

S.Y. L.L.B.
Sem-III

History of Courts.
May-2011-5 years. L.L.B.

VT-Feb-11(Con.)-11

Con. 2250-11.

(REVISED COURSE)

MT-6338

(3 Hours)

[Total Marks : 100

I. Answer the following briefly in not more than two sentences:- 20

- (i) Define the writ of Habeas Corpus.
- (ii) What is the main objective of the Advocates Act, 1961 ?
- (iii) What was the objection taken by Raja Nand Kumar regarding the jurisdiction of the Supreme Court?
- (iv) How can the President of India remove the judges of a High Court?
- (v) What is meant by *Faujdar Adalat* and who were the judges of the Court?
- (vi) What constitutes as professional misconduct under the Bar Council of India Act?
- (vii) Mention the main aim of the Act of Settlement, 1781
- (viii) What is the significance of the law reports ?
- (ix) What does 'equality before law' mean?
- (x) What is the role of the Privy Council?

II. Write short notes on any four of the following:- 20

- a) Principles of natural justice
- b) Independence of judiciary
- c) Codification of Law
- d) Working of supreme Court in Calcutta
- e) Judicial Precedents
- f) Diarchy in India.

III. Attempt any two of the following:- 12

1. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.

- a) Describe the main issue in this case?
- b) What were the effects of the decision held in this case?

[TURN OVER

2. Swarrop Chand was a surety responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
- What was the defence taken by him in the present case?
 - What was the decision taken by the Supreme Court?
3. In the Murshidabad provincial Council Gora Chand Dutt filed a suit against Mirza Jalleel for the recovery of a sum due from him. Mirza claimed that a larger sum was due from Gora Chand Dutt. The council dismissed the action brought by Gora Chand and accepted the counter claim made by Mirza Jalleel. Gora Chand brought a suit in the Supreme Court against Hossiyar, the chief of the Provincial council.
- What are the contentions of Gora Chand Dutt before the Supreme Court?
 - What does the case reveal about the proceedings of the Supreme Court?

IV. Answer any four of the following:-

48

- Explain the functioning of the of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governor in council.
- Describe the salient features of the High Courts under the High Courts Act, 1861.
- Enumerate the different kinds of writs as enshrined under Article 32, and 226 of the Constitution of India. Also describe the principles applied in the adjudication of Writs.
- Explain the provisions of the Advocates Act 1961 with special reference to disciplinary committee and its powers.
- Examine the role of Law Commissions in modern India towards the reformation of law.
- Elucidate the dual system of courts prevalent in India between 1834 to 1861.

13/12/2011

SEM III

History of Courts

2.30 to
5.30

Con. 5421-11.

4th LLB
3rd LLB

(REVISED COURSE)

FR-1123

(3 Hours)

[Total Marks : 100

I. Answer the following briefly in not more than two sentences:- 20

- (i) Mention the three principles on which Dicey's ideas of *rule of law* are based upon?
- (ii) What the basic structure of Judiciary is as introduced in the Government of India Act, 1935?
- (iii) Who is an Advocate?
- (iv) What is the significance of the law reports?
- (v) How can the President of India remove the judges of a High Court?
- (vi) Define the writ of certiorari.
- (vii) Who are the ex-office members of the Bar Council of India?
- (viii) Define Right to Life under Art. 21 of the Indian Constitution.
- (ix) Mention the main aim of the Act of Settlement, 1781
- (x) Why the Supreme Court of India is called the Apex Court?

II. Write short notes on any four of the following:- 20

- (a) Codification of Law
- (b) Principles of natural justice
- (c) Diarchy in India
- (d) Working of the Admiralty Courts
- (e) Objectives of Law Commissions
- (f) Independence of judiciary

III. Attempt any two of the following:- 12

1. Swarrop Chand was a surety responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
 - a. What was the defence taken by him in the present case?
 - b. What was the decision taken by the Supreme Court?
2. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.
 - a. Describe the main issue in this case?
 - b. What were the effects of the decision held in this case?
3. The conflict between the Supreme Council and the Supreme Court reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed it. The Parliament passed the Act of Settlement 1781 on the basis of the detailed report presented by the Committee appointed for this purpose.
 - a. Identify the case and briefly give the facts of the case.
 - b. What was the main conflict and what was the decision taken?

