

Law : Substantive Law

Time allowed: 3 hrs.

Maximum Marks: 200

Note: Candidates should attempt question No. 1 and 2, and any four of the remaining ones. Attempt six questions in all.

Marks carried by each question are indicated at its end.

1. (a) Discuss the scope of power of the President and of the Governor under Articles 72 and 161 respectively relating to grant of pardons, etc., and to suspend, remit or commute sentences in certain cases. (15 marks)
(b) Article 14 of India forbids class legislation, but does not forbid classification. Explain. (10 marks)
(c) What is meant by Proclamation of Emergency? Also discuss the various effects of such proclamation made under Article 352(1). (10 marks)
(d) What is doctrine of colorable legislation? How is it different from pith and substance rule? Support your answer with important cases. (15 marks)

2. (a) Who are the persons governed by Hindu Law? Who are entitled to share a partition in joint Hindu family? Explain divorce by mutual consent under the Hindu Marriage Act, 1955. (15 marks)
(b) What are the essentials of a valid Hindu marriage? (15 marks)

3. (a) Define Talak. Explain various modes of talak in Muslim Law. What are distinctions between Sunni and Shia Law regarding talak? Explain. (10 marks)
(b) Define hazanat. can this right be lost? If so under what circumstances? Explain. (10 marks)
(c) What are the essentials of a valid Hiba under Muslim law discuss the validity of gift in Muslim law. (10 marks)

4. (a) What is conditional transfer? Under what circumstances a conditioner transfer becomes void? Discuss. (15 marks)
(b) Discuss the doctrine of part performance. (15 marks)

5. (a) What are the consequences if a partnership firm is not registered? (15 marks)

(b) What is meant by the implied authority of a partner? what is the extent of the implied authority of a partner? explain with the help of proper illustrations and relevant statutory provisions. (15 marks)

6. (a) When and in which cases principle of vicarious liability can be involved by the plaintiff suing under the law of torts? (15 marks)

(b) What are the principles applicable to determine negligence, if any, on the part of a professional (Doctor, lawyer, chartered accountant) towards his client? (15 marks)

7. (a) What is the importance of ready and willingness to perform inverted comma close in a suit for specific performance question mark what happens when the plaintiff has not averred his readiness and willingness to perform in his pleadings. (15 marks)

(b) To whom and in which conditions court can grant declaratory decree? What is the effect of declaration? (15 marks)

8. (a) When will a licence be deemed to be revoked under the Indian easement Act? What are the licensee's rights on revocation? Discuss. (15 marks)

(b) Define easement. Distinguish it with profit a pendre. Explain it. (15 marks)

9. (a) Define Trust. Discuss the provisions regarding the creation of trust. (15 marks)

(b) Bring out distinction with illustration in any two of the following :- (5 marks each)

(i) Implied and constructive trust

(ii) Executed and Executory trust

(iii) Public trust and private trust

10. Discuss any three :- (5 marks each)

(i) Maintenance of wife in Hindu law

(ii) Maintenance of divorced wife in Muslim law

(iii) Extinction and revocation of trust

(iv) Partnership at will