

2013

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer *1(A)* and *(B)* and *any five* from the rest.

1. (A) Choose the correct answer : $1 \times 10 = 10$

(a) Evidence Act applies to _____.
(Current Proceedings / Pending Proceedings)

(b) Evidence Act is _____.
(Substantive Law / Adjective Law)

(c) Evidence Act has _____.
(Retrospective effect / Prospective effect)

Contd.

- (d) The Law of Evidence is part of the _____. (Law of Procedure / Law of Substantive)
- (e) _____ The Indian Law Commissioners prepared a Draft Bill on Evidence. (In 1868 / 1872)
- (f) A New Bill prepared by _____ was finally passed into law in 1872 as Act No. 1/72. (by Stephen / Dicey)
- (g) The present Act is based entirely on the _____. (English Law of Evidence / American Law of Evidence)
- (h) The Indian Evidence Act 1872 is divided into _____ principal parts. (three / five).
- (i) Strictly speaking relevancy and admissibility _____ the same thing. (are / are not)
- (j) The principle of English Law is admissible subject to _____ exceptions. (three / four)

(B). Answer the following — $2 \times 5 = 10$

- (a) Affidavit
- (b) Judicial Proceedings
- (c) Collateral facts
- (d) Value of dying declaration
- (f) Grounds for exclusions of hearsy evidence.
2. Explain the rules of evidence relating to exclusion of oral by documentary evidence under the Indian Evidence Act 1872. 12
3. Explain and illustrate the following — $6+6=12$
- (a) There can be no estoppel against a statute.
- (b) Mere silence does not amount to estoppel.
4. Write explanatory notes on : $6+6=12$
- (a) A proof of paternity of child born to wife of concubine.
- (b) Professional communication and confidential communication with legal advisors.

5. What is burden of Proof ? On whom burden of Proof lies. Under what circumstance it is shifted ?
4+4+4=12
6. What are stages in examination of a witness ? What questions can be asked in cross examination ?
6+6=12
7. Define document. Discuss the methods of proving contents of documents. Whether public documents and certain other documents may be proved by tendering certified copies.
3+4+5=12
8. "Relevancy and admissibility are not co-extensive terms". Elucidate your answer with illustrations.
12

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19 (3-IV) PRLW

2013

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer all questions.

Fill in the blanks with appropriate words :

1×10 10

- (a) Transfer of property by will, inheritance or by an order of Court is a transfer by _____.
(act of parties / operation of law)
- (b) Transfer inter vivo means transfer _____.
(between living persons / between living and non-living persons)
- (c) Actionable claim includes _____ money debt.
(secured / unsecured)

- (d) Wilful abstention from an inquiry or search amounts to _____ notice.
(direct / constructive)
- (e) Easement apart from dominant heritage is a kind _____ property.
(transferable / non-transferable)
- (f) A condition is void when it _____ restrains alienation.
(partially / absolutely)
- (g) Lease is a transfer of _____ interest of the lessor.
(limited / absolute)
- (h) Transfer by Ostensible Owner is dealt with by _____.
(section 45 / section 41)
- (i) The doctrine of *Lis-pendens* is laid down in section _____.
(section 52 / section 54)
- (j) A gift may be suspended or revoked under section _____.
(section 125 / sec 126)
2. Write short notes on : 2×5=10
- (a) Attested
- (b) Actionable Claims

- (c) Contingent interest
- (d) Conditional transfer
- (e) Ostensible owner.
3. What are the essentials of a valid transfer ? Whether property can be transferred to an unborn person under the Transfer of Property Act 1882 ? Explain.
6+6 12

Or

- “Transferability of property is the general rule, but non-transferability is an exception.” Justify the statement with the provision of T. P. Act 1882.
12
4. Describe the doctrine of Part-Performance under the Transfer of Property Act 1882. Is there any difference between the English and Indian Law in regard to the doctrine and its application ?
7+5 12

Or

- “He who accepts the benefits under the instruments, must adopt the whole of it.”
12
- Explain with illustration.