IV. Answer any four of the following:-

- i. Explain the functioning of the of the Mayor` Court with special reference to the conflict between the Mayor`s Court and the Governor in council.
 - ii. Explain the importance of writ jurisdiction under the Constitution of India and describe the principles applied in the Courts for their adjudication.
 - iii. Elucidate the concept of the Rule of Law and its impact on Indian judicial system.
 - iv. Discuss the main features of the Regulating Act of 1773 and its impact on the judiciary in India.
 - v. Explain the provisions of the Advocates Act 1961 with special reference to disciplinary committee and its powers.
 - vi. Critically examine the role of Law Commissions in modern India towards the reformation of law.
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BLS - sem - III

(3 Hours)

[Total Marks : 100]

I. Answer the following briefly in not more than two sentences: 20 marks

1. What was the main objective of the Regulating Act of 1773?
2. What are the uses of codification?
3. Why is the disciplinary Committee set up under Section 35 of the Advocates Act 1961?
4. Name the people who constituted the Corporation and the Mayor's Court under the Charter of 1688?
5. Under which Act was the Federal Court of India established?
6. Which writ is based on the principle Prevention is better than cure?
7. On which theory is the concept of *rule of Law* based on?
8. What was the purpose of appointing the 5th Law Commission of India?
9. What was the objection taken by Raja Nand Kumar regarding the jurisdiction of the Supreme Court?
10. What is the main aim of imparting legal education in India?

II. Write short notes on any four of the following: 20 marks

- a. Principles of natural justice.
- b. Independence of judiciary.
- c. Diarchy in India.
- d. Significance of Privy Council.
- e. Advantages of Law Reporting.
- f. Professional misconduct under the Advocates Act 1961.

III. Attempt any two of the following: 12 marks

1. The Patna Case pointed out that the administration of justice under the charter of 1773 was inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 to remove the evil effects of the Regulating Act.
 - a. What was the main issue or the problem in this case?
 - b. What were the effects of the decision held in this case?

[TURN OVER]

2. In Murshidabad provincial Council, Gora Chand Dutt filed a suit against Mirza Jaleel for the recovery of the sum due from him and Mirza claimed that a larger sum was due from Dutt. The council dismissed the action brought by Gora Chand and accepted the counter claim made by Mirza Jaleel. Gora Chand brought a suit in the Supreme Court against Hossiyar, the chief of the Provincial council.
- What are the contentions of Gora Chand Dutt before the Supreme Court?
 - What does the case reveal about the proceedings of the Supreme Court?
3. The conflict between the Supreme Council and the Supreme Court which began after the regulating Act reached the climax in this case. The Supreme Court claimed its jurisdiction over the whole native population which was strongly opposed by the Supreme Council. The committee presented the detailed report on the conflict between the Supreme Court and the Council. The Parliament passed the Act of Settlement 1781.
- Identify the case and briefly give the facts of the case.
 - What was the main conflict about and what was the decision taken?

IV. Answer any four of the following:

48 marks

- Elucidate the dual system of Courts prevalent in India between 1774 and 1861.
 - Describe the salient features of the Government of India Act 1935 with special reference to the administration of justice.
 - Enumerate the different kinds of writs as enshrined under Article 32, 226 and 227 of the Constitution of India. Also describe the principles applied in the adjudication of Writs.
 - Describe the development of legal profession beginning from the Company Courts to the Advocates Act, 1961.
 - Discuss the working of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governor in Council.
 - Describe the role of Law Commissions in modern India towards the law reforms
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1. Answer the following briefly in not more than **two** sentences :

20

- (a) Name the place and the year when the 1st factory of East India Company was established ?
- (b) Name the courts which constituted the Dual system of courts.
- (c) What are the various organs of the Government under the doctrine of separation of Powers ?
- (d) What is admiralty jurisdiction ?
- (e) Why was the judiciary sub-servient in the administration of justice between 1600 and 1726 ?
- (f) Under the Plan of 1772, which courts existed for administration of justice outside the Presidency Towns ?
- (g) What constitutes a professional misconduct under the Advocates Act, 1961 ?
- (h) What is the importance of Indian Law Reports published by the High Courts ?
- (i) Which writ is based on the principle "Prevention is better than cure" ?
- (j) What is the contribution of the First Law Commission ?

2. Write short notes on any **four** of the following :

20

- (a) Court of Record.
- (b) Role of Law Commission in India.
- (c) Demerits of the Regulating Act, 1773.
- (d) Working of the Mayors Court.
- (e) Separation of Powers.
- (f) Writ Jurisdiction.

