

Subject : Optional - IV b) Trusts, Equity & Fiduciary Relationship

Day : Thursday
Date : 06/10/2016



Time : 10.00 AM TO 01.00 PM
Max Marks : 80 Total Pages : 1

N.B.:

- 1) Attempt ANY SIX questions in all Q.No.1 is **COMPULSORY**.
- 2) Q.No.1 carries 20 marks and all other questions carry 12 marks each.

- Q1** Write short notes on ANY FOUR of the following:
- a) Delay defeats equity
 - b) Seeking equity demands doing it first
 - c) He who comes into equity must come with clean hand
 - d) Jurisdiction of Equity
 - e) Doctrine of Cypres
 - f) Change Report
- Q.2** State the essentials of valid trust under the Indian Trust Act, 1882 and comment on "certain obligations in the Nature of Trust".
- Q.3** "The duties of a trustee imply an absolute obligation to do or to abstain from doing a certain act". Examine the duties of trustees in the light of above statement under the Indian Trust Act, 1882.
- Q.4** Evaluate the process of alienation of trust property under the Bombay Public Trust Act, 1950.
- Q.5** Discuss the provisions of Indian Trust Act, 1882 relating to appointment of Trustees.
- Q.6** What is breach of trust? Discuss liabilities of trustees for breach of trust under Indian Trust Act, 1882.
- Q.7** When can the office of a trustee be vacated and what are the ways in which a trustee may be discharged under Indian Trust Act, 1882?
- Q.8** Discuss the various Rights and Liabilities of beneficiary under Indian Trust Act, 1882.
- Q.9** Discuss in details the powers and functions of the Charity Commissioner under the Bombay Public Trust Act, 1950.
- Q.10** Explain the following with reference to the Bombay Public Trust Act, 1950:
- a) Order of Surcharge
 - b) Investment of Trust Money

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Subject : Optional - IV a) Human Rights

Day : Thursday
Date : 06/10/2016



Time : 10.00 AM TO 01.00 PM
Max Marks : 80 Total Pages : 1

N.B.:

- 1) Attempt **ANY SIX** questions including **Q.No.1** which is **COMPULSORY**.
- 2) **Q.No.1** carries 20 marks and all other questions carry 12 marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Rights of disabled person
 - b) Slavery and slave trade
 - c) State Human Rights Commission
 - d) Racial Discrimination
 - e) American Convention on Human Rights
 - f) Concept of Human Rights
- Q.2** Explain in detail similarities and differences between right given under Covenant on Civil and Political Rights and rights given under Indian Constitution.
- Q.3** Discuss features of Protection of Human Right Act, 1993.
- Q.4** Explain the significance of UDHR, 1948. Compare it with Constitution of India.
- Q.5** Critically discuss legal provisions regarding protection of rights of migrant workers.
- Q.6** Explain in detail different rights provided under European Convention on Human Rights.
- Q.7** Critically discuss powers, function and procedure regarding NHRC.
- Q.8** Enumerate the features and discuss historical background of United Nations Charter. Do these rights reflect in Indian Constitution? Explain.
- Q.9** Discuss classification of Human Rights on the basis of generation.
- Q.10** "International Humanitarian Law effectively gives protection to rights of armed forces". Discuss.

Subject : Private International Law

Day : Tuesday

Date : 04/10/2016



Time : 10.00 AM TO 01.00 PM

Max Marks : 80 Total Pages : 1

N.B.

- 1) Attempt any **SIX** questions out of which Q.1 is **COMPULSORY**.
- 2) Q.1 carries 20 marks and all other questions carry 12 marks each.

- Q.1** Write short notes on **ANY FOUR**:
- a) Lex loci actus
 - b) Foreign Law
 - c) Choice of law
 - d) Immovable property
 - e) Minor Domicile
 - f) Lex Loci celebrationis
- Q.2** Discuss in detail nature, scope and limitations of private international law.
- Q.3** Elucidate the concept of 'assumed jurisdiction' of English Courts in detail.
- Q.4** "The Doctrine of 'Renvoi' involves process for the application of law of a country". Comment.
- Q.5** Write a detail analysis of the term 'Incidental Questions' and the problems surrounding it under Private International Law.
- Q.6** 'Proof of foreign law is an essential aspect of resolving conflicts of laws'. In the light of this statement discuss how foreign law is proved and who are the competent to prove it?
- Q.7** The characterization of law under Private International Law has got prime significance. Explain the process of characterization under Private International Law.
- Q.8** "Foreign immovables are beyond the scope and limitation English Court". Comment with the help of rules regarding jurisdiction of English Courts.
- Q.9** Describe various theories relating to the principles of 'Lex Domicile' and 'lex situs' with specific reference to the law of property and interrelationship with private international law.
- Q.10** Examine the English decisions relating to the pulling of marriage with respect to jurisdiction.

Subject : Property Law Including Transfer of Property Act & Easement Act

Day : Saturday
Date : 01/10/2016



Time : 10.00 AM TO 01.00 PM
Max Marks : 80 Total Pages : 1

N. B. :

- 1) Attempt **ANY SIX** questions in all including **Q. No. 1** and **Q. No. 10** are **COMPULSORY**.
- 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks each.

