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B.A.LL.B. (Hons) Semester Examination 2016-17

Subject: Law

Paper No.: BLBH-311: Interpretation of Statutes

Full Marks: 70

Time: Three Hours

Pass Marks:

Attempt any *Five* Questions. All questions carry equal marks.

1. "Words and phrases are symbols that stimulate mental references to referents". Elucidate the statement with suitable examples.
2. Cardinal rule of interpretation of statutes is to adhere as closely as possible to the literal meaning of the words used. Elaborate.

Under certain legislation "forest produce" is defined to include, timber, charcoal, wood oil. Whether 'sandal wood oil' is a forest produce? Answer with appropriate justification.

3. Referring to case law state the circumstances where parliamentary history of statute may be relevant in interpretation. Can opinion of any member during debate in the House be taken as an aid?
4. Point out the components of Taxing statute.
"There is no equity about Tax". Examine the statement.
5. What do mean by operation of statute? Provisions which touch a right in existence at the passing of statute are not to be applied retrospectively in absence of express enactment or necessary intendment. In the light of aforesaid statement advise to the client who is holding some property prior to the Benami Transaction (Prohibition) Act, 1988, as *benami*.
6. What do you understand by purposive rule of interpretation? Explain the conditions of its application. Distinguish with the golden rule.
7. Elaborate the maxim, *ejusdem generis*.

Certain provision under the Motor Vehicles Act empowers any police officer or other person authorised in this behalf by the government to detain and seize vehicles without registration. Decide whether "other person" shall be construed *ejusdem generis*. Support with sufficient reasoning.

P.T.O.

8. Write short notes on any two of the following:

- a) Importance of Preamble in interpretation
- b) Exclusion of jurisdiction of court
- c) Construction of statutes
- d) Operation of statutes affecting the forum

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B.A. LL.B. (Hons.) SEMESTER V EXAMINATION 2016-17**LAW****BLBH - 312 : Information Technology (IT) offence****Time : Three hours****Max. Marks : 70***(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)*

NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. ALL QUESTIONS CARRY EQUAL MARKS. MARKS ARE INDICATED AGAINST EACH QUESTION.

1. Write short answers on any seven of the following : 2×7=14
 - a) Computer
 - b) Asymmetric crypto system and hash function
 - c) Functional equivalence principle
 - d) Adjudicating Officer
 - e) Controller of Certifying Authorities,
 - f) Electronic signature certificate
 - g) Computer Emergency Response Team
 - h) Cyber squatting
 - i) Protected system
 - j) Electronic evidence

2. a) What is Digital Signature? How Digital Signatures are related to Public Key Cryptography? 7

 b) Jasmine Bank was issued a digital signature certificate by the Institute for Development and Research in Banking Technology (IDRBT) as one of the Certifying Authorities in India. The certificate was obtained by furnishing false information to the Certifying Authority and, hence Jasmine Bank's digital signature certificate was revoked. Thereafter, Jasmine Bank continued to display the certificate and signed e-mails using the digital signature. What offence, if any, has been committed under the Information Technology Act, 2000? 7

3. a) Discuss the Click wrap and Shrink wrap contracts. 7

 b) Explain on the following : 1×7=7
 - i) Attribution of electronic record
 - ii) Acknowledgement of receipt of electronic record
 - iii) Despatch of electronic record
 - iv) Time of receipt of electronic record
 - v) Place of despatch of electronic record
 - vi) Secure electronic record
 - vii) Secure electronic signature

4. What is meant by the term 'Electronic Governance'? Discuss some Electronic Governance initiatives undertaken by various State Governments in India. Also elucidate whether the Information Technology Act, 2000 provides limited Electronic Governance. 14
5. a) Explain cyber contraventions and adjudication process. 7
 b) 'A very thin line demarcated cyber offences from cyber contraventions.' Explain this statement with the help of appropriate provisions from the Information Technology Act, 2000. 7
6. Define Cyber Terrorism. Explain the national and international legal response to curb the menace of cyber terrorism. 14
7. "Although the Information Technology Act, 2000 has adapted the definition of obscenity from the Indian Penal Code, 1860, it would not be easy to implement such provisions judicially as obscenity in electronic form is far more widespread and involves many complexities." Explain. 14
8. Jurisdiction in cyber space is a complex issue and the Information Technology Act, 2000 provides for extra territorial jurisdiction. Is it enforceable? What are the issues involved in cyber jurisdiction? 14
9. Examine on the following :
 a) Liability of intermediary. 7
 b) ICANN's Dispute Resolution Mechanism for Domain Name. 7