3. Attempt any **two** of the following :

12

- (a) The conflict between the Supreme Council and the Supreme Court which began after the Regulating Act reached the climax in this case. The Supreme Court Claimed its jurisdiction over the whole native population which was strongly opposed by the Supreme Council. The Committee presented the detailed report on the conflict between the Supreme Court and the Council. The Parliament passed the Act of settlement, 1781.
 - (i) Identify the case and briefly give the facts.
 - (ii) What was conflict between the Supreme Court and the Supreme Council.
- (b) In the Murshidabad provincial Council Gorachand Dutt filed a suit against Mirza Jalleel for the recovery of a sum due from him. Mirza claimed that a Larger sum was due from Gorachand Dutt. The Council dismissed the action brought by Gorachand Dutt and accepted the Counter-claim made by Mirza Jalleel. Gorachand brought a suit in the Supreme Court against Hossiyar, the chief of the Provisional Council .
 - (i) What are the contentions of Gorachand Dutt before the Supreme Court ?
 - (ii) What does the case reveal about the proceedings of the Supreme Court ?
- (c) The Patna case proved that the administration of justice under the Charter of 1773 was totally inadequate. The case was directly responsible for many provisions of the act of settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.
 - (i) Elucidate the facts of the case.
 - (ii) Describe the effects of the decision held in this case.

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

48

- (a) Explain the functioning of the Crown's Court and the Company's Court and highlight the jurisdictional difference.
- (b) Describe the profession of lawyers during the English rule in India and highlight the efforts to transform this profession to the present times.
- (c) Elucidate the concept of Rule of Law with special reference to post-independence.
- (d) Describe the salient features of the High Courts under the High Courts Act, 1861.
- (e) Explain the provisions of the Advocates Act, 1961 pertaining to the disciplinary action to be taken by the Bar Council of India.
- (f) Describe the role of judicial precedents and Role of Law reporting in the growth of the administration of justice in India.

SUB: History of Courts
SEM: III (SYLLBLS 2-13)

18/04/2013

44 : 1st half.13-AM(h)

on. 2302-13.

NG-7387

(3 Hours)

[Total Marks : 100

1. Answer the following briefly in **not more than two** sentences :— 20
 - (a) Name the people who constituted the Corporation and the Mayor's Court under Charter of 1688 ?
 - (b) What was the jurisdiction of the Court of Request ?
 - (c) What are the Principles of Natural justice ?
 - (d) Name the basic essentials of Dicey's Rule of Law.
 - (e) Why is the Disciplinary Committee set up under Section 35 of the Advocates Act, 1961 ?
 - (f) What is the role of Privy Council ?
 - (g) What is habeas corpus ? Define it.
 - (h) What is the basic purpose of Codification ?
 - (i) What is the doctrine of 'Stare Decisis' ?
 - (j) What was the objection taken by Raja Nandkumar regarding jurisdiction of Supreme Court.

2. Write short notes on any **four** of the following :— 20
 - (a) Government of India Act, 1935
 - (b) Suppression of Powers before 1861
 - (c) Working of Supreme Court in Calcutta
 - (d) Importance of English Law in India
 - (e) Role of Law Commission
 - (f) Judicial Precedents.

3. Attempt any **two** of the following :— 12
 - (a) The Revenue Council of Calcutta issued a writ for Kamaluddin's committal without bail. Kamaluddin obtained the writ of Habeas Corpus to set him free on bail. The Supreme Court granted the bail and held that the returns submitted by the Council was defective.
 - (i) State the facts of the case.
 - (ii) What was the effect of this defective provision on the Governor General and his Council.

 - (b) Radha Charan Mitra was a Vakil of Nawab-Mubarak-ud-daulah. A case of conspiracy was instituted by the Governor General Warren Hastings against Radha Charan Mitra. On behalf of the Council a letter was written highlighting that representatives of native princess were entitled to immunities and was presented to the Supreme Court.
 - (i) What was the effect of the English Law being introduced in India ?
 - (ii) What was the main issue of conflict about ?

[TURN OVER

(c) The Patna case pointed out that the administration of justice under the Charter of 1773 was inadequate. This case was directly responsible for many provisions of the Act of settlement, 1781 to remove the evil effects of the Regulating Act.

(i) What was the main issue on the problem in this case ?

(ii) What were the effects of the decision held in this case ?

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

48

(a) Discuss the main features of the Regulating Act of 1773 and highlight the role of Supreme Court under the Charter of 1774.

(b) Elucidate the concept of Rule of Law and its impact on Indian legal system.

(c) Discuss the working of the Mayor's Court and explain the conflict between the Mayor's Court and the Governor-in-Council.

(d) Explain the writ jurisdiction under the Constitution of India highlighting each one of them.

(e) Explain the objectives of the Advocates Act, 1961 and explain how the Act, brought about a change in the profession of Law.

(f) Describe the development of legal profession beginning from the arrival of East India Company to the present times.

