

Code—13

LAW

Time Allowed : 3 Hours

Maximum Marks : 150

Note : Attempt any *Five* questions. All questions carry equal marks. Q. No. 1 is compulsory. Answer *two* questions from Part I and *two* questions from Part II. The parts of the same question must be answered together and must not be interposed between answers to other questions.

1. Write critical notes on any *four* of the following with the help of provisions of law and decided cases : (4×7½=30)
- (a) Writ of Habeas Corpus. Whether it can be issued against private person.
- (b) Principles of Natural Justice in the light of provisions of Article 20 of the Constitution.

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- (c) Doctrine of Postliminium and contribution of prize courts.
- (d) "Agreement without consideration is void." Discuss and state various exceptions to this rule.
- (e) Volenti non-fit injuria and scienti non fit injuria.
- (f) Doctrine of Res gestae and principle of alibi.

Part I

2. "Natural corollary of the freedom of minorities to establish and administer educational institutions of their choice is that State shall not place or impose any restrictions. However, under the guise of administration, minority institutions cannot be allowed to fall below the standards of excellence expected of educational institutions." Comment in the light of TMA Pai Foundation Case. (30)
3. "Trade, Commerce and intercourse through out the territory of India shall be free." Discuss and state exceptions to this rule. Whether the State Government can impose compulsory tax like that of toll tax as regulatory measures to maintain roads and bridges ? If so, in which circumstances. Refer to decided cases. (30)

- 4. "Recognition of a new State or Government is precondition claiming that the new State or Government has succeeded to international rights and obligations of the extinct State of the Changed Government." Discuss and distinguish between defacto recognition and dejure recognition. Critically examine various theories of recognition. (30)

Part II

- 5. The Bank of Baroda issued a notification implementing voluntary retirement scheme of its employees and offered for VRS with many benefits including pension and provident fund. Ramesh Chandra, the senior cashier of Bank of Baroda, Delhi offered for VRS. It took four months for the Bank for final approval and payments. Meanwhile Ramesh Chandra after three and half months gave a letter to the Bank withdrawing his offer of VRS. The Bank of Baroda did not accept it. Ramesh Chandra approached to the Court that he had revoked the offer before its acceptance. Decide with the help of recent Supreme Court Decisions.

(30)

6. "The Principle laid down in Reg Vs Govinda regarding distinction between Culpable Homicide not amounting to Murder and Murder has now become outdated. The Supreme Court from time to time laid down many principles to distinguish the killing of a person as murder and a culpable homicide not amounting to murder." Point out the difference between the two with the help of decided cases of the Supreme Court. (30)

7. "The Principle of Vicarious Liability laid down in Kasturi Lal Ralia Ram has gone to sea change and the Supreme Court in N. Nagendara Rao's Case (1994) SC. laid down the new principle abolishing the distinction between Sovereign and Non-Sovereign functions of the State." Discuss State Liability in Tort in the light of latest Supreme Court decisions. (30)