

LL.B. (Hons.) (Semester – II) Examination, October 2013

LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Instructions: 1) **All questions are compulsory.**2) **Each answer should begin on a fresh page.**3) **Legal documents should have proper spacing.**4) **Mention question numbers correctly.**5) **Figures to the right indicate full marks.**

SECTION – I

1. Discuss **any one** of the following :

9

- a) State of Maharashtra V. Bharat Fakira Dhiwar.
- b) Union of India V. Ratipal Saroj.

2. Give summary of **any one** of the following :

8

- a) M. Gowda V. A. Gowda.
- b) Malan V. State of Bombay.

3. Answer **any four** of the following :

(4×2=8)

- a) What was decision of the court in M.P. Ojha V. State of M.P. ?
- b) Explain the discussion on desertion as brought in Adhyatma Bhattar case.
- c) Discuss the concept of vicarious liability in reference to Headmistress, Govt. High School case.
- d) What are the directions given by the court in M.C. Mehta's case ?
- e) Discuss the test of obscenity as held in Zafar Ahmad Khan's case.

P.T.O.



4. Answer **any four** of the following :

(4×3=12)

- a) Discuss the importance and uses of comparative law.
- b) What are the five functions of the lawyer ?
- c) What is the opinion expressed by Judge Jerome Frank ?
- d) Mention the views of the author in the educating lawyers for the changing world.
- e) Describe the parrot story.

SECTION - II

5. Explain briefly **any six** of the following :

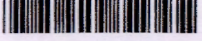
(6×3=18)

- a) Audi alteram partem.
- b) Volenti non fit injuria
- c) Nemo dat quad non habet.
- d) Lex non cogit Ad impossibilia.
- e) Nasciturus projam nato habetur.
- f) Respondent superior.
- g) Ex turpi causa non oritur actio.
- h) Causa proxima et non remota spectatur.
- i) Res ipsa loquitur.
- j) Actio personalis moritur cum persona.

6. Explain **any eight** of the following :

(8×1=8)

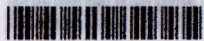
- a) Act of God
- b) In camera
- c) Legislation



- d) Quorum
- e) Divorce
- f) Non Cognizable offence
- g) Res nullis
- h) Treason
- i) Bench
- j) Alien
- k) Bigamy
- l) Due care.

7. Answer the following :

- a) Mr. Satish Kamat has been residing in Vasco since 2007. He wants to obtain Ration Card from the concerned authority. Draft an affidavit for him to obtain Ration Card (add necessary details). **6**
 - b) Mr. Allan Fernandes of Maupsa borrowed a sum of Rs. 50,000/- from Mr. Mahesh Bhosle of Ponda promising to pay it back on 01/01/2013, but he failed to do so. Draft a notice asking Mr. Allan Fernandes to pay the said amount. (add necessary details). **6**
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TNY – 71

LL.B. (Hons.) (Semester – II) Examination, April 2013
LEGAL METHODS

Duration : 3 Hours

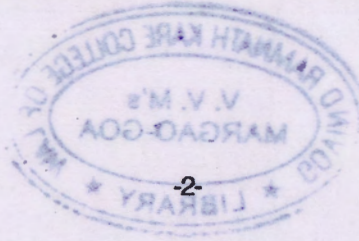
Total Marks : 75

- Instructions :** 1) **All** questions are **compulsory**.
2) **Each** answer should begin on a **fresh** page.
3) Legal documents should have **proper** spacing.
4) Mention question numbers **correctly**.
5) Figures to the **right** indicate **full** marks.

SECTION – I

1. Discuss **any one** of the following : 9
a) Malan v. State of Bombay
b) Adhyatma Bhattar Alwar v. Adhyatma Bhattar Sri Devi.
2. Give summary of **any one** of the following : 8
a) Headmistress Govt. Girls High School v. Mahalakshmi
b) Sajjan Raj Surana v. Jaipur Vidyut Nigam Ltd.
3. Answer **any four** of the following : (4×2=8)
a) Discuss the position of selectee in Union of India v. Rati Pal Saroj.
b) What is the meaning of goods in K.T. Pavunny v. K. T. Mathew ?
c) What was the decision of court in M.C. Mehta v. Union of India ?
d) What court says about de facto guardian in M. Gowda v. A. Gowda ?
e) Discuss the concept of obscenity with respect to Zafar Ahmad Khan's case.
4. Answer **any four** of the following : (4×3=12)
a) Discuss the five functions of the lawyer.
b) Explain the significance of comparative law.

P.T.O.



- c) Describe the parrot story in Havlena's verdict.
- d) Explain the case of Repouille v. United States.
- e) Discuss the views of the author in educating the lawyers for the changing world.

SECTION - II

5. Explain briefly **any six** of the following : **(6×3=18)**
- Nemo tenetur seipsum accusare
 - Lex non cogit ad impossibilia
 - Respondent superior
 - Solus populi suprema lex
 - Actus non facit reum nisi mens sit rea
 - Ubi jus ibi remedium
 - Nemo debet vexari pro uno et eadem causa
 - Delegatus non potest delegare
 - Ignorantia facti excusat ignorantia juris non excusat
 - Volenti non fit injuria.
6. Explain **any eight** of the following : **(8×1=8)**
- Wrong
 - Capital Punishment
 - Homicide
 - Quid pro quo
 - Battery
 - Amicus Curiae
 - Insanity

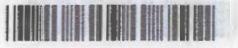


- h) Crime
- i) Cognizable offence
- j) Accomplice
- k) Repeal
- l) Perjury.

7. Answer the following :

- a) Draft an affidavit to be submitted for the purpose of obtaining student visa regarding financial capacity to pursue higher studies abroad. (add necessary details). 6

 - b) Mr. Sarvesh Lotlikar, was a tenant of Mr. Mukund Naik at Caranzlem, Panaji. Mr. Mukund Naik's house has been rented for residential purpose. But Mr. Sarvesh Lotlikar started using the premises for commercial purposes. Draft a notice on behalf of Mr. Mukund Naik asking tenant to vacate the premises. (add necessary details). 6
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TNY – 67

LL.B. (Hons) (Semester – II) Examination, October 2012

LEGAL METHODS

Duration : 3 Hours

Max. Marks : 75

- Instructions:** 1) **All questions are compulsory.**
2) **Each questions should begin in a new page.**

SECTION – I

1. Discuss **any one** of the following : 9
 - a) Headmistress, Govt. Girls High School v. Mahalakshmi.
 - b) M.C. Mehta v. Union of India.
2. Give summary of **any one** of the following : 8
 - a) Adhyatma Bhattar Alwar v. Adhayatma Bhattar Sridevi
 - b) M.P. Ojha v. State of M.P.
3. Answer **any four** of the following : (4×2=8)
 - a) What is the discussion on principles of natural justice in Rati Pal case ?
 - b) Why was accused number 9 in Malan's case convicted of abetment of bigamy ?
 - c) What was the decision of the court in Sajan Raj Surana ?
 - d) What did the court say about fingerprint expert report and time of death as mentioned in post mortem report in Rajesh Chandulal Gandhi ?
 - e) Explain the relevance to the discussion of defacto guardian in Madhewgowda case.
4. Answer briefly **any four** of the following : (4×3=12)
 - a) What is the dissenting opinion expressed by Judge Jerome Frank ?
 - b) What does the author of Educating Lawyers for a changing world say about legal research ?
 - c) Describe the parrot story in Havelena's verdict.
 - d) How does comparative law help in understanding ones own law better as well as those of the others ?
 - e) Explain the five functions of a lawyer.

