient named Sofiya, in good faith communicates to Sofiya that she has cancer and that she cannot live long. Sofiya dies next day in consequence of the shock caused by Alex's communication. Decide the liability of Alex.
- (5) Jalay sees Varsha drop her purse with money in it. Jalay picks up the purse with the intention of restoring it to Varsha, but afterwards appropriates it to his own use. Decide Jalay's liability under criminal laws.
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