



SB-1331
Third Year LL. B. (Special) (Sem. V) Examination
March / April - 2011
Legal Language, Legal Writing Including
General English

Time : 3 Hours]

[Total Marks : 100

Instructions :

(1)

<p>नीचे दशांशके निशानीवाणी विगतो उत्तरवही पर अवश्य कर्जवी. Fillup strictly the details of signs on your answer book.</p> <p>Name of the Examination : THIRD LL. B. (SPECIAL) (SEM. 5)</p> <p>Name of the Subject : LEGAL LANGUAGE, LEGAL WRITING INCLUDING GENERAL ENGLISH</p> <p>Subject Code No. : 1 3 3 1 Section No. (1, 2,.....) : NIL</p>	<p>Seat No. : <input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/></p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center; width: 100%;">Student's Signature</div>
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- (2) Do not change given question numbers.
- (3) Figures to the right indicate full marks.
- (4) Assume necessary facts for question-6 and question-7.

- 1 Write an essay on any one of the following : 10
 - (i) Rule of Law
 - (ii) Fundamental Duties of Indian citizens
 - (iii) Principles of Natural Justice
 - (iv) Public Interest (Social Action) Litigation.

- 2 Explain fully any three of the following with appropriate illustrations : 14
 - (i) Alimony
 - (ii) Will and codial
 - (iii) Libel and Slander
 - (iv) Power of attorney
 - (v) Coparceners
 - (vi) Obiter Dicta and Ratio Decidendi

- 3 Explain fully any three of the following giving appropriate illustrations : 14
- (i) *Damnum sine injuria, injuria sine damnum.*
 - (ii) *In jure non remota causa, sed proxima spectatur*
 - (iii) *Caveat emptor*
 - (iv) *Actio personalis moritur cum persona*
 - (v) *Sic utere tuo ut alienum non laedas*
 - (vi) *Protectio trahit subjectionem, et subjectio protectionem*
- 4 Read the following passage carefully and answer the questions in your own words : 12
- "There is here a fundamental difference between the civil law and common law systems. A judge acting within the civil law system acts within the written law. In the common law system the judge tries to reason how a principle is applicable and whether it admits of deviation. The most intriguing situation is when the judge finds that no principle so far stated in written law or in the dicta of judges quite fits the case. In legal parlance such a case is described as a case of first impression. After all, society is not static. The pattern of life changes and so do our institutions and understanding of our social order. The law as evolved up to the point of controversy fails to take in the new condition. How must the judge then act ? He cannot wait for these legislatures to apply the missing rule. He must do something on his own. He then examines the area of the law as evolved already and considers the need of the new principle in ethical, political, social and such other aspects. He then considers the nearest principle on which the new development can be engrafted. Even so he cannot go ahead and lay a task for him. He has to follow some accepted canon and his departure must be as little as possible. He must move with what be called the speed of a glacier. Some judges promptly lay down new law on a broad canvass with bold strokes. This is perhaps wrong. The utmost slowness in the evolution of the law must be adopted and the new law must be correlated to the facts of the case. Otherwise the judge would be usurping the functions of the legislature".
- M.C. Chagla "Roses in December".

Questions :

- (i) What according to the author is the fundamental difference between the civil law and common law systems ?
- (ii) What according to the author is the most intriguing situation ?
- (iii) What according to the author is wrong for a judge ?
- (iv) When does a judge usurp the functions of the legislature ?

5 Make a precis of the passage given in question 4, reducing to 1/3rd of its size, in your own words, without losing substance. 10

OR

5 Translate the passage given in question-4, in gujarati or Hindi. 10

6 Draft a sale deed for immovable residential property. 20

OR

6 An unmarried Hindu woman wants to adopt an orphan child. Draft a proper deed of adoption. 20

7 Draft an application seeking ad-interim injunction. 20

OR

7 Draft a criminal complaint in respect of a dishonoured cheque under the relevant provision of the Negotiable Instruments Act. 20