P.T.O.



SECTION - II

5. Explain briefly **any six** of the following :

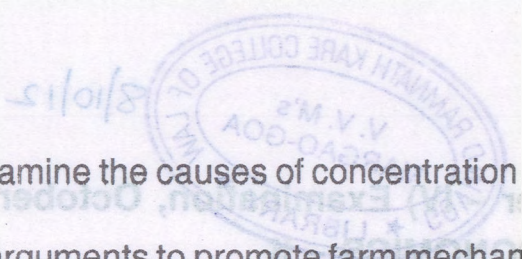
(6x3=18)

- a) De Minimis Non Curat Lex
- b) Ex nudo pacto non oritur actio
- c) Qui facit per alium facit per se
- d) Ubi jus ibi remedium
- e) Novus actus interveniens
- f) Pendente lite nihil innovetur
- g) Ex turpi causa non oritur actio
- h) Delegatus non potest delegare
 - i) Nemo debet esse iudex in propria causa
 - j) Actio personalis moritur cum persona.

6. Explain **any eight** of the following :

(8x1=8)

- a) Accessory
- b) Battery
- c) Consanguinity
- d) Dissolution
- e) Intention
- f) Ultra vires
- g) Quorum
- h) Ratio decidendi
- i) Res Judicata
- j) Wrong
- k) Schedule
- l) Void.



- 9. Critically examine the causes of concentration of economic power. 8
- 10. State your arguments to promote farm mechanisation in India. 8
- 11. Examine the various measures to control price adopted by the government. 8
- 12. State your arguments and make a case for import substitution. 8
- 13. Assess the importance of integrated rural development programme. 8
- 14. Critically examine the merits and demerits of MNC's. 8

SECTION - I

Write short notes on any two :

- a) Causes of population explosion
- b) Dualism as a feature of India's economy
- c) Features of National Income Estimates of India
- d) Sources of Government savings

- 2. Critically examine the issues of Indian economic development.
- 3. Explain the various measures taken by the government to reduce economic inequalities.
- 4. Explain the difficulties in National Income Estimation in India.
- 5. State your arguments for a labour intensive technology for India.
- 6. Critically examine the effects of Deficit Financing.
- 7. Critically assess the role of foreign capital in Economic development.

SECTION - II

Write short notes on any two :

- a) Forms of Foreign capital
- b) Causes of small land holdings
- c) Non-institutional sources of Finance

27/4/12 Friday

TNY - 67

LL.B. (Hons.) (Semester - II) Examination, April 2012
LEGAL METHODS

Duration: 3 Hours

Total Marks: 75

- Instructions :** i) **All questions are compulsory.**
ii) **Each questions should begin in a new page.**

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Raunaq International Ltd. v. I.V.R. Constructions Ltd.
 - b) Delhi Municipal Corporation v. Susheela Devi.
2. Give summary of **any one** of the following : 8
 - a) Union of India v. Bhagwati Prasad.
 - b) Malan v. State of Bombay.
3. Answer **any four** of the following : (4x2=8)
 - a) Explain the position of selectee in Rati Pal Saroj.
 - b) Explain vicarious liability in Headmistress case.
 - c) Why the judge upheld the quantum of harsh punishment in Zafars case inspite of his age ?
 - d) What the court says about de facto guardian Madhewgowda case ?
 - e) What is the meaning of wholly dependent in Ojha's case ?
4. Answer briefly **any four** of the following : (4x3=12)
 - a) What is the opinion expressed by Judge Learned Hand ?
 - b) What are your suggestions for legal education after reading educating lawyers for a changing world ?
 - c) Describe Havelena.
 - d) What is the utility of comparative law studies ?
 - e) What is the role of the lawyers in building public opinion. Cite some examples.



P.T.O.



SECTION - II

5. Explain briefly **any six** of the following : (6×3=18)

- a) Actio Personalis moritur cum persona
- b) Caveat emptor
- c) Lex non cogit ad impossibilia
- d) Nemo temetur scipsum accusare
- e) Res ipsa loquitur
- f) Salus populi suprema lex
- g) Volenti non fit injuria
- h) Nemo debet esse iudex in propria causa
- i) Audi Alteram Partem
- j) Pendente lite nihil innoveture.

6. Explain **any eight** of the following : (8×1=8)

- a) Acquittal
- b) Bigamy
- c) Caveat
- d) Domicile
- e) Legislature
- f) Mortgage
- g) Negotiable Instrument
- h) Plaintiff
- i) Quid Proquo
- j) Remedy
- k) Sentence
- l) Treason.



7. a) Allan Fernandes of Navelim, Margao is a owner of a house situated at Navelim. He rented the same to Mr. Clayton D'Souza, for residential purpose. But Mr. Clayton D'Souza started using the premises for commercial purposes. Draft a notice on behalf of Mr. Allan Fernandes asking Mr. Clayton D'Souza to vacate the premises. (Necessary details may be incorporated).

6

b) Draft an affidavit for Mr. Santosh Amonkar, a resident of mapusa for submission to the Mamlatdar to obtain a residence certificate (Necessary details may be incorporated).

6

B - 17

10/10/11
(Monday)
(Pages : 02)



TNY - 67

[Total No. of Questions : 7]

LL.B. (Hons.) (Semester - II) Examination, October - 2011
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

- Instructions :* 1) *All questions are compulsory.*
2) *Each answer should begin on a fresh page.*

SECTION - I

- Q1)** Discuss any one of the following : [9]
a) Union of India V Rati Pal Saroj
b) Delhi Municipal Corporation V Susheela Devi
- Q2)** Give summary of any one of the following : [8]
a) I.T.C. Ltd. Workers Welfare Association V Management of ITC
b) Zafar Ahmad Khan V State
- Q3)** Answer any four of the following : [4 × 2 = 8]
a) Discuss in course of employment with respect to the Headmistress case.
b) What were the additional facts against accused 3 and accused 9 in Malan's case.
c) Discuss wholly dependent in M.P. Ojha case.
d) Discuss environmental issues involved in M.C. Metha case.
e) Who are the natural guardians of a Hindu Minor as discussed in M. Gowda case?
- Q4)** Answer briefly any four of the following : [4 × 3 = 12]
a) What does the author of Educating Lawyers say about the legal research?
b) Bring out the humour in Havelena's Verdict.
c) Explain the five functions of a lawyer.
d) What is the problem with Repouille's child.
e) What are the uses of Comparative Law?

R.T.O.

SECTION - II

Q5) Explain briefly any six of the following : **[6 × 3 = 18]**

- a) Volenti non fit injuria.
- b) Actus non facit reum nisi mens sit rea.
- c) Ex turpi causa non oritur actio.
- d) Lex non cogit ad impossibilia.
- e) Pendente lit nihil innoveture.
- f) Audi alteram partem.
- g) Causa proxima et non remota spectatur.
- h) De minimis non curat lex.
- i) Delegatus non potest delegare.
- j) Nemo debet esse iudex in propria causa.

