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Roll No.....

**BL/Sem VI/129**

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

**Law**

**Paper : BLBH-321**

**Administrative 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 and question No.  
**one** is compulsory. **All** the questions carry  
equal marks.

**1. Explain any Seven of the following : 7×2=14**

(a) 'Collectivism'

(b) Destination in 'Rule of Law' and 'Rule  
According to Law'

(c) Procedure for disclosure of third party  
information.

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- (d) Composition and functions of Rajya Sabha Committee on Delegated Legislation.
  - (e) Doctrine of Pleasure
  - (f) Justification of Post-Decisional Hearing.
  - (g) Effect of Non-laying on the validity of Delegated Legislation.
  - (h) Delegates non potest delegare
  - (i) Role of Frank's Committee in regulation of administrative adjudication in England
  - (j) Requirement of Prepublication and Post-Publication in making of delegated legislation.
2. (a) Illustrate that administrative law is not antithesis of Rule of Law. Give reasons. 7
- (b) Discuss the Judicial opinion on the applicability of Separation of Powers in India. 7

3. (a) Discuss the conditions in which the opportunity of legal representation must be given to the party to make his right to defend himself meaningful. 7
- (b) A borough council made a closing order on a house as being unfit for human habitation. The Owner appealed to the Local Government Board, a department of the Central Government. A local public enquiry was held by an inspector. He visited the house but the respondent did not attend the enquiry or tender evidence before the inspector. The Inspector submitted his report to the Board which then rejected the owner's appeal. The owner then challenged the Board's decision on the ground that the Board did not give a fair hearing on his appeal because.



- (i) He was entitled to know which of the Board's official had actually decided the appeal;
- (ii) That he was not allowed to appear before the official who actually decided the matter. Decide the case and cite the relevant Case law in support of your decision. 7

4. (a) With reference to the decision of the Supreme Court of India in *Namit Sharma V. Union of India*, (2013) 10 **see** 359 discuss the qualifications required for a person to be appointed as Chief Information Commissioner or Information commisson. in Central Information commission.

(b) A citizen makes an application to CPIO, Supreme Court of India seeking the information furnished by High Court and

Supreme Court Judges about their assets and held by Chief Justice of India. CPIO, Supreme Court of India denied to disclose the information to the applicant on the ground that this information is held by Chief Justice in his personal capacity and not his official capacity of Chief Justice of India. Decide and give reasons for your decision.

5. What are the permissible limits of delegated legislation in UK, USA and in India ? How far do you think that Indian apex Court preferred to adopt the USA Model of delegated legislation in place of English model. 14

6. Answer the following -  $7 \times 2 = 14$

- (i) What was the scope of writ of Certiorari as laid down in Electricity Commissioner's

Case by Lord Atkin and how far this scope extended by Lord Reid's interpretation about duty to act judicially' in the case of Ridge V. Baldwin.

(ii) With the help of suitable illustrations discuss 'lack of jurisdiction' and 'excess of jurisdiction' as the grounds for writ jurisdiction.

7. A State Government took a policy decision to nationalize certain Bus routes. The Government then appointed an adhoc Committee to work out the details for implementation of policy decision. Secretary of the Govt, Home department was a member of the Committee . Schemes were published under the Motor vehicle Act 1939 by secretary, department of Industry, objection were heard



by secretary home department who was authorised to do so under the rules. The objection was raised on the ground that the Secretary, department of home who had been the member of Adhoe Committe approving the scheme could not be hearing authority. Decide the Case with the help of relevant judicial decisions.

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8. Discuss the following :

5+5+4=14

- (i) Evolution and growth of Administrative Service Tribunals in India.
- (ii) Constitutional Status of Art - 323-A, (2) (d) and, Art 323-B(3)(d) of Indian Constitution
- (iii) Qualifications for a person to be appointed as Chairman and as Vice-chairman of Central Administrative Tribunal - under Administrative Tribunals Act 1985.

**B.A. LL.B. (Hons.) SEMESTER VI EXAMINATION 2016-17****LAW****BLBH - 322 : Law of Property****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.  
MARKS ARE INDICATED AGAINST EACH QUESTION.**

1. Write short answers on any seven of the following : 2×7=14
  - a) What is a contract for sale?
  - b) How can sale of tangible immovable property be made?
  - c) Define Charge.
  - d) Distinguish between a charge and a mortgage.
  - e) Distinguish between a lease and a license.
  - f) Tenancy at will.
  - g) Tenancy at sufferance.
  - h) When a gift may be revoked?
  - i) Universal donee.
  - j) Gift of existing and future property.
  