5. Define sale. What are the rights and liabilities of a buyer and seller in a sale? 12

Or

Explain in brief the various modes of the transfer of immovable property. How does a mortgage differ from a gift?

6. State the rights and liabilities of a Mortgagor and Mortgagee. 12

Or

- (a) What is right of redemption and who can exercise this right? 6+6=12

- (b) Distinguish between a mortgage by conditional sale and an English mortgage. 6+6=12

7. What are the essentials of a valid Gift? Explain Onerous gift and Universal donee. 6+3+3=12

Or

Distinguish between :

- (a) Vested and Contingent interest.

- (b) A lease and a licence. 6+6=12

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19 (3-IV) ADLW

2013

ADMINISTRATIVE LAW

(New Course)

Paper : 4-4

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer question nos. 1, 2 and any five from the rest.

1. Choose the correct answers from the options given in each of the following questions : 10

(1) There are ----- powers of a state

a) Three

b) Four

c) Two

d) None of above

- (2) Source of administrative law is mainly based on -----
- a) Droit administrative
 - b) Council de etat
 - c) Constitution
 - d) Judicial decision
- (3) Delegated legislation is the control mechanism of -----
- a) Personal bias
 - b) Judicial control
 - c) Procedural control
 - d) Taxing statute
- (4) Delegation and sub-delegation is the delegation of -----
- a) Judicial or Parliament
 - b) Judicial or executive
 - c) Legislative or constitutional
 - d) None of above

- (5) *Nemo debet esse iudex in propria causa* means
- a) Personal bias
 - b) Account of obstinacy
 - c) Right to hear
 - d) No one can be a judge in one's own cause.
- (6) Administrative tribunals are established under
- a) Administrative law
 - b) Constitutional law
 - c) Administrative act
 - d) Administrative tribunal act
- (7) Which is not constitutional remedies
- a) Writ of certiorari
 - b) Writ of mandamus
 - c) Either (a) or (b)
 - d) None of above

Contd.

- (8) Which doctrine is discussed under violation of procedural norms
- Legitimate expectation
 - Public accountability
 - Proportionality
 - All of above
- (9) Provision in Constitution of India for protection of the civil servant provides.
- Under article -- 310
 - Under article -- 311
 - Under article -- 32
 - Under article -- 136
- (10) Public interest litigation is related with the litigation of
- Public matter
 - Personal matter
 - Private chaos
 - Public interest matter

2. Write short notes on --- 10
- Judicial control
 - Doctrine of necessities
 - Writ of mandamus
 - Ombudsman
 - Council de etat

3. Legislature, executive and judiciary under the Constitution are to exercise powers with checks and balances, but not in water-tight rigid mould --- discuss the above. 12

Or

Discuss delegation and sub-delegation of legislative powers. Is there any distinction between them ?

4. What is the discretionary of power ? Who can practise the powers and under what conditions? Are there any restrictions to practise the discretionary powers ? --- discuss. 12

Or

What is bias? What is its significance in Administrative law?

5. The Principles of Natural Justice have come out from the need of man to protect himself from the excesses of organized power, man has always appealed to someone beyond his own creation — discuss. 12

Or

What is PIL? Write its Origin, Concept, Meaning and Definition. What is the Procedure for filing PIL and against whom PIL can be filed? Is there any mechanism for protection of Human Rights through PIL?

6. Natural Justice is beyond doubt that there are certain canons of judicial conduct to which all tribunals and persons that have to give judicial or quasi-judicial decisions ought to conform. The principles on which they rest are implicit in the rule of law — discuss the rule of law on natural justice. 12

Or

Natural justice is an important concept in administrative law — discuss.

7. Under what conditions the doctrine of pleasure can be enjoyed by the civil servants as per constitutional provision. 12

Or

Explain the Dicey's Rules of Law and Droit Administrative.

8. Discuss the rules restricting judicial review of administrative action. 12