B.A. LL.B. (Hons.) SEMESTER V EXAMINATION 2016-17**LAW****BLBH - 313 : Civil Procedure Code and Limitation Act****Time : Three hours****Max. Marks : 70***(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)***NOTE : ANSWER FIVE QUESTIONS. QUESTION NO. 01 IS COMPULSORY. ALL QUESTIONS CARRY EQUAL MARKS.**

1. Explain any seven of the following :
 - a) Judgement.
 - b) Suit expressly barred under section 9 of Civil Procedure Code.
 - c) Cause of action.
 - d) Attachment of pump set of a farmer for execution of decree.
 - e) Removal of next friend.
 - f) Ground of second appeal.
 - g) Ground of review.
 - h) Illness as sufficient cause under Limitation Act.
 - i) Legal disability of one of several person.
 - j) Effect of payment on account of interest on legacy.
2.
 - a) Application of principle of 'Res-judicata' in relation to writ petition.
 - b) Res-judicata between co-defendants.
3. In following cases, which court is competent to try and decide the suit? Give reason of your answer also.
 - a) Suit for recovery of immovable property which partly situated in territory of Varanasi and partly in Bhadohi.
 - b) A resides at Lucknow, B at Allahabad and C at Delhi. A, B & C being together at Varanasi, B & C make a joint promissory note payable on demand and deliver it to 'A'. 'A' want to file a suit for recovery of amount on basis of promissory note.
4. Define 'issue'. Discuss procedure for framing of issues by parties to a suit.
5. Who is an indigent person? When application of a person seeking permission to file a suit as an indigent person may be rejected?
6. Discuss the mode of execution of following decree :
 - a) Decree of restitution of conjugal rights.
 - b) Decree of specific movable property.
7. "Limitation bars the remedy, not right."
Discuss above statement.
8. Write short notes on any two of the following :
 - a) Portion of salary which can not be attached for execution of decree,
 - b) Mesne profit,
 - c) Acknowledgement,
 - d) Suit of civil nature.

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B.A. LL.B. (Hons.) SEMESTER V EXAMINATION 2016-17**LAW****BLBH - 314 : Family Law - I (Hindu Law)****Time : Three hours****Max. Marks : 70****(WRITE YOUR ROLL NO. AT THE TOP IMMEDIATELY ON THE RECEIPT OF THIS QUESTION PAPER)****NOTE : ANSWER ANY FIVE QUESTIONS INCLUDING QUESTION NO. 01, WHICH IS COMPULSORY. ALL QUESTIONS CARRY EQUAL MARKS.**

1.
 - a) What kind of standard of proof is required to prove adultery?
 - b) A Female Hindu died intestate leaving behind her father in law, a step-son, a daughter, father & mother. Assign their shares with regard to her separate property.
2. Define and distinguish between 'void' and 'voidable' marriages under Hindu Marriage Act, 1955.
3.
 - a) 'A' dies intestate in 2013 leaving his wife, mother, two daughters, two sons & his father. Distribute the estate among them.
 - b) Does unchastity disqualify a woman from inheriting property of her deceased husband? What happens if widow remarries?
4. Discuss the constitutionality of 'Restitution of Conjugal Rights' with the help of decided cases.
5. What are the conditions of valid Hindu Marriage? Discuss whether Saptadi is still an essential ceremony?
6. Write short notes on the followings :
 - a) Notional Partition,
 - b) Feigned conversion & its validity.
7. Who are Class I heirs? Explain the rules relating to distribution of property among class I heir.
8. Explain the rules relating to female intestate succession. Whether different rules of succession for females are justified? Support your answer with the help of suitable case laws.

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**B.A. LL.B. (Hons.) (Semester V)
Examination, 2016-17**

Law

Paper : BLBH-315

Public International law

Time : Three Hours

Full Marks : 70

*(Write your Roll No. at the top immediately on the
receipt of this question paper)*

Note: Attempt any **five** questions. **All** questions
carry equal marks.