2.
  - a) Define sale and distinguish it from an exchange. 10
  - b) A transferred a house worth rupees ten lakh to B and B transferred to A a field worth rupees eight lakh and rupees two lakh in cash. Is the transaction a sale or an exchange? 4
  
3.
  - a) State the essentials of a valid lease. 10
  - b) Can a lease of immovable property be made for 999 years? 4
  
4.
  - a) "A mortgage is the transfer of an interest in specific immovable property as security for the payment of a debt." Explain. 4
  - b) Give in brief the various kinds of mortgages and the remedies provided to the mortgagee to get back his money. 10
  
5.
  - a) Elucidate the meaning of "clog on the right of redemption". 10
  - b) There was a stipulation in the mortgage deed that if the mortgage money was not paid within a specified period, the mortgagee would become the absolute owner of the mortgaged property. Would this constitute a clog on the right of redemption? 4
  
6.
  - a) "Subrogation means the substitution of one person in place of another with reference to a certain claim, demand or right." Explain and state what persons are entitled to legal subrogation on redeeming a mortgage. 10
  - b) 'X' mortgages his property to 'A', 'X' then mortgages the same property to 'B', 'C' purchases the equity of redemption from 'X' and pays off 'A'. Is 'C' entitled to be subrogated to the rights of 'A' for claiming priority of payment over the rights of 'B'? 4
  
7.
  - a) Explain onerous gifts as given under the Transfer of Property Act. 10
  - b) Who is a universal donee? 4
  
8. Marcelling settles the rights of competing mortgagees, whereas contribution settles the rights of mortgagors. Elucidate. 14



**B.A.LL.B (Hons.) SEMESTER VI EXAMINATION 2016-17**

**LAW**

**BLBH-323 : Criminal Procedure Code**

**Time: Three Hours**

**Marks : 70**

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

Note: Answer any five questions. Question No. 1 is compulsory. All questions carry equal marks.

1. Define Victims and explain the significance of the proviso made to section 372 cr. p.c., with a particular emphasis on the nature of this right. Whether it must be understood as a natural right, or circumscribed by other provisions contained in the chapter.
2. Discuss the provisions of sections 161 and 162 cr. P.C. and explain the significance of omissions in the 161 statement with a particular emphasis on when an omission can be used for contradiction.
3. Define complaint and explain the procedure for taking cognisance on a complaint. Is inquiry mandatory, when the allegations made out in the complaint disclose an offence, which is exclusively triable by a court of sessions.
4. Discuss the procedure for trial of warrant cases not instituted on the basis of a police report. In what manner the procedure for this trial differs from the procedure for trial of warrant cases instituted on the basis of a police report.
5. (a) "Charge is the foundation of a criminal trial". Explain the meaning of this statement with a particular emphasis on the effect of errors or omissions in the charge.  
(b) Explain the procedure for framing a charge when there is a doubt as to what offence is committed.
6. Define arrest and discuss the provisions of law relating to arrest without warrant.
7. Explain the distinction between ordinary bail and anticipatory bail, and discuss the circumstances according to which release on bail is imperative.
8. Write short notes on any two of the following:
  - (a) Procedure for recording confession
  - (b) Form and content of the charge
  - (c) Cancellation of bail

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**B.A. LL.B. (Hons.) SEMESTER VI EXAMINATION 2016-17**

**LAW**

**BLBH - 324 : Family Law - II (Muslim 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 QUESTION CARRY EQUAL MARKS.**

1. Discuss primary sources of Muslim Law.
2. Marriage among Muslims is not sacrament but is a Civil Contract. Examine. What is the effect of irregular marriage?
3. What rights are available to a Muslim widow for recovery of her unpaid dower (Mahr)? Discuss those rights.
4. Explain Hiba-bil-ewaj and distinguish it with Hiba-ba-shart-ul-ewaj.
5. Discuss limitations on testamentary power of a Muslim under Sunni and Shia Law.
6. Muslim Law recognizes acknowledgment of legitimacy, not legitimation. Explain. What are the conditions for valid acknowledgement?
7. What are essential conditions of a valid talaq under Sunni and Shia Law?
8.
  - a) A Sunni Muslim boy proposes for marriage to a Sunni Muslim girl. The girl accepts this proposal after two hours before two witnesses. Is this marriage valid? Give reasons.
  - b) Explain the effect of the following under Sunni and Shia Law on Washiyat :
    - i) Legatee dies before legator.
    - ii) Legator makes washiyat after taking poison.

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**B.A. LL.B. (Hons.) SEMESTER VI EXAMINATION 2016-17****LAW****BLBH - 325 : Law of Evidence****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. Explain any seven of the following : 7×2=14
  - a) Fact
  - b) Documentary evidence
  - c) Conclusive proof
  - d) Primary evidence
  - e) Direct evidence
  - f) "Proved"
  - g) Meaning of confession
  - h) Relevant fact
  - i) Judgment in rem
  - j) Difference between admissibility and relevancy of fact
2. What are admissions? In what circumstances are they relevant? Discuss.
3. What is dying declaration? Under what circumstances a dying declaration is relevant under Indian law?
4. Whether the following communications are protected from disclosure? Support your answers with reasons.
  - a) A, a client says to B, an attorney - "I have committed forgery and I wish you to defend me."
  - b) A, a client says to B, an attorney - "I wish to obtain possession of property by the use of a forged deed on which I request you to sue."
5. "Oral evidence must, in all cases be direct." Discuss briefly.
6. Discuss the circumstances when secondary evidence relating to document may be given in place of primary evidence.
7. 'The Court must accept or reject the confession as a whole. It cannot accept one part and reject the other.' Critically examine this statement while referring to new trends in this regard.

**P.T.O.**



8. Discuss the principles of law embodied in the following illustrations :

- a) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating or so shortly before or after it as to form part of the transaction, is a relevant fact.
- b) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

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