Q6) Explain any eight of the following : **[8 × 1 = 8]**

- a) Accessory.
- b) Act of State.
- c) Actus reus.
- d) Battery.
- e) Capital Punishment.
- f) Cohabitation.
- g) Divorce.
- h) Eviction.
- i) Guardian.
- j) Homicide.
- k) Jurisdiction.
- l) Receiver.

Q7) a) Mr. Ram Niwas, an employee of Key Electronic at Mapusa is residing at Duler for the past 6 years. Prepare an affidavit for him adding necessary details. **[6]**

b) Mr. Rajeev Sardessai was a partner in Electronics Ltd, an electronic industry at Verna with Mr. Joseph D'Souza since 1998. He decided to retire from the partnership. Prepare a public notice for Mr. Rajeev Sardessai. **[6]**

G - 520

21 APR 2011

(Pages : 02)



TNY - 67

[Total No. of Questions : 7]

LL.B. (Hons.) (Semester - II) Examination, April/May 2011
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

- Instructions : 1) All questions are compulsory.
2) Each answer should begin on a fresh page.

SECTION - I

- Q1) Discuss any one of the following : [9]
a) Sajjan Raj Suran V Jaipur Vidyut Nigam Ltd.
b) M.P. Ojha V State of M.P.
- Q2) Give summary of any one of the following : [8]
a) State of Maharashtra V Bharat Fakira Dhiwar.
b) M.C. Mehta V Union of India.
- Q3) Answer any four of the following : [4 × 2 = 8]
a) Discuss commercial considerations as discussed in Raunaq case.
b) Discuss abetment of bigamy in Malan's case.
c) Discuss obscenity in public in Zafar Ahmad case.
d) Who are the accused in Rajesh Chandulal case.
e) What was the issues in M. Gowda case.
- Q4) Answer briefly any four of the following : [4 × 3 = 12]
a) How does legal research differ from scientific research?
b) Describe Havelena.
c) Explain the views of the author in The Five Functions of a Lawyer.
d) Explain the case of Repouille.
e) How can comparative studies help one to understand his own law better?

SECTION - II

- Q5) Explain briefly any six of the following : [6 × 3 = 18]
a) De Minimus non curat lex.
b) Delegatus non potest delegare.

P.T.O.

- c) Ex Nudo Pacto non oritur actio
- d) Ex turpi causa non oritur actio
- e) Ignorantia Facit excusat Ignorantia juris non excusat.
- f) Lex non cogit ad impossibilia.
- g) Volenti non fit injuria.
- h) Nemo debet esse judex in propria causa.
- i) Nemo debet vexari pro uno et eadem causa.
- j) Nemo debet quam non habet.

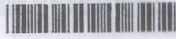
Q6) Explain any eight of the following : [8 × 1 = 8]

- a) Schedule.
- b) Sentence.
- c) Repeal.
- d) Quorum.
- e) Proof.
- f) Punishment.
- g) Penalty.
- h) Ownership.
- i) Oath.
- j) Mens-rea.

Q7) a) Mr. Rajan Naik is residing in the house belonging to Joseph D'Silva. Mr. Joseph D'Silva suddenly died due to heart attack on 17.06.2009. Thereafter his two sons Jorge and John are fighting for the right over the house and Jorge filed a case before the District Court, Panaji claiming that the house is his old property. Prepare an affidavit on behalf of Mr. Rajan Naik to produce before the court stating that he is paying the rent. [6]

b) Mr. Rajeev Rao was the Pigmy Bank Collector of Canara Bank, Panaji. The Manager while certifying the account found that he has failed to account for nearly Rs. 10000/-. Therefore he suspended him from the job immediately. Prepare a public notice on behalf of the Manager to inform the public that Mr. Rajeev Rao is no more an employee of Canara Bank Panaji. [6]

* * *



M/11/2010
(Monday)

TNY - 67

LL.B. (Hons.) (Semester II) Examination, October 2010

LEGAL METHODS

Duration: 3 Hours

Total Marks: 75

- Instructions:** 1) All questions are compulsory.
2) Each answer should begin on a fresh page.

SECTION - I

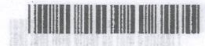
(8=8x1)

1. Discuss **any one** of the following : 9
 - a) Delhi Municipal Corporation V. Susheela Devi.
 - b) Union of India V. Rati Pal Saroj.
2. Give summary of **any one** of the following : 8
 - a) K. T. Pavunny V. K. T. Mathene.
 - b) Headmistress, Govt. Girls High School V. Mahalakshmi.
3. Answer briefly **any four** of the following : (2x4=8)
 - a) Explain the term obscene as discussed in Zafar Ahmad Khan V. State.
 - b) Discuss the issues involved in M. Gowda V. A. Gowda.
 - c) What is discussed on lawyer's profession in Sajjan Raj Surana ?
 - d) Analyse the judgment of the Supreme Court in Bharat Fakira Case. Do you agree with it ?
 - e) Discuss the elements of desertion as discussed in Adhyatma Bhattar Alwar V. Adhyatma Bhattar Sri Devi.
4. Answer briefly **any four** of the following : (3x4=12)
 - a) Describe the Parrot Story in Havlena's Verdict.
 - b) How does legal research differ from scientific research ?
 - c) Explain the five functions of a lawyer.
 - d) What are the views of author in comparative law.
 - e) What is the opinion of Learned Hand in Repouille V. U.S.

SECTION - II

5. Explain in brief **any six** of the following : (3x6=18)
 - a) Actio personalis moritur cum persona
 - b) Audi alterm partem
 - c) Caveat emptor

P.T.O.



- d) Ex turpi causa non oritur actio
- e) Lex non cogit ad impossibilia
- f) Nemo debet esse iudex in propria
- g) Solus populi supreme lex
- h) Nemo tenetur seipsum accusare
- i) Qui facit per alium facit per se
- j) Volenti non fit injuria.

6. Explain **any eight** of the following : (1×8=8)

- a) Accessory
- b) Bailment
- c) Capital punishment
- d) Injunction
- e) Perjury
- f) Quid pro quo
- g) Domicile
- h) Receiver
- i) Alibi
- j) Eviction
- k) Antecedent debt
- l) Treason.

7. a) Mr. Mahesh Kumar, wholesale dealer of textile goods at Mapusa delivered goods worth one lakh rupees to Pascoal Noronha of Panjim, on 04-01-2010. Mr. Pascoal Noronha has not made the payment till today. Draft a notice on behalf of Mr. Mahesh Kumar asking Mr. Pascoal Noronha to make the payment immediately. (Necessary details may be incorporated). 6

b) Mr. Michael Fernandes wants to pursue his Master's Degree in medicine from the university of London. Draft an affidavit showing that he has sufficient source of income in India. Which is required to be submitted to the concerned authority for obtaining Visa. (Necessary details may be incorporated). 6

- a) Actio personalis moritur cum persona
- b) Audi alteram partem
- c) Caveat emptor



TNY - 67

LL.B. (Hons.) Semester - II Examination, April 2010
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Instructions : 1) All questions are compulsory.

2) Each answer should begin on a fresh page.

