

LL.B. Semester - 6 (CBCS) Examination
March/April-2024 (NEW COURSE)
Legal Language (Core (New))

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 two of the followings: (20)

1. Bar and Bench relationship in India
2. Legal Education in India
3. Functions of Parliament in India
4. Directive Principle of State Policy under the constitution of India

Que-2 Explain any four of the following legal maxims by illustration their legal application: (20)

1. Actus reus
2. Alibi
3. Estoppel
4. Lex Fori
5. Locus standi
6. Res Judicata

Que-3 Write reference to context (Any Four): (20)

1. Reasoned and willing obedience to the laws of the State is the first lesson in Non-co-operation. –Mahatma Gandhi
2. Democracy is not a form of government, but a form of social organization.
3. Law as an instrument of social change.
4. Justice stands for rule of law.
5. Preamble is a heart of the Indian Constitution.
6. No one should be made a judge in his own cause, and the rule against bias.

Que-4 Draft a proper Partnership deed. (20)

OR

Que-4 Draft an application for Anticipatory bail under Section 438 of the code of Criminal Procedure, 1973.

Que-5(A) Translate the following passage into Gujarati. (10)

Writ of Prohibition means directing a lower court to stop doing something which the law prohibits it from doing. Its main purpose is to prevent an inferior court from exceeding its jurisdiction or from acting contrary to the rules of Natural Justice. Writ of Prohibition is issued to a lower or a subordinate court by the superior courts in order to refrain it from doing something which it is not supposed to do as per law. It is usually issued when the lower courts act in excess of their jurisdiction. Also, it can be issued if the court acts outside its jurisdiction. And after the writ is issued, the lower court is bound to stop its proceedings and should be issued before the lower court passes an order. Prohibition is a writ of preventive nature. The principle of this is 'Prevention is better than cure'.

In case of East India Commercial Co. Ltd v. Collector of Customs, a writ of prohibition was passed directing an inferior Tribunal prohibiting it from continuing with the proceeding on the ground that the proceeding is without or in excess of jurisdiction or in contradiction with the laws of the land, statutes or otherwise. Then in the case of Bengal Immunity Co. Ltd, the Supreme Court pointed out that where an inferior tribunal is shown to have seized jurisdiction which does not belong to it then that consideration is irrelevant and the writ of Prohibition has to be issued as a right.

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

Human rights in India is an issue complicated by the country's large size and population as well as its diverse culture, despite its status as the world's largest sovereign, secular, socialist democratic republic. The Constitution of India provides for fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. The country also has an independent judiciary as well as bodies to look into issues of human rights. The 2016 report of Human Rights Watch accepts the above-mentioned facilities but goes to state that India has "serious human rights concerns. Civil society groups face harassment and government critics face intimidation and lawsuits. Free speech has come under attack both from the state and by interest groups. Muslim and Christian minorities accuse authorities of not doing enough to protect their rights. The government is yet to repeal laws that grant public officials and security forces impunity from prosecution for abuses.
