

Roll No. ...AP5032.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer **ALL** Questions.

1. (a) Critically examine the statement by Austin that "Law is the command of sovereign".
- (b) Discuss the doctrine of 'Res Sub Judice' under Section 10 of Civil Procedure Code, 1908.
- (c) Discuss the test laid down by the Supreme Court of India to determine the entity of "State", whether it is 'instrumentality or agency of State'.
- (d) Swaraj an employer of ABC Company Ltd., appointed Rakesh as an independent contractor. Discuss under what circumstances Swaraj would be liable for the fault of Rakesh.

(5 marks each)

Attempt all parts of either Q. No. 2 or Q. No. 2A

2. (a) Distinguish between 'Ratio Decidendi' and 'Obiter Dicta' in a judgment by a Court.
- (b) Distinguish between 'Admission' and 'Confession' under Indian Evidence Act, 1872.
- (c) Distinguish between 'Damnum Sine Injuria' and 'Injuria Sine Damnum' under the law relating to Torts.
- (d) In exceptional cases, mere 'preparation' to commit an offence is punishable under Indian Penal Code, 1860. Discuss.

(4 marks each)

OR (Alternate question to Q. No. 2)

- 2A. (i) Discuss 'Digital Signature' and 'Electronic Signature' under the Information Technology Act, 2000.
- (ii) Discuss the 'Rule of Strict Liability' under the Law of Torts.
- (iii) Explain the 'Rule of Harmonious Construction' for interpretation under General Clause Act, 1997.
- (iv) "Article 20 of the Constitution of India guarantees protection against self-incrimination". Explain briefly.

(4 marks each)

3. (a) Atul mortgages his house of the value of ₹ 50,000 to Vijay. After some time Vijay buys the house from Atul for ₹ 25,000. Decide the amount on which Vijay has to pay the stamp duty under Indian Stamp Act, 1889.
- (b) What are the restrictions on right to freedom of speech and expression under Article 19 of the Constitution of India ?
- (c) Discuss briefly the grounds for opposing the 'foreign award' made under the Arbitration and Conciliation Act, 1996.
- (d) The 'mens rea' is an essential element to constitute an offence under Indian Penal Code, 1860. Discuss briefly.

(4 marks each)

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4. (a) What is 'documentary evidence' under Indian Evidence Act, 1872 ? Explain briefly.
- (b) Manoj died on 3rd August, 2016 before a right to institute a suit accrued, leaving behind a minor son of the age of 15 years. Decide the time from where the period of limitation shall be calculated under Limitation Act, 1963.
- (c) Explain in brief the 'International Commercial Arbitration' under the Arbitration and Conciliation Act, 1996.
- (d) In a civil case what remedies are available for the defendant against whom an ex-parte decree has been passed by the court ?

(4 marks each)

5. (a) Discuss in brief the provisions for challenging the arbitrator under the Arbitration and Conciliation Act, 1996.
- (b) Discuss 'the procedure established by law' under Article 21 of the Constitution of India with decided case laws.

(8 marks)

(8 marks)

Attempt all parts of either Q. No. 6 or Q. No. 6A

6. (a) Explain in brief 'Principle of Estoppel' under Indian Evidence Act, 1872.
- (b) Define 'Lease' under the Indian Stamp Act, 1889.
- (c) Explain the 'mischief rule' under the Interpretation of Status.
- (d) What remedies can be sought under the Law of Torts ?

(4 marks each)

OR (Alternate question to Q. No. 6)

- 6A. (i) Discuss the liability of Corporate body for data protection under Information Technology Act, 2000.
- (ii) Discuss in brief the composition and the powers of Central Information Commission (CIC) given under the Right to Information Act, 2005.
- (iii) Explain in brief 'Audi Alterum Partem Rule' under the Administrative law.
- (iv) Discuss the summary trial by a Magistrate under the Criminal Procedure Code, 1973.

(4 marks each)

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