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Sajjan Raj Surana V. Jaipur Vidyut Nigam Ltd.
 - b) Delhi Municipal Corporation V. Susheela Devi
2. Give summary of **any one** of the following : 8
 - a) Malan V. State of Bombay
 - b) ITC Ltd. Workers Welfare Association V Management of ITC.
3. Answers briefly **any four** of the following : (2×4=8)
 - a) Explain vicarious liability in reference to the case Headmistress, Govt Girls High School V. Mahalakshmi.
 - b) Explain the meaning of word 'goods' in K. T. Pavunny V. K. T. Mathene.
 - c) Discuss the test of obscenity as held in Zafar Ahmad Khan V. State of Bombay.
 - d) How the terms 'Selectee' and 'Probationer' have been distinguished in Union of India V. Rati Pal Saroj.
 - e) Discuss the issue involved in M. Gowda V. A. Gowda.
4. Answer briefly **any four** of the following : (3×4=12)
 - a) What does the author say about legal research in Educating Lawyers for a changing word.

P.T.O.



- b) Explain the five functions of a lawyer.
- c) Describe the parrot story in Havlena's Verdict.
- d) Explain the dissenting opinion of Judge Jerome Frank in Repouille case.
- e) Describe briefly the history of comparative law.

SECTION - II

5. Explain in brief **any six** of the following : (3×6=18)

- a) Actus non facit reum nisi mens sit rea
- b) Causa proxima et non remota spectatur
- c) Delegatus non potest delegare
- d) Ignorantia facit excusat, ignorantia juris non excusat
- e) Nasciturus projam nato habetur
- f) Novus actus interveniens
- g) Nemo det quad non habit
- h) Pendente lit nihil innovature
- i) Ubi jus ibi remedium
- j) Respondent superior.

6. Explain **any eight** of the following : (1×8=8)

- a) Accomplice
- b) Alimony
- c) Bankruptcy
- d) Caveat
- e) Documentary evidence
- f) Negligence



g) Jurisdiction (Hons.) Semester - II Examination, April 2010

h) Homicide

i) Promissory note

j) Quasi judicial

k) Over rule

l) Sentence.

7. a) Mr. Albert Fernandes of Panjim issued a cheque bearing No. 633144 dated 1-3-2010 for Rs. 50,000/- in favour of Mr. Maleolm of Panjim for the goods purchased. The drawee Bank returned the same for the reason 'insufficient funds'. Draft a notice calling upon Mr. Albert to pay the said debt. (Necessary details may be incorporated). 6

b) Mr. Mohan Shrivatsava has been residing in Margao since 2005. He wants to obtain Ration Card from the concerned authority. Draft an Affidavit for him to obtain the Ration Card (Necessary details may be incorporated). 6

3. Answers briefly any four of the following : (2x4=8)

- Explain vicarious liability in reference to the case Headmistress, Gavi Girls High School V. Mahalakshmi.
- Explain the meaning of word 'goods' in K. T. Pavunny V. K. T. Mathene.
- Discuss the test of obscenity as held in Zafar Ahmad Khan V. State of Bombay.
- How the terms 'Selectee' and 'Probationer' have been distinguished in Union of India V. Rati Pal Saroj.
- Discuss the issue involved in M. Gowda V. A. Gowda.

4. Answer briefly any four of the following : (3x4=12)

- What does the author say about legal research in Educating Lawyers for a changing world.

12/10/09

TNY- 67



LL.B (Hons.) (Sem – II) Examination, October 2009
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Section – I and II are Compulsory.

Instructions : 1) *All questions are compulsory.*
2) *Each answer should begin on a fresh page.*

SECTION – I

1. Discuss **any one** of the following : 9
 - a) Sajan Raj Suran V Jaipur Vidyut Nigam Ltd.
 - b) Headmistress, Govt. Girls High School V Mahalakshimi.
2. Give summary of **any one** of the following : 8
 - a) Adhyatma Bhattar Alwar V Adhyatma Bhattar Sri Devi
 - b) M.P. Ojha V State of M.P.
3. Answer briefly **any four** of the following : (2×4=8)
 - a) Discuss various defences put in Rajesh Chandhulal Gandhi.
 - b) Discuss law of trees.
 - c) Discuss wholly dependent.
 - d) Why did the High Court acquit Bharat Fakira ?
 - e) What are the directions given by the court in Mehtha's case ?
4. Answer briefly **any four** of the following : (3×4=12)
 - a) What does the author say about legal research in Educating Lawyers of a Changing World ?

P.T.O.

- b) Bring out the humour in Havelena's Verdict.
- c) Describe some short comings of the courts. What are the remedies for it ?
- d) Explain the judgment of Learned Hand.
- e) Give views of author in Comparative law.

SECTION - II

5. Explain in brief **any six** of the following : (3x6=)
- a) Actus non facit reum nisi mens sit rea.
 - b) Causa proxima et non remota spectatur.
 - c) Caveat Emptor
 - d) De minimis non curat lex.
 - e) Ex nudo pacto non oritur actio
 - f) Ignorantia facit excusat, ignorantia juris not excusat.
 - g) Naciturus projam nato habetur.
 - h) Nemo dat quod non habet.
 - i) Salus pouli suprema lex.
 - j) Ubi Jus ibi remedium.
6. Explain **any eight** of the following : (1x8)
- a) Accomplice.
 - b) Bigamy.
 - c) Caveat.
 - d) Deposition.
 - e) Eviction.

- g) Homicide.
- h) Insanity
- i) Legislature.
- j) Mesne profits.
- k) Negotiable Instrument.
- l) Penalty.

7. a) Mr. Francis D'Souza is a tenant in the house belonging to Mr. Rajan Cuncolienkar at Ponda. Mr. Cuncolienkar expires suddenly leaving behind his two sons Rohan and Rohit. Rohan files a case in the court claiming that the house is his own against his younger brother Rohit. Draft an affidavit on behalf of Francis D'Souza to inform the court that he is lawful tenant in the premises to be submitted to the court. (Assume all other relevant facts and add all the required facts)
- b) Mr. Rakesh Kumar was a door to door pigmy account collector agent for Axis Bank for the State of Goa. He is expected to submit the money collected to the Bank every Saturday. Since he did not deposit the money in the bank for the month of March 2009, the manager of the bank issues him a notice of termination and also a public notice in the newspapers. Draft a public notice for the bank. (Assume all other relevant facts)

(3x4=12)

LL.B. (Hons.) (Semester - II) Examination, April 2009

LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Instructions : 1) Section I and II are compulsory.

2) Each answer should begin on a fresh page.

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Raunaq International Ltd. V I.V.R. Constructions Ltd.
 - b) Delhi Municipal Corporation V Susheela Devi.
2. Give summary of **any one** of the following : 8
 - a) M. Gowda V A. Gowda
 - b) State of Maharashtra V Bharat Fakira Dhiwar.
3. Answer briefly **any four** of the following : (2×4=8)
 - 1) Discuss the position of selectee in Rati Pal Saroj.
 - 2) Discuss in course of employment with respect to the Headmistress case.
 - 3) Explain obscenity in public as discussed in the judgement Zafar Ahmad Khan V State.
 - 4) Discuss abetment of Bigamy with respect to Malan's case.
 - 5) Discuss the elements of desertion.
4. Answer briefly **any four** of the following : (3×4=12)
 - a) How does legal research differ from scientific research ?
 - b) Illustrate several legal terms used in the lesson Havelena's Verdict.
 - c) Explain the views of the author in The Five Functions of a Lawyer.
 - d) What are the views of the author in the lesson Comparative Law ?
 - e) Explain the judgment of Jerome Frank.

