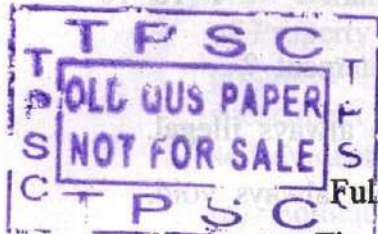


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TR/JST/L-I/21



LAW

Paper : I

Full Marks – 100

Time – Three hours

Answers must be written in English only.

Candidates are required to give their answers in their own words as far as practicable.

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

GROUP – A

All questions of GROUP – A are compulsory.

Four options are given against each of the following ten questions. Select the single best/correct option and write it in the answer script by pen only.

Example : Section 53-A of the Transfer of Property Act, 1882 deals with

- (a) Doctrine of election
- (b) Doctrine of lis pendence
- (c) Doctrine of part performance
- (d) None of these

Answer : (c) Doctrine of part performance.

[Turn over

- Each question carries *one* mark : $1 \times 10 = 10$

1. (i) Which is the correct statement ?

- (a) Void agreements are always illegal.
- (b) Illegal agreements are always void.
- (c) Voidable contracts are always illegal.
- (d) None of the above.

(ii) According to Lord Herschell in the case Derry Vs. Peek, fraud is proved when it is known fact that false representation has been made

- (a) knowingly
- (b) without the belief in truth
- (c) recklessly whether it is true or false
- (d) None of the above

(iii) Under the Transfer of Property Act, 1882, "Registered" pertains to

- (a) Registration of property
- (b) Registration of documents
- (c) Registration of parties
- (d) None of the above

(iv) With the meaning of section 48 of Transfer of Property Act, 1882, the transferor cannot prejudice the right of the transferee by any subsequent dealing with the property. This self-evident proposition is expressed in

- (a) Equitable maximum Qui Prior Est Tempore Potior Est Jure
- (b) Quid Pro Quo
- (c) Bonafide transfer
- (d) None of the above

(v) The circumstance under which of condition can be treated as a breach of warranty have been enumerated in Sale of Goods Act, 1930 under

- (a) Section 16
- (b) Section 15
- (c) Section 14
- (d) None of these

(vi) A suit dismissed under order IX, rule 8 of CPC, can be restored

- (a) Under order IX, rule 4 of CPC
- (b) Under order IX, rule 9 of CPC
- (c) Both under (a) & (b)
- (d) None of the above

(vii) In which case the Supreme Court declares 'National Judicial Appointment Commission Act, 2014' as unconstitutional?

- (a) Change India Vs. Union of India
- (b) Supreme Court Adv. on Record Vs. Union of India
- (c) Subhash Sharma Vs. Union of India
- (d) Sankalchand Himatlal Sheth Vs. Union of India

(viii) What is the correct chronological sequence of the following advisory opinion given by the Supreme Court under Article 143 of the Constitution of India?

- (i) In re Delhi Act, case
- (ii) In re Berubari, case
- (iii) In re Sea Customs Act
- (iv) The Special Court Reference Case

Codes :

- (a) (i), (ii), (iii), (iv)
- (b) (ii), (i), (iii), (iv)
- (c) (i), (iii), (ii), (iv)
- (d) (iii), (iv), (i), (ii)

(ix) Section 115 of the Civil Procedure Code provides for the following

- (a) Reference (b) Review
- (c) Revision (d) None of these

(x) A person may sue a foreign state

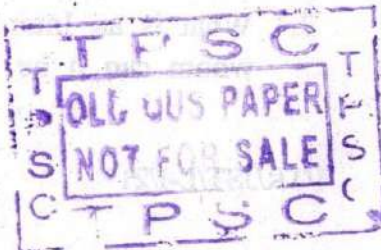
- (a) with the consent of the State Government
- (b) with the consent of the Central and State Government
- (c) with the consent of the President of India
- (d) None of these

GROUP - B

Answer any ten questions.

- Each question carries five marks : $5 \times 10 = 50$
- 2. Write a note on "Right against exploitation" available in Indian Constitutional Law.
- 3. What is an Inter-Pleader suit? When and by whom can it be instituted?

4. Write a note on 'Doctrine of eclipse'.
5. Explain the Doctrine of Marshalling and Contribution.
6. Explain the Doctrine of Restitution and enumerate the grounds one would need to apply for it.
7. Distinguish between Vested interest and Contingent interest as per the Transfer of Property Act.
8. Explain 'actionable claim'. State how an actionable claim is transferred.
9. Define the Doctrine of 'Colourable Legislation'.
10. What is 'Usufructuary Mortgage'?
11. Write critical note on the public interest litigation in India with the help of leading cases?
12. 'Mere silence does not amount to fraud.' Explain the statement with exceptions if any.
13. Differentiate between 'Coercion' and 'Undue influence' with examples.



GROUP - C

Answer any five questions.

- Each question carries *eight* marks : $8 \times 5 = 40$
- 14. 'Judicial activism in India is a boon or bane.' Justify this statement with the help of appropriate examples.
- 15. Discuss the Constitutional provisions for formation and alteration of boundaries of existing States.
- 16. Explain the rules to measure damages as laid down in the case of Hadley Vs. Baxendale.
- 17. "Right to privacy" in India is now a legally acknowledged Right. Examine the statement with the help of judicial decision.
- 18. "The Law of Contracts, as contained under the Indian Contract Act, 1872, is neither the whole of the law relating to contracts; nor it is the whole of the law of obligations". Discuss this statement.
- 19. Discuss 'Quasi contract' with the help of relevant provisions of Indian Contract Act, 1872.