Q. 1 Write short notes on **ANY FOUR** of the following:

- a) Vested Interest
- b) Fraudulent Transfer
- c) Doctrine of Redemption
- d) Doctrine of holding over
- e) License
- f) Universal Donee

Q. 2 Section 3 of the transfer of Property Act provides that immovable property does not include standing timber, growing crops or grass. State and explain the meaning of judicially recognized immovable property.

Q. 3 "No man has so absolute power over his own property as that he can alienate the same when such alienation directly tends to delay, hinder or defraud his creditors, unless it is made upon good consideration and bona fide". Evaluate the nature of Fraudulent Transfer.

Q. 4 Sale is a transfer of ownership in exchange for a price or promised or part paid and part promised. Explain the term sale and state seller's liabilities before and after completion of sale.

Q. 5 The essential feature of a mortgage is that it is a conveyance of legal interest in property, with a provision for redemption. Define mortgage and explain the rights and duties of mortgagor.

Q. 6 Lease is a partial transfer of certain rights in the property. The right which is transferred is the right of enjoyment for a certain time while ownership continues to remain in the transferor. State and explain the rights and liabilities of lessor.

Q. 7 Explain Exchange. State the difference between Sale and Exchange.

Q. 8 A Gift is a transfer of ownership in an existing movable or immovable property made voluntarily and without consideration. Discuss.

Q. 9 Write an essay on 'Actionable Claim'.

Q. 10 Write notes on the following:

- a) Revival of Easement
- b) Apparent and Non-Apparent Easement

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Subject : Practical Paper - II

Day : Thursday
Date : 29/09/2016



Time : 10.00 AM TO 01.00 PM
Max Marks : 90 Total Pages : 1

N.B.:

- 1) Attempt **ANY SIX** questions by choosing at least three questions from each section.
- 2) All questions carry **EQUAL** marks.

SECTION – A

- Q.1** Draft a legal notice under section 138 of Negotiable Instrument Act demanding money for dishonour of cheque.
- Q.2** Draft a written statement against application for maintenance before Criminal Court (choosing your own facts).
- Q.3** Mr. Raj is apprehending arrest by Police prepare an application for anticipatory bail on his behalf.
- Q.4** An order is passed against tenant for eviction of a house. Prepare a Memorandum of Appeal on his behalf before proper court.
- Q.5** Explain the following:
a) Forms of Pleading
b) Amendment of Plaint

SECTION – B

- Q.6** a) Draft an Affidavit for Mr. Ram who has lost his all original certificates of educational qualification in journey in a train.
b) Prepare a Promissory Note.
- Q.7** Prepare a draft of special Power of Attorney for Mr. Sunder who is going abroad, in favour of his brother to attend the court proceeding.
- Q.8** Draft a sale – Deed of a flat in a co-operative Housing society.
- Q.9** Draft a will for Mr. Sudhakar who is having an agricultural land, a plot in a Housing Society and fixed Deposit in bank in favour of his daughter.
- Q.10** Draft a leave an license agreement for 12 months of a shop for running general store.

Subject : Labour Laws

Day : Tuesday
Date : 27/09/2016



Time : 10.00 AM TO 01.00 PM
Max Marks : 80 Total Pages : 1

N.B.:

- 1) Attempt **ANY SIX** questions in all including **Q.No.1** is **COMPULSORY**.
- 2) **Q.NO.1** carries 20 marks and remaining questions carry 12 marks each.

- Q.1** Write short notes on **ANY FOUR** :
- a) Collective bargaining
 - b) Lay – off
 - c) Award
 - d) Objective and principles of ILO
 - e) Hazardous Processes
 - f) Dearness allowance
- Q.2** Briefly state the rights, liabilities and privileges of registered trade unions, under Trade Unions Act 1926.
- Q.3** Enumerate the various authorities constituted under the Industrial Disputes Act, 1947 for prevention and settlement of industrial disputes and briefly explain the power and duties of these authorities under the Act.
- Q.4** Discuss the legality and efficacy of strikes and lock-outs as coercive weapons either in the hands of the employers or employees to demonstrate their respective strength and complete the unwilling party to resume, negotiations to settle the dispute between the employers and employees under Industrial Dispute Act 1947.
- Q.5** What is the scope of the Factories Act 1948 as a social security legislation providing for health, safety of workers and prohibition regarding employment of workmen in factories?
- Q.6** “The wages of an employed person shall be paid to him without deduction of any kind except those authorized by or under the payment of wages Act, 1936”. Explain with the help of relevant provisions of the Act.
- Q.7** Examine the procedure for fixing and revising the minimum rates of wages in scheduled employment under the Minimum Wages Act, 1948.
- Q.8** “The liability to pay compensation under the Workmen’s Compensation Act 1923 is not a liability arising out of tort, but it is a liability arising out of the relationship of master and servant”. Discuss when the employer become liable to pay compensation and what is the criterion for measuring the quantum of compensation payable to the workman referring to the relevant provisions of the Act.
- Q.9** Explain the nature and scope of Maternity Benefits Act 1961. What are the rights of employed women under Maternity Benefits act, 1961?
- Q.10** What is unfair labour practice? Briefly explain the procedure for dealing with complaints relating to unfair labour practices under Maharashtra Recognition of Trade Unions And Prevention of Unfair Labour Practices Act 1971.