P.T.O.

SECTION - II

5. Explain in brief **any six** of the following :

- a) Actio Personalis moritur cum persona.
- b) Audi Alteram Partem
- c) De minimus non curat lex.
- d) Ex Turpi causa non oritur actio
- e) Lex non cogit impossibilia.
- f) Nemo debet esse Judex in propria causa.
- g) Novus Actus Interveniens.
- h) Qui facit per alium facit per se.
- i) Res Ipsa Loquitur
- j) Volenti non fit injuria.

6. Explain **any eight** of the following :

- a) Acquittal
- b) Burden of proof
- c) Cognizable offence
- d) Divorce
- e) Exhibit
- f) Guardian
- g) Injunction
- h) Intention
- i) Locus standi
- j) Mortgage
- k) Oath
- l) Perjury.

7. a) Mr.

an
ho
M

b) M

w

b

M

(3x6)

(1x8)



7. a) Mr. Rakesh Dessai is a businessman doing small retail trade from door to door as an agent of Zero Limited from Bombay. He is residing with his brother in a house at Fatorda. Draft an affidavit for him to obtain a residence certificate from Mamlatdhar. (Assume all other relevant facts and add all the required facts) 6
- b) Mr. Rajan Thomas is a partner in the partnership from Sea Food Exports Ltd. with Mr. Ravi Dessai since April 1993. Mr. Ravi Dessai was running the whole business. Mr. Rajan Thomas merely invested ten lac in the beginning. Since Mr. Ravi Dessai has not paid any profits or submitted accounts from the year 2001, prepare a private notice on behalf of Rajan Thomas (Assume all other relevant facts) 6
-



11/10/08
TNY - 67

LL.B. (Hons.) (Sem. - II) Examination, 2008
LEGAL METHODS

Duration : 3 Hours

Max. Marks : 75

Section I and II are **compulsory**.

- Instructions :**
- 1) **All** questions are **compulsory**.
 - 2) **Each** answer should begin on **a fresh page**.
 - 3) **Legal documents** should have **proper spacing**.
 - 4) **Question number** should mention **correctly**.

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Sajjan Raj Surana v Jaipur Vidyut Nigam Ltd.
 - b) Delhi Municipal Corporation v Susheela Devi.
2. Give summary of **any one** of the following ; 8
 - a) Madhev Gowda v Anke Gowda
 - b) State of Maharashtra v Bharat Fakira Dhiwar
3. Answer briefly **any four** of the following : (2×4=8)
 - a) Explain concept of goods as discussed in K.T. Pavunny v K.T. Mathew.
 - b) Discuss the concept of polluter pay principle and sustainable development as discussed in M.C. Mehta case.
 - c) Explain Abatement as discussed in Malan's case.
 - d) Explain the discussion on desertion as brought out in Adhyatma case.
 - e) What are the facts in Union of India v Rati Pal Saroj.
4. Answer briefly **any four** of the following : (3×4=12)
 - a) What is the opinion of Jerome Frank in Repouille v U.S.
 - b) What are the views of the author in educating lawyers for a changing world ?
 - c) What are the five functions of a lawyer ?
 - d) Discuss Mr. Havlena's verdict.
 - e) What are the uses of comparative law ?

P.T.O.

SECTION - II

5. Explain in brief **any six** of the following :

(3×6=18)

- a) Actio Personalis Mortui Com Persona
- b) Audi Alterem Partem
- c) Caveat Emptor
- d) Delegatus Non Potest Delegare
- e) Exturpi Causa Non Ortur Actio
- f) Lex Non Cogit Ad Impossibilia
- g) Nemo Debet Esse Judex in Propria Causa
- h) Nemo Dat Quod Non Habet
- i) Novus Actus Interveniens
- j) Qui Facit per Alium Facit per Se.

6. Explain **any eight** of the following :

- | | |
|----------------------|-----------------|
| a) Accomplice | b) Acquittal |
| c) Amicus curiae | d) Bailment |
| e) Bench | f) Caveat |
| g) Dying declaration | h) Evidence |
| i) Homicide | j) Injunction |
| k) Intestate | l) Locus Standi |

7. a) Mr. Ramkumar is an employee of Canara Bank resides at Peoples Colony, Ponda. In order to obtain a passport he is required to get a residence certificate. Draft an affidavit for him to submit to the village Panchayat. (Where details are required the same to be incorporated in the answer).

b) Mr. John had employed one Joseph D' Souza to collect subscription for his magazine. Since there were allegations of misappropriation against Joseph, he dismissed him from the job. Draft a public notice for Mr. John. (Where details are required the same to be incorporated in the answer).

(3×6=18)

LL.B. (Hons.) (Semester – II) Examination, April 2008
LEGAL METHODS

Duration: 3 Hours

Max. Marks: 75

Section I and Section II are compulsory.

Instructions: 1) All questions are compulsory.

2) Each answer should begin on a fresh page.

3) Legal documents should have proper spacing.

4) Question number should mention correctly.

SECTION – I

1. Discuss any one of the following :

- a) Headmistress, Govt. Girls High School Vs Mahalkashmi.
- b) M.C. Mehtha Vs Union of India.

2. Summarize any one of the following cases :

- a) Adhyatma B. Alwar Vs Adhyatma B. Sridevi
- b) M.P. Ojha Vs state of Madhya Pradesh.

3. Answer any four of the following questions : (2×4)

- a) What are the various issues raised in Rajesh Chandulal Gandhi Vs State of Gujarat ?
- b) What is discussed on lawyer's profession in Sajjan Raj Surana ?
- c) Explain conciliation proceedings as brought out in I.T.C. Ltd.
- d) State the facts of Zaffer Ahmed Khan.
- e) Explain commercial considerations as discussed in Raunaq case.

4. Answer briefly **any four** of the following :

(3×4)

- a) What is the opinion of Learned Hand in Repouille case ?
- b) Critically evaluate the views of the author in educating lawyers for a changing world.
- c) Explain the qualities of lawyers as a wise counsellor and a skilled advocate.
- d) Discuss the Parrot story in Havlena' verdict.
- e) Trace the history of comparative law.

SECTION – II

5. Explain in brief **any six** of the following :

(3×6=)

- a) Actus Non Facit Reum Nisi Mensit Rea.
- b) Causa Proxima Et Non Remota Spectatur.
- c) De Minimis Non Curat Lex.
- d) Ex Nudo Pacto Non Oritur Actio.
- e) Ignorantia Facit Excusat, ignorantia Juris Non Execusat.
- f) Nasicturus Projam Nato Habetur.
- g) Nemo Debt Vexari Pro Uno Et Eadem Causa.
- h) Nemo Temetur Scipsum Accusare.
- i) Pendente Lite Nihil Innoveture.
- j) Res Ipsa Loquitur.

6. Explain **any eight** of the following :

(8×1=8)

- a) Abandonment
- b) Actus Reus



- x4 c) Adjournment
- d) Alibi
- g e) Bigamy
- f) Cognizable Offence
- g) Domicile
- h) Estoppel
- i) Functous officio
- j) In Camera
- k) Inquest
- l) Locus Standi.

