

Code—13

LAW

Time : 3 Hours

Maximum Marks : 150

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

1. Write critical notes with the help of decided cases on any *four* of the following : (4×7½ = 30)
 - (a) Freedom of Interstate Trade and fundamental right to carry on any occupation, trade or business.
 - (b) Rule of Pith and substance and doctrine of colourable legislation
 - (c) Asylum to Political offenders and demand of the country for extradition

- (d) Remoteness of damages in the light of Re-Polemis case
- (e) Distinction between criminal breach of trust and criminal misappropriation
- (f) Importance of dying declaration to punish the offender.

Part I

2. The Indian Medical Council Act, 1956 prescribed that in the admission to Postgraduate Courses in Medical Colleges in India, the State Governments can provide reasonable reservation to in service candidates provided they secure 50% marks in the entrance test. The State of Haryana under the State Act reduced the minimum cut off marks from 50% to 33% for in service candidates working in rural area. It was challenged by the candidate of general category on the ground of repugnancy of provision of central law vis-a-vis State Law. Discuss in the light of provisions of the Constitution and decided case of the Supreme Court. (30)

C-04/M-13

2

3. It is the general accusation of academicians and legal luminaries that the Governor of the State as a representative of the Center recommends President Rule under Article 356 of the Constitution at the behest of the Ruling party at the Center on the ground of failure of Constitutional machinery in the State. How far do you agree with this statement? Discuss in the light of the principles laid down by the Supreme Court in S.R. Bommai Vs. Union of India AIR 1994 SC 1918. (30)

4. What are the important peaceful and amicable means and methods of settling international disputes? What is the role of International Court of Justice in this respect? (30)

Part II

5. Discuss the principle of awarding damages in case of breach of contract for the sale and purchase of goods. Whether the security deposited by the defaulting party can be forfeited in case of breach, even if the aggrieved party did not suffer any pecuniary loss. Refer to decided cases. (30)

C-04/M-13

3

P.T.O.

6. In what circumstances the Indian Penal Code imposes joint liability ? "When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone." Elucidate with the help of decided cases. (30)

7. "One must take reasonable care to avoid acts or omissions which one can reasonably foresee would likely to injure the neighbour," Lord Atkin. In the light of this statement explain with the help of decided cases the tort of "negligence". (30)