1. "It has often been said that international law ought to be classified as a breach of ethics rather than of law." Comment. 14
2. Discuss the sources of international law and comment upon the importance of "General Principles of law Recognized by Civilised States" as source of international law. 14

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3. "International law and municipal law are two separate, independent, self-contained and mutually exclusive legal systems." Explain this statement and state the Indian practice with regard to customary international law. 14
4. Discuss the criteria laid down in international law for the recognition of state and recognition of government. Explain India's policy with regard to Israel and China. 14
5. With the help of decided cases, discuss the modes of acquisition of territory in international law. 14
6. Decide the following :
 - (a) "X" an Indian subject published a defamatory statement against a Pakistani citizen. "X" was arrested and parson trial when he visited Pakistan. The Indian government protested the exercise of jurisdiction by a Pakistani Court. 7

- (b) A Chinese ship "X" collided with an Indian ship "Y" on the high seas as a result of which the Indian ship along with all the persons on board sank in the high seas. When the Chinese ship "X" reaches on Indian port, the ship along with its captain are arrested by Indian authorities and the prosecution is instituted. China protects the exercise of jurisdiction by the Indian authorities. 7

7. Discuss the role of arbitration in the pacific settlement of international disputes. Refer is atleast two international awards. 14

8. Write short notes on any **two** of the following :

- (a) Grotian school of international law. 7
(b) Extra territorial asylum to Assange. 7

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(c) Problem of Arylun is Brahmadagh Bugti in
India. 7

(d) Principle of double criminality under
extradition law. 7

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**B.A. LL.B. (Hons.)(Semester V)
Examination, 2016-17**

Law

Paper : BLBH-316

Law of Property

Time : Three Hours

Full Marks : 70

*(Write your Roll No. at the top immediately on the
receipt of this question paper)*

Note: Question No.1 is compulsory. Attempt **five** questions in **all**. Marks are indicated against each question.

1. Write short answers on any seven of the following : 7×2=14
- (a) Standing timber
 - (b) Actual notice
 - (c) Embedded in the earth
 - (d) Spes Successionis
 - (e) A mere right of re-entry for breach of a condition subsequent
 - (f) A mere right to sue
 - (g) Transfer opposed to the nature of the interest affected

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- (h) Persons competent to transfer
 - (i) Oral transfer
2. (a) 'An absolute restraint on alienation is void but a partial restraint is not.' Comment. 10
- (b) A transfers a farm to B for his life with a condition that in case B cuts down a certain tree, the transfer shall cease to have any effect, Is the condition valid. Give reasons. 4
3. (a) Discuss the law relating to transfer of property for the benefit of an unborn person. 6
- (b) A transfers his property to B for his life time and after B's death to C for his life time. Is the transfer to B and C valid ?
- (i) If both B and C were living on the date of the transfer
 - (ii) If C was born after the date of the transfer. 4+4
4. (a) Explain meaning of the expression 'transfer of property' under the Transfer of Property Act, 1882 10.

(b) Are the following transactions 'transfer of property' within the meaning of the Act ?

(i) Family Arrangement

(ii) Surrender of interest in the property

2+2

5. Under the doctrine of Election, a person cannot approbate and reprobate the same transaction i.e. a person taking the benefit of an instrument must also bear the burden. Elucidate.

14

6. (a) Explain the doctrine of "Feeding the grant by Estoppel."

10

(b) 'A' was entitled to only $\frac{1}{3}$ rd share in the property but he mortgaged to 'B' $\frac{1}{2}$ share in the property. Subsequently on the death of his father, 'A' became the owner of $\frac{1}{2}$ share. 'B' knew that 'A' had only $\frac{1}{3}$ rd share. Can 'B' enforce his mortgage against 'A' on the share which 'A' received after his father's death ? Give reasons for your answer.

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- 7.(a) "A person cannot transfer a better title than he himself has". State the exception if any provided to this rule in the Transfer of Property Act. 10
- (b) A husband had entered his land in the revenue record in the name of his wife and then he went away on a pilgrimage. Before his departure, he allowed her to mortgage the land. After his departure, she sold the land and the Vendee paid off the mortgage debt. Can the husband recover the land on his return from the pilgrimage ? Give reasons of your answer. 4
8. "The rule of his pendens is based not on the doctrine of notice, but on expediency i.e., necessity for final adjudication". Discuss this statement and give details of this rule. 14