

35019

BEAS-VI (2009 COURSE) : SUMMER 2017
SUBJECT : CIVIL PROCEDURE AND LIMITATION ACT

Day : *Thursday*
Date : *04.05.2017*

CODE

Time : *2.30 P.M. To 5.30 P.M.*
Max. Marks : 80.

N.B.:

- 1) Attempt any **SIX** questions including Q. No. 1 and Q. No. 10 which 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) Reference
- b) Indigent person
- c) Suit
- d) Order
- e) Arrest before judgment
- f) Interpleader suit

Q.2 "The court can try any suit of civil nature." Comment.

Q.3 What is jurisdiction? Explain the types of jurisdiction and rules of transfer of suits.

Q.4 "Decree is the order of the court having the force of law." Examine and explain the types of decree.

Q.5 "Temporary injunction is granted by the court as an interim relief to protect the applicant from irreparable loss." Comment.

Q.6 "Appeal is continuation of the suit." Explain the grounds of appeal and memorandum of appeal.

Q.7 What are the modes of execution of decree? Explain which court can execute the decree.

Q.8 "In the interest of the public there shall be end to the litigation." Explain the application of the doctrine under C.P.C.

Q.9 Explain the law relating to joinder, non-joinder and misjoinder.

Q.10 Explain the law relating to acknowledgement under Limitation Act 1963.

Subject : Criminal Procedure Code, Juvenile Justice

Day : Saturday

Date : 06/05/2017



35020

Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

N.B:

- 1) Attempt ANY FIVE questions in all out of which Q. NO.1 is COMPULSORY.
- 2) Q. NO. 1 carries 20 marks and all other questions carry 12 marks.

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

- a) Tender of Pardon
- b) Bailable and Non Bailable Offences
- c) Summary Trial
- d) Framing of Charge
- e) 'autrefois acquit' and 'autrefois convict'
- f) Cognizance by Magistrate

Q.2 Quote the reasons behind making a substantive provisions of Sec.125 a part of Criminal Procedural Code which otherwise is a Procedural statute. Can a husband claim maintenance under this provision?

Q.3 What is 'Anticipatory bail'? Under what circumstances and by which courts bail can be granted?

Q.4 What is 'First Information Report'? Discuss Evidentiary value of FIR? Significance of FIR in trial.

Q.5 Define and explain the Terms 'Investigation', 'Inquiry' and 'Trial' with relevant illustrations.

Q.6 Explain 'Arrest', Enumerate circumstances in which effectuating arrest without warrant may become necessary?

Q.7 Discuss the law of Plea Bargaining in India, as inserted by Criminal Law (Amendment) Act 2005 in code of Criminal Procedure 1973.

Q.8 Discuss the concept of Probation envisaged under Probation of Offenders Act 1958.

Q.9 Discuss the special provisions regarding grant of Bail under Juvenile Justice (Care and Protection of Children) Act 2000.

Q.10 Discuss the rehabilitation and social reintegration schemes envisioned under the Juvenile Justice (Care and Protection of Children) Act 2000.

Subject : Law of Evidence

Day : Tuesday

Date : 09/05/2017



35021

Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

N.B.

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

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Test Identification Parade
 - b) Relevancy of character in civil cases
 - c) Public Documents
 - d) Expert opinion
 - e) Examination-in-chief
 - f) Hostile witness
- Q.2** Define 'fact in issue' and 'relevant fact' and bring out clearly the distinction between the two.
- Q.3** How far 'motive' and 'subsequent conduct' are relevant in law? Give illustration of each case.
- Q.4** 'No confession to a police officer, shall be proved as against a person accused of any offence'. Comment.
- Q.5** How is a dying declaration proved? What is the principle on which dying declarations are admitted in evidence? Refer case laws.
- Q.6** Define and explain 'Primary Evidence'. Under what circumstances the secondary evidence is admissible in court of law?
- Q.7** 'An accomplice shall be a competent witness against an accused person and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice'. Comment.
- Q.8** Who is competent to testify? How far professional communication is protected?
- Q.9** 'Oral evidence must be direct'. Comment. Are there any exceptions to the rule?
- Q.10** What is presumption? Explain the presumptions relating to legitimacy and death.

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Subject : Optional -VI a) Interpretation of Statutes

Day : Friday



Time : 02.30 PM TO 05.30 PM

Date : 12/05/2017

35022

Max Marks : 80 Total Pages : 1

N.B.:

- 1) Attempt **ANY SIX** questions from all 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) Every word in a statute to be given a meaning
 - b) Rule of Last Antecedent
 - c) Legal fiction
 - d) Word of rank
 - e) Reference to other statutes – as external aid of interpretation
 - f) Literal rule of interpretation
- Q.2** Interpretation of a statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be made admissible. Discuss the meaning of interpretation.
- Q.3** It is a well established rule that a provision must be construed in a manner which would give effect to its purpose and to cure the mischief in the light of which it was enacted. Explain the above rule of interpretation with reference to Heydon's case.
- Q.4** The internal aids to interpretation throw light on the intents and designs of the legislature and also indicate the scope and purpose of the legislation. Elaborate the internal aids of interpretation.
- Q.5** It is well established rule that an enactment in a mandatory form might in substance be directory and that the use of the word "shall" does not conclude the matter. Discuss the rules related to interpretation of mandatory provisions.
- Q.6** A remedial provision must receive a beneficial construction and if it is capable of two interpretations the court must prefer that construction which permits the beneficent purpose behind it. Explain the rules related to the construction of remedial statutes.
- Q.7** Explain the elements of strict interpretation related to the penal statutes.
- Q.8** Discuss the extent of vicarious responsibility in statutory offences.
- Q.9** Explain the consequences of repeal special reference to express and implied repeal.
- Q.10** Write a brief note on interpretation of Constitutional documents.

Subject : Optional -VI b) Information Technology & Law

Day : Friday



Time : 02.30 PM TO 05.30 PM

Date : 12/05/2017

35023

Max Marks : 80 Total Pages : 1

N.B.

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

- Q.1** Write short notes on **ANY FOUR** of the following :
- a) Penalty for Misrepresentation
 - b) Online Defamation
 - c) Internet and WWW
 - d) Identity Theft
 - e) Computer and Networking
 - f) Electronic Data Interchange
- Q.2** Explain the salient features of the Information Technology Act, 2000.
- Q.3** Define 'Jurisdiction'. Discuss the issues and challenges of geography and sovereignty in cyber space.
- Q.4** Define 'E-Governance'. Explain the concept of E-Governance by citing appropriate examples.
- Q.5** Explain the provisions relating to E-Contract under the Information Technology Act, 2000 in India.
- Q.6** Define 'Digital Signature' and 'Electronic Signature', Examine the provisions relating to issues, suspensions and revocation of Electronic Signature Certificate.
- Q.7** Define 'Intermediary' Discuss the liabilities of Intermediary in cyberspace and also State the cases in which Intermediaries can be exempted from liabilities under the Information Technology Act, 2000.
- Q.8** Write notes on **Any Two** of the following:
- a) IT Amendment to the Indian Penal Code, 1860
 - b) IT and Reserve Bank of India Act, 1934
 - c) IT Amendment to the Indian Evidence Act, 1872
- Q.9** Enumerate the powers of Cyber Appellate Tribunal under the Information Technology Act, 2000.
- Q.10** Elaborate the offences and Penalties under the Information Technology Act, 2000 with the help of latest Case laws.

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