7. a) Mr. Sanford, wants to go abroad for higher education to obtain a visa is required to submit an affidavit showing that he has sufficient sources of income in India. Draft an affidavit for him. (Where details are required the same to be incorporated in the answer). 6

b) Mr. Ramesh Naik had rented out his house at Mapusa to one Mr. Satish Naik for a monthly rent of Rs. 5,000/- on 15th August 2002. Mr. Satish Naik paid rents regularly till 28th Dec. 2007 on which day he died. Draft a Legal Notice on behalf of Mr. Ramesh Naik to the eldest son Mr. Mohan of Satish Naik to pay the arrears of rent and also vacate the house. (Where details are required the same to be incorporated in the answer). 6

LL.B. (Hons.) (Sem - II) Examination, 2007
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Instruction : All questions are compulsory.

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Headmistress, Govt. Girls High School v. Mahalakshmi
 - b) Raunaq International Ltd v I.V.R.

2. Summarize **any one** of the following cases : 8
 - a) Adyatma Bhattar Alwar v Adhyatma Bhattar Sri Devi.
 - b) State of Maharashtra v Bharat Fakira Dhiwar.

3. Answer **any four** of the following questions : (2×4=8)
 - a) Explain the principles of environmental law as discussed in M.C. Mehta's Case.
 - b) Explain the facts against accused in Malan's case.
 - c) Bring out the occupiers liability as discussed in Delhi Municipal Corporation v Susheela Devi.
 - d) Explain settlement brought about in the conciliation proceedings before a conciliating officer as discussed in I.T.C. case.
 - e) What are the facts in Zafar Ahmad Khan case ?

4. Answer briefly **any four** of the following : (3×4=12)
 - a) Describe the views of the author in Educating Lawyers for a Changing World.
 - b) Bring out the humour in Havelena's Verdict.
 - c) What are the five functions of a Lawyer ?
 - d) What are the uses of Comparative Law ?
 - e) What are the views of Learned Hand in Repoille V United States ?

P.T.O.

SECTION – II

5. Explain in brief **any six** of the following :

(3×6)

- a) Actio personalis moritur cum persona.
- b) Causa proxima et non remota spectatur.
- c) De minimis non curat lex.
- d) Ex turpi causa non oritur actio
- e) Nasciturus projam nato habetur.
- f) Nemo debet vexari pro uno et eadem causa.
- g) Novus actus interveniens.
- h) Res Ipsa Loquitur.
- i) Salus populi suprema lex.
- j) Volenti non fit injuria.

6. Explain **any eight** of the following :

- a) Accessory
- b) Bailment
- c) Capital Punishment
- d) Eviction
- e) Inquest
- f) Locus Standi.
- g) Negligence.
- h) Prosecution
- i) Remission
- j) Show cause
- k) Ultra Virus
- l) Will

- 6=1
- 7. a) Draft an affidavit for Mr. Karna Singh, a resident of Ponda for submission to the Mamlatdhar to obtain a resident certificate. (Necessary facts and details should be added). 6

 - b) Mr. George Fernandes rented out his house at Margao to one Mr. Ramesh Naik for a monthly rent of Rs. 3,000 on 21-4-2005. Mr. Ramesh failed to pay the rent from 15 September 2006. Prepare a notice on behalf of Mr. George Fernandes. (Please add the necessary details). 6
-

LL.B (Hons.) (Semester - II) Examination, April 2007
LEGAL METHODS

Duration : 3 Hours

Total Marks : 75

Instruction: All questions are compulsory.

SECTION - I

1. Discuss **any one** of the following : 9
 - a) Malan v State of Bombay.
 - b) Rajesh Chandulal Gandhi v State of Gujarat.
2. Summarize **any one** of the following cases : 8
 - a) Sajjan Raj Surana v Jaipur Vidyut Nigam Ltd.
 - b) M.P. Ojha v State of M.P.
3. Answer **any four** of the following questions : (2×4=8)
 - a) State the facts of Union of India v Bhagwati Prasad.
 - b) Explain vicarious liability in reference to Headmistress, Govt. Girls High School case.
 - c) Explain negligence of Municipal Corporation in the case of compensation filled by Susheela Devi.
 - d) What are the facts in M. Gowda v A. Gowda ?
 - e) Analyze the judgment of the Supreme Court in Bharat Fakira Case. Do you agree with it ?
4. Answer briefly **any four** of the following : (3×4=12)
 - a) Explain the dissenting opinion of Judge Jerome Frank in Repouille case.
 - b) What are the views of the author in Comparative Law ?
 - c) Explain the five functions of a Lawyer.
 - d) How does legal research differ from scientific research ?
 - e) Describe the Parrot story in Havelena's Verdict.

SECTION – II

5. Explain in brief **any six** of the following :

(3×6)

- a) Actus Non Facit Reum Nisi Mens Sit Rea.
- b) Ignorantia Facti Excusat, Ignorantia Juris Non Excusat.
- c) Lex Non Cogit Ad Impossibilia.
- d) Nemo Dat Quod Non Habet.
- e) Pendente Lite Nihil Innoveture.
- f) Nemo Temetur Scipsum Accusare.
- g) Actio Personalis Moritur Cum Persona.
- h) Audi Alteram Partem.
- i) Delegatus Non Potest Delegare.
- j) Nemo Debet Judex In Propria Causa.

6. Explain **any eight** of the following :

- a) Alien
- b) Bigamy
- c) Circumstantial Evidence.
- d) F.I.R.
- e) Guardian
- f) Jurisdiction
- g) Perjury
- h) Quorum
- i) Remedy
- j) Schedule
- k) Testimony
- l) Void.

7. a) Mr. Sailesh Parab along with Mr. Rajesh Roshan were carrying on partnership business to export iron ore from Goa since April 2004. The business was mainly carried on by Mr. Rajesh Roshan. On 15 March 2007, Mr. Sailesh came to know that Rajesh was collecting secret profits from the Korean Company by under quoting the weight. Draft a public notice on behalf of Mr. Sailesh Parab dissolving the partnership. (Please add the necessary details).

b) Mr. George D'Silva while returning from Dubai was carrying with him two brand new lap top computers. He was stopped by the custom authorities on suspicion that the lap tops were being used for commercial purposes. Draft an affidavit on behalf of Mr. George D' Silva to be submitted to the Commissioner of Customs, Mumbai to state that the lap tops were brought for his two sons who were studying engineering in Goa. (Add necessary details).

LL.B. (Hons.) Sem. – II Examination, 2006
LEGAL METHODS

(3x6=)

Duration : 3 Hours

Total Marks : 75

- Instructions:** 1) All questions are compulsory.
2) Drafts of legal documents should have proper spacing.

