

General and Commercial Laws 261

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

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

1. (a) What is the scope of Article 14 of the Constitution of India ? To what extent is it correct to say that Article 14 forbids class legislation, but does not forbid classification ?
(8 marks)
- (b) Discuss the fundamental duties imposed on citizens of India.
(6 marks)
- (c) What are the presumptions in the interpretation of statutes when the intention of the legislature is not clear ?
(6 marks)
2. (a) Mention the persons against whom specific performance of contract can not be enforced.
(6 marks)
- (b) State the places where documents relating to immovable property may be presented for registration under the Registration Act, 1908.
(5 marks)
- (c) What are the modes of cancellation of adhesive stamps ?
(5 marks)
3. (a) What are the grounds on which an arbitral award may be challenged before the court ?
(6 marks)
- (b) Describe the exceptions to the rule of strict liability.
(5 marks)
- (c) Explain the 'doctrine of sufficient cause' for condonation of delay as provided in section 5 of the Limitation Act, 1963.
(5 marks)
4. Explain in brief **any four** of the following :
 - (i) 'Cause of action' under the Code of Civil Procedure, 1908
 - (ii) 'Cyber Regulations Appellate Tribunal' under the Information Technology Act, 2000
 - (iii) Salient features of the Right to Information Act, 2005
 - (iv) 'Expert opinion' under the Indian Evidence Act, 1872
 - (v) 'Digital signature' under the Information Technology Act, 2000.

(4 marks each)

5. Distinguish between *any four* of the following :

- (i) 'Vested interest' and 'contingent interest'.
- (ii) 'English mortgage' and 'mortgage by conditional sale'.
- (iii) 'Actionable claim' and 'mere right to sue'.
- (iv) 'Legal set-off' and 'equitable set-off'.
- (v) 'Public key' and 'private key'.

(4 marks each)

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

- (i) Any person in whose favour a decree has been passed is known as _____.
- (ii) A private person may arrest or cause to be arrested any person who is a _____.
- (iii) A police officer may conduct investigation without a Magistrate's order in _____.
- (iv) A Public Information Officer has to render information within _____ days under the Right to Information Act, 2005.
- (v) A document executed by several persons at different times may be presented for registration and re-registration within _____ months from the date of each execution.
- (vi) Verification of the electronic record is done by the use of a _____ of the subscriber under section 3(3) of the Information Technology Act, 2000.

(1 mark each)

(b) Write the most appropriate answer from the given options in respect of the following :

- (i) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be —
 - (a) Voidable
 - (b) Not voidable
 - (c) Void
 - (d) Illegal.

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- (ii) The limitation period for money lent under an agreement that it shall be payable on demand is —
(a) 3 years
(b) 5 years
(c) 15 years
(d) 12 years.
- (iii) Third party appeal against Public Information Officer's decision under the Right to Information Act, 2005 must be filed before first appellate authority within —
(a) 30 days
(b) 90 days
(c) 105 days
(d) None of the above.
- (iv) Immovable property under the law relating to transfer of property includes —
(a) Growing trees
(b) Growing crops
(c) Both (a) and (b)
(d) None of the above.
- (v) The duty of the Collector under section 31 of the Indian Stamp Act, 1899 is only to determine the stamp duty payable upon the instrument where he concludes that the instrument is not sufficiently stamped. He is not authorised to —
(a) Impound the instrument
(b) Impose any penalty
(c) Both (a) and (b)
(d) Either (a) or (b).
- (vi) Internal aids in interpretation of statutes include —
(a) Title
(b) Preamble
(c) Marginal notes
(d) All the above.
- (1 mark each)*
- (c) Amit mortgages a house of the value of ₹ 25,000 to Bimal for ₹ 10,000. Bimal afterwards buys the house from Amit. Whether the stamp duty already paid is deductible from the stamp duty payable on ₹ 25,000 ?

(4 marks)

7. State, with reasons in brief, whether the following statements are true or false :
- (i) The law of limitation is not unconstitutional.
 - (ii) 'Traffic' in human beings means to deal in men and women like goods, such as to sell or let out or otherwise dispose them off.
 - (iii) The laws passed by Parliament in the national interest cease to have effect automatically after nine months.
 - (iv) A trustee may sue for possession of specific movable property of which he is a trustee.
 - (v) Where there is infringement of a legal right not resulting in harm, but plaintiff can still sue under the law relating to torts.
 - (vi) The maximum period of limitation prescribed under the Limitation Act, 1963 is 30 years.
 - (vii) Anil is tried for the murder of Sunil. The fact that before the death of Sunil, Anil procured poison similar to that which was administered to Sunil is not relevant.
 - (viii) A search warrant can be issued in cases where the court has reason to believe that a person summoned to produce any document or other thing will not produce it.

(2 marks each)

8. (a) A transport company has its head office at Kolkata and branch offices at Allahabad, Lucknow and Puri. A dispute cropped up between Hassan and the transport company in respect of a transaction through Allahabad office. Hassan files a suit in respect of this dispute against the company in a court at Puri. Is the court at Puri competent to decide this case ? Give reasons.

(5 marks)

- (b) Sohan is tried summarily by the Metropolitan Magistrate on the charge of committing theft and is sentenced to undergo imprisonment for a period of six months. Can Sohan challenge this decision ? If so, on what grounds ?

(5 marks)

- (c) Shyam executes a sale deed of a house in favour of Krishna. The house is situated in Faridabad, but the transferor and the transferee want the sale deed to be registered at Gurgaon, which has also a District Court of Haryana State. Can they do so ? Give reasons.

(6 marks)