

LL.B. Semester - 5 (Remedial) (CBCS) Examination
March/April-2024 (Old Course)
LEGAL ENGLISH (CORE)

Time: 3:00 Hours

Marks: 100

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate marks.

- Que-1** Write an essay on any one of the followings : - (20)
- (A) Different theories of punishment
 - (B) Right to life
 - (C) Role of Judiciary in constitutional amendments
 - (D) Importance of Legal Education awareness in society
- Que-2** Explain any four of the following legal maxims by illustration their legal application:- (20)
- (A) Equity aids the vigilant, not the indolent
 - (B) Injuriya sine damnum
 - (C) Audi alteram partem
 - (D) Locus Standi
 - (E) Res - Judicata
 - (F) Alibi
 - (G) Estoppel
- Que-3** Write reference to context (Any Four) : - (20)
- (A) Cross Examination of witness is an art by itself.
 - (B) What are the essentials of a democracy according to Mr. P.N.Bhagwati.
 - (C) Tort of wrongfully holding goods that belong to someone else.
 - (D) A writ to have the body of a person to be brought in before the judge.
 - (E) Justice is to be denied to nobody.
 - (F) Right of a party to an action to appear and be heard by the court.
 - (G) Nobody can be twice punished for the same offence.
- Que-4** Draft maintenance application u/s 438 of Cr. P.C. (20)
- OR**
- Que-4** Draft a Lease agreement between Rakesh Sharma and Pranav Mehra.
- Que-5(A)** Translate the following passage into Gujarati. (10)

Uniform Civil Code is the ongoing point of debate within Indian mandate to replace personal laws based on the scriptures and customs of each major religious community in India with a common set of rules governing every citizen. In India the purpose of Uniform Civil code is to replace the personal laws based on the scriptures and customs of each major religious community in the country with a common set governing every citizen. The demand for a uniform civil code was first put forward by women activists in the beginning of the twentieth century, with the objective of women's rights, equality and secularism. Till Independence in 1947, a few law reforms were passed to improve the condition of women, especially Hindu widows. In 1956, the Indian Parliament passed Hindu Code Bill amidst significant opposition. Though a demand for a uniform civil code was made by Prime Minister Jawaharlal Nehru, his supporters and women activists, they had to finally accept the compromise of it being added to the Directive Principles because of heavy opposition. The constitution has a provision for Uniform Civil Code in Article 44 as a Directive Principle of State Policy which states that The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. There are a number of cases where the Supreme Court has referred to Article 44 and the concept of uniform civil code, mainly to highlight the lacklustre attitude of the executive and the legislature in the implementation of the directive.

Que-5(B) Reduce the following passage to one third of the original length with Suitable title. (10)

In India, the sanctity of life has been placed on the highest pedestal. "The right to life" under Article 21 of the Constitution has received the widest possible interpretation under the able hands of the judiciary and rightly so. This right is inalienable and is inherent in us. It cannot and is not conferred upon us. This vital point seems to elude all those who keep on clamoring for the "Right to Die". In *Gian Kaur vs. State of Punjab*, a five judge Constitutional Bench held that the "right to life" is inherently inconsistent with the "right to die" as is "death" with "life". In furtherance, the right to life, which includes right to live with human dignity, would mean the existence of such a right up to the natural end of life. It may further include "death with dignity" but such existence should not be confused with unnatural extinction of life curtailing natural span of life. In progression of the above, the constitutionality of Section 309 of the I.P.C, which makes "attempt to suicide" an offence, was upheld, overruling the judgment in *P. Rathinam's* case. The factor of immense significance to be noted here is that suicide, euthanasia, mercy killing and the like amount to unnatural ebbing of life. This decision thereby overruling *P.Rathinam's* case establishes that the "Right to life" not only precludes the "right to die" but also the right to kill."