SECTION – I

1. Discuss any one of the following: 9
 - a) Zafar Ahmed Khan v. State.
 - b) Raunaq International Ltd., v. I.V.R. Construction Ltd.
2. Summarise any one of the following cases: 8
 - a) Municipal Corporation of Delhi v. Sushila Devi.
 - b) M.C. Mehta v. Union of India (AIR 2002 SC 1969)
3. Answer briefly any four of the following questions: (2x4=8)
 - a) Explain how the concept “goods” has been understood in the case of K.T. Pavunny v. K.T. Mathew.
 - b) Analyse the facts of the case in Headmistress, Govt. Girls High School v. Mahalaxmi.
 - c) What were the issues decided in the case of Rajesh Chandulal Gandhi v. State of Gujarat ?
 - d) What is the validity of conciliation proceedings in the case of I.T.C. Ltd., Workers Welfare Association v. Management of I.T.C.
 - e) Discuss the facts of *Union of India v. Rati Pal Saroj*.
4. Give brief answers to any four of the following: (3x4=12)
 - a) What are the five functions of a lawyer ?
 - b) Critically analyse the views of the author of the lesson “Educating lawyers for a changing world”.
 - c) How did Havlena seek to justify the verdict in the case involving the parrot ?
 - d) Briefly discuss the facts of the case *Repouille v. U.S.*
 - e) What are the tasks of comparative law ?

SECTION – II

5. Explain in brief **any six** of the following: (3×6)
- a) Causa proxima non remota spectatur.
 - b) Delegatus non potest delegare.
 - c) De minimis non curat lex.
 - d) Nemo debet iudex in propria causa.
 - e) Actus non facit reum nisi mens sit rea.
 - f) Nemo dat quod non habet.
 - g) Salus poluli suprema lex.
 - h) Volenti non fit injuria.
 - i) Ubi jus ibi remedium.
 - j) Res ipsa loquitur.
6. Explain **any eight** of the following: 8
- a) Prosecution.
 - b) Quasi-judicial.
 - c) Act of god.
 - d) Res Judicata.
 - e) In camera.
 - f) Equity.
 - g) Oath.
 - h) Promissory note.
 - i) Litigation.
 - j) Attachment.
 - k) Bankruptcy.
 - l) Insanity.
7. a) Mr. Ram Lotlikar has lost his LL.B. degree certificate issued by the Goa University. Draft an affidavit in his name with all necessary details, for the purpose of producing before appropriate authorities for the purpose of obtaining a duplicate copy of the said certificate. 6
- b) Mr. Manoj Kumar had lent a sum of Rs. 60,000/- to Mr. Jaya Shankar for the purpose of purchasing a motorbike. Mr. Jaya Shankar had promised to return the said amount within a period of 30 days, however he failed to return the same. Draft the necessary legal notice on behalf of Mr. Manoj Kumar. 6

LL.B. (Hons) (Semester – II) Examination, April 2006
LEGAL METHODS

Duration : 3 Hours

Max. Marks : 75

Instructions : 1) All questions are compulsory.

2) Drafts of legal documents should have proper spacing.

SECTION – I

1. Discuss **any one** of the following :

- a) Headmistress, Govt. Girls High School V. Mahalaxmi
- b) Rajesh Chandulal Gandhi V. State of Gujarat.

9

2. Summarise **any one** of the following cases :

- a) M.P. Ojha V. State of M.P.
- b) Municipal Corporation of Delhi V. Sushila Devi.

8

3. Answer briefly **any four** of the following questions briefly :

(2×4=8)

- a) Outline the considerations of commercial importance dealt with in the case of Raunaq International Ltd. V I.V.R. Construction Ltd.
- b) "K.T.Pavunny V. K.T. Mathew has explained the significance of Sec. 105 of the Trade and Merchandise Act". Discuss.
- c) Discuss the test for "obscenity" as held in Zafar Ahmed Khan V. state.
- d) Explain how "abetment" to bigamy can take place as discussed in Malan V. State of Bombay.
- e) How have the terms "selectee" and "probationer" been distinguished in the case of Union of India V. Rati Pal Saroj ?

4. Give brief answers to **any four** of the following :

(3×4=12)

- a) Explain the opinion of Rene David and John Brierly on codification of law.
- b) Describe the facts of Repouille V. U.S.
- c) What according to Arthur Vanderbilt are the functions of the lawyer ?
- d) How would you describe the character of Havlena ?
- e) Analyse the views of Erwin Griswold in his lesson "Educating lawyers for a changing world".

P.T.O.

SECTION - II

5. Explain in brief **any six** of the following :

- a) Ex nudo pacto non oritur actio
- b) Respondeat superior
- c) Audi alteram partem
- d) Ignorantia facit excusat, ignorantia juris non excusat
- e) Qui facit per alium facit per se
- f) Causa proxima non remota specatur
- g) Delegatus non potest delegare
- h) De minimis non curat lex
- i) Nemo debet iudex in propria causa
- j) Volenti non fit injuria

6. Explain **any eight** of the following :

- a) Adjournment
- b) Circumstantial evidence
- c) Prima facie
- d) Ratio decidendi
- e) Undue influence
- f) Burden of proof
- g) Warrant
- h) Arbitration
- i) Divorce
- j) Eviction
- k) Guardian
- l) Homicide

7. a) Mr. Mohan Naik has lost his ration card. Draft an affidavit in his name with all necessary details, for the purpose of producing before appropriate authorities for the purpose of obtaining a duplicate ration card.
- b) Mrs. Sashikala Prabhudesai had purchased a microwave oven from M/s Talaulikar & Sons, the authorised dealer in Jan. 2005. The said oven was seen to be defective in October 2005 as the food items did not even warm inside it. She has repeatedly approached the dealer but met with non-cooperation and has now approached you to address a legal notice to the dealer to the needful or else face legal action. Draft the said legal notice with all necessary particulars.

LL.B. (Hons) Sem. II Examination October 2005
Legal Methods

Time : 3 Hrs.

Max. Marks

- Instructions : 1) All questions are compulsory
2) Each answer should begin on a fresh page
3) Legal documents should have proper spacing
4) Question number should mention correctly

SECTION - I

- Q.1 Discuss any One of the following . (9)
a) Zafar Ahmad Khan V State
b) Malan V state of Bombay
- Q.2 Give summary of any ONE of the following (8)
a) K. T. Pavny V K.T. Mathew
b) M. Gowda V A. Gowda
- Q.3 Answer briefly any FOUR of the following (2 x 4 = 8)
a) State the right of an employer to withdraw the appointment order.
Will the withdrawal cast a stigma on the prospective employee
[union of India V Rati Pal Saroj]
b) Discuss the vicarious liability principle laid down by the S.C. in Headmistress,
Govt. Girls High School V. Mahalakshmi .
c) Explain the type of settlement and validity of settlement arrived in conciliation proceeding
[I.T. C. Ltd. Workers welfare Association V Management of I.T.C.]
d) Can a lawyer profession be treated as a commercial activity . How both are different.
[Sajjan Raj Surana V Jaipur Vidyut Nigam Ltd.]
e) Examine the importance of F.I.R. in criminal cases.
[Rajesh Chandulal Gandhi V State of Gujarat]
f) How far the husband is entitled to degree for judicial separation on the ground of desertion
[Adhyatma Bhattar Alwar V Adhyatma Bhattar sri Devi]
- Q.4 Answer briefly any FOUR of the following (3 x 4 = 12)
a) What are the functions of a great lawyer .
b) How did Havlena seek to justify the verdict in case involving the parrot.
c) Describe the facts in Reponille V U.S.
d) Discuss the use of compensative law.
e) How is the phrase good moral character is to be explained in law.
f) Discuss the descending opinion in Responille case.

P.T.O.

