

LEGAL STUDIES

(Maximum Marks: 70)

(Time allowed: Three hours)

*(Candidates are allowed additional 15 minutes for **only** reading the paper.*

They must NOT start writing during this time.)

*Answer **Question 1** from **Part I** and **five** questions from **Part II**.*

The intended marks for questions or parts of questions are given in brackets [].

PART I (20 Marks)

*Answer **all** questions.*

Question 1

Answer briefly each of the following questions:

[10×2]

- (i) Differentiate between *Judicial* and *Quasi-Judicial Courts*.
- (ii) What are the essentials of a valid will?
- (iii) What is a *Relevant Fact*? How is it different from “*Fact in Issue*”?
- (iv) What is meant by *Mediation*?
- (v) According to the Transfer of Property Act 1882, who can legally transfer a property?
- (vi) Differentiate between *cognizable* and *non-cognizable offense*.
- (vii) Explain the term “Geographical Indication of Goods”.
- (viii) Explain the term “Novelty” in the context of patents.
- (ix) State *any two* rights and *any two* liabilities of a seller.
- (x) With reference to the Competition Act 2002, what is meant by *abuse of Dominance*?

PART II (50 Marks)

Answer any *five* questions.

Question 2

- (a) Differentiate between *Lokayukta* and *Lokpal*. [5]
- (b) Enormous quantities of highly toxic trade effluents emitted by industry “X”, has caused grave damage to the village Z. Effluents have poisoned water, earth and everything that came in contact with it and caused death and disease in the entire village. It led to the collective revolt against the industry because of which the District Magistrate gave an order to close the industry. However, the consequence of the damages caused to the water, earth, cattle, and the plants remained unaddressed. What judicial remedies are available to the villagers? [5]

Question 3

- (a) What is meant by *Arbitration*? What is the procedure followed for administering justice by this mechanism? [5]
- (b) List out the benefits of Alternate Dispute Resolution. [5]

Question 4

- (a) “All that is relevant may not be admissible but all that is admissible has to be relevant” Elaborate the given statement. [5]
- (b) “A” a young girl receives an obscene call on the telephone. She then records the phone call on a tape-recorder in which the caller identifies himself to be “X”. “X” is being tried for making obscene calls to “A”. In the trial, the prosecution wants to give the recorded call as an evidence. Can it be given in evidence? Also, explain the criteria for accepting such evidence. [5]

Question 5

- (a) “Lok Adalats can act as a potent instrument of alternate dispute resolution mechanism in India”. Comment upon the statement. [5]
- (b) Explain the legal maxim “*Injuria Sine Damnum*” with the help of a relevant example. [5]

Question 6

- (a) Explain the structure and hierarchy of Courts in India. [5]
- (b) What has been the position of Courts regarding Article 39A? What does the judgment of M.H. Hoskot v. State of Maharashtra 1979 SCR (1) 192 say about the legal aid services? [5]

Question 7

- (a) What are the essentials of a valid transfer of property? [5]
- (b) Explain the doctrine of *Lis Pendens*. [5]

Question 8

- (a) Explain the Absolute and Relative grounds of refusal under Trade Marks Act. [5]
- (b) Explain the concept of “*Originality*” under the Copyright law. [5]

Question 9

- (a) After hearing a disturbance at a neighbour’s home, Mr. Sharma called the police and reports the disturbance. As Mr. Sharma peers out his window, he saw that his neighbour, Kumar, being escorted to a police car. The police officers took Kumar to the police station for questioning. Kumar cooperated in the investigation and admits that he had hit his wife. The officers then arrested Kumar for domestic violence. Kumar was kept in jail for several days without being produced before the magistrate in the stipulated time. Now Kumar’s brother has approached you for advice. What advise will you give to Kumar to save him from police atrocity and negligence. [5]
- (b) Who all can file an FIR? What is the evidentiary value of an FIR? [5]