SECTION - II

Q.5 Explain any EIGHT of the legal terms

(8 x 1 = 8)

- a) Testimony
- b) Resjudicata
- c) Ratio Decidendi
- d) Receiver
- e) Quorum
- f) Quid proquo
- g) Pardon
- h) Plaintiff
- i) Mens rea
- j) Mortgage
- k) Law Report
- l) Locus standi
- m) In camera.

Explain any SIX Legal Maxims :

(6 x 3 = 18)

- a) Volenti non fit injuria
- b) Ubi jus ibi Remedium
- c) Respondent superior
- d) Novus Actus interveniens
- e) Nemo det Quad non Habet
- f) Audi Alterm partem
- g) Cavet emptor
- h) De minimus non curat lex
- i) Lex non coget ad impossibilia
- j) Nasciturus projam nato Habetur .

a) Mr. Ravi kumar, a resident of caranzalem, Goa, Panjim, needs to submit an affidavit to prove his residence for the purpose of obtaining a passport. Draft a necessary affidavit with all necessary details. (7)

b) Mr. Dhpni had lent Rs. 20,000 to Mr. Kartik to buy a Motor Bike, who promised to return the same within 20 days . Kartik failed to return the money . Draft a legal notice on behalf of Mr. Dhoni. (7)

LL.B. (Hon.) (Semester – II) Examination, April 2005
LEGAL METHODS

Duration: 3 Hours

Total Marks: 75

- Instructions:** 1) *All questions are compulsory.*
2) *Each answer should begin on a fresh page.*
3) *Legal documents should have proper spacing.*
4) *Question number should be entered correctly.*

SECTION – I

1. Discuss **any one** of the following: 9
 - a) Union of India V Rati Pal Saroj
 - b) M. P. Ojha V State of M.P.

2. Give the summary of **any one** of the following: 8
 - a) Union of India V Bhagwati Prasad
 - b) Zafar Ahmed Khan V State.

3. Answer briefly **any four** of the following: (2×4=8)
 - a) Discuss the validity of the sale of minor's property by de-facto guardian. Can a minor repudiate transfer on attaining majority ? [M. Gowda V A. Gowda].
 - b) Discuss the admissibility of child witness statement [State of Maharashtra V Bharat Fakira Dhiwar]
 - c) How supreme court judgement helped in controlling air pollution by vehicles in Delhi ?
[M. C. Mehta V Union of India.]
 - d) Explain the type of settlement and validity of settlement arrived in conciliation proceedings [I.T.C. Ltd. Workers Welfare Association V Management, I. T. C].
 - e) How supreme court came to the conclusion that there is no short supply of C.N.G. in the capital ? [M. C. Mehta V Union of India.]
 - f) Can a medical expert opinion be substituted against the statement of eye witness ? [Rajesh Chandulal Gandhi V State of Gujarat.]

4. Answer briefly **any four** of the following: (3×4=12)
 - a) Give an account of Havalena's Verdict.
 - b) How far comparative law can be considered as true law ?
 - c) Explain Parrot's case

- d) Discuss Chief functions of a lawyer.
- e) Explain the dissenting opinion of Repoulle Vs US.
- f) Discuss the need for educating lawyers.

SECTION - II

5. Explain **any 8** of the legal terms (answer **any eight**):

- a) Accomplice
- b) Acquittal
- c) Affidavit
- d) Bail
- e) Bankruptcy
- f) Caveat
- g) Divorce
- h) Dying declaration
- i) Equity
- j) Estoppel
- k) Homicide
- l) In camera

(8×1)

6. Explain **any 6** legal maxims (Answer **any six**):

- a) Volenti non fit injuria
- b) Solus populi supreme lex
- c) Res ipsa Loquitur
- d) Qui facit per alium facitper
- e) No ous Actus intervenious
- f) Nemo det Quad non Habet
- g) Exturpi caus non ortur Actio.
- h) De minimus non curat lex
- i) Ex nudo pacto non oritur actio
- j) Audi Alterm Partem.

(6×3=18)

7. a) Draft an affidavit for Vivek who has been selected for the Indian Civil Services. Affidavit is required as a proof of his residence in Goa for the last 10 years since he was born in Australia to parents who are from Goa. 6
- b) Ravindra had rented his house to one Mr. Sushil Kumar for the purpose of residence. After 6 months it is found that Mr. Sushil Kumar is using the house for his trade. Draft a lawyer's notice for Ravindra giving all the necessary details about the person as well as property. 6

SAM - 130

I.L.B. (Hons.) (Sem. II) Examination, 2003
LEGAL METHODS

Duration : 3 Hours

Total Marks: 75

SECTION - I

1. Discuss any one of the following cases:

- a) Ratipal Saroj Case.
- b) Konkan Railway Corporation Limited.

2. Give the summary of any one of the following cases :

- a) Malan-V- State of Bombay:
- b) Madhegowda Case.

3. Answer briefly any four of the following:

- a) What does the court say about the doctrine of equality in the judgement, Secretary H.S.E.B.-V- Suresh. (2x4=8)
- b) Explain the relevance of section 79 of Indian Penal Code to the case of Raj Kapoor-V-Laxman.
- c) Explain the law of trees as discussed in Delhi Municipal Corporation -V- Sushila Davi Case.
- d) Explain "Wholly dependent" as interpreted in the case of M.P. Ojha Case.
- e) Explain the relevance of section 105 of the Trade and Merchandise Marks Act as discussed in K.T. Parunny-V- K.T. Mathew.
- f) Discuss the cases of vicarious liability as followed in Government Girls School -V- Mahalaxmi.

4. Answer briefly any four of the following:

- a) What are the tasks of comparative law ? (3x4=12)
- b) What are the five functions of a great lawyer ?
- c) Evaluate the legal concepts, principles, phraseology used by the author in the Havlena's verdict ?
- d) What are the views of Erwin Griswold about the law schools ?
- e) Critically discuss the case of Repouille-V- United States.
- f) How can comparative law be used for furthering international understanding ?

P.T.O.

II. Explain, with reference to the context : (any four)

- Reasonable Murder*
- Victimisation of witnesses*
1. "Victimisation is as great in interference with justice when it is done after a witness gets home as before he gets there".
 2. No less important for a lawyer is the cultivation of the imaginative faculties by reading poetry, seeing great painting, in the original or in easily available reproductions and listening to great music".
 3. "Little did the Attorney General at the moment know that, in the ten minutes or quarter of an hour which it had taken to ask these questions, Russell had gained a decisive advantage."
 4. "The murder of constable Gutteridge was an entirely reasonable one; the work, apparently, of an out and out Rationalist".
 5. If witnesses are in this way deterred from coming forward in aid of legal proceedings, it will be impossible that justice can be administered. It would be better that the doors of the courts of justice were at once closed"

III. Read the following passage carefully and answer the questions given below it:

Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the souls of the nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people to the still larger cause and humanity.

At dawn of history India started on her unending quest, and trackless centuries are filled with her striving and grandeur of her success and her failures, through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity; to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept this challenge of the future ?

Freedom and power bring responsibility. That responsibility rests upon this Assembly; a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless the past is over and it is the future that beckons to us now. That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over.

1. What is meant by 'Service of India' according to the author ?
2. What are the responsibilities of freedom and power ?
3. Mention the line that has a direct reference to Mahatma Gandhi.
4. What are the ideals which India cherishes till today?
5. a) Beckons
b) Incessant

(Use in sentences of your own to bring out the meaning)