(3 Hours)

[Total Marks : 100

I. Answer the following briefly in not more than two sentences:-

20

- (i) Name the Apex Court in India and mention the position it holds in the Indian judiciary.
- (ii) What is the basic structure of Judiciary as introduced in the Government of India Act, 1935?
- (iii) Who is an Advocate under the Advocates Act 1961?
- (iv) What is the significance of the law reports?
- (v) How can the President of India remove the judges of a High Court?
- (vi) Define the writ of Certiorari.
- (vii) Who are the ex-office members of the Bar Council of India?
- (viii) Define Right to Life under Art. 21 of the Indian Constitution.
- (ix) Mention the main aim of the Act of Settlement, 1781
- (x) Explain "Lex Loci"?

II. Write short notes on any four of the following:-

20

- (a) Codification of Law
- (b) Principles of natural justice
- (c) Dicey's Principles of Law.
- (d) Working of the Admiralty Courts
- (e) Objectives of Law Commissions
- (f) Independence of judiciary

III. Attempt any two of the following:-

12

1. Swarrop Chand was a surety responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.

- a. What was the defence taken by him in the present case?
- b. What was the decision taken by the Supreme Court?

[TURN OVER

2. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.

- a. Describe the main issue in this case?
- b. What were the effects of the decision held in this case?

3. The conflict between the Supreme Council and the Supreme Court reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed it. The Parliament passed the Act of Settlement 1781 on the basis of the detailed report presented by the Committee appointed for this purpose.

- a. Identify the case and briefly give the facts of the case.
- b. What was the main conflict and what was the decision taken?

IV. Answer any four of the following:-

48

- i. Explain the functioning of the of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governor in Council.
 - ii. Explain the importance of writ jurisdiction under the Constitution of India and describe the principles applied in the Courts for their adjudication.
 - iii. Elucidate the concept of the Rule of Law and its impact on Indian judicial system.
 - iv. Explain the Dual system of Courts prevalent in India between 1834 and 1861.
 - v. Explain the provisions of the Advocates Act 1961 with special reference to disciplinary committee and its powers.
 - vi. Critically examine the role of Law Commissions in modern India towards the reformation of law.
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(REVISED COURSE)

QP Code : CY-2331

(3 Hours)

[Total Marks : 100

I. Answer the following briefly in not more than two sentences: - 20

- (i) What is the purpose of the independence of judiciary?
- (ii) What principles were applied to settle the cases at the Mayor's Court?
- (iii) Give any two conditions for a person to be admitted as an Advocate on State roll?
- (iv) Which writ is based on the popular saying Prevention is better than cure?
- (v) State the objects of the Indian High Courts Act of 1861.
- (vi) What is diarchy?
- (vii) Mention the theory on which the concept of Rule of Law is based.
- (viii) Who is empowered by law to punish the Advocates for misconduct?
- (ix) What are the essentials of good codification?
- (x) Who was the first Chief Justice of the Supreme Court established in 1774 and what were the main highlights of the Court?

II. Write short notes on any four of the following: - 20

- (a) Principles of Natural justice.
- (b) Objects of legal Education in India
- (c) Court of Records
- (d) Federal Court under the Government of India Act 1935
- (e) Separation of Power
- (f) Advantages of Law reporting

III. Attempt any two of the following:- 12

1. Gora Chand Dutt filed a suit against Mirza Jalleel in Murshidabad provincial Council for the recovery of a sum due from him. Mirza instead claimed that a larger sum was due from Dutt. The council dismissed the action brought by Gora Chand and accepted the counter claim made by Mirza Jalleel. Gora Chand brought a suit in the Supreme Court against the chief of the Provincial council.

- a. What are the contentions of Gora Chand Dutt before the Supreme Court?
- b. What do these proceedings reveal of the attitude of the Supreme Court?

[TURN OVER

2. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.

- a. Describe the main issue in this case?
- b. What were the effects of the decision held in this case?

3. The conflict between the Supreme Council and the Supreme Court reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed it. The Parliament passed the Act of Settlement 1781 on the basis of the detailed report presented by the Committee appointed for this purpose.

- a. Identify the case and briefly give the facts of the case.
- b. Describe if the decision taken by the Supreme Court is fair?

IV. Answer any four of the following: -

48

1. Elucidate the main features of the Regulating Act of 1773 and explain if it had any impact on the judiciary in India.
2. Describe the concept of Rule of Law and its impact on the Indian laws.
3. Give the objectives of the Advocates Act 1961 and explain how the Act brought about a change in the profession of lawyers.
4. Explain the salient features of the High Courts established under the Indian High Courts Act of 1861 and compare it to the High Courts of India established after 1950.
5. Describe the role of Law Commissions in modern India towards the law reforms.
6. Enumerate the different kinds of writs as enshrined under the Constitution of India and also describe the principles applicable in the adjudication of these writs.

QP Code : 17736

(2 ½ Hours)

[Total Marks : 60]

- N.B. : (1) All question are compulsory
(2) Figures to right indicate full marks.

1. Answer the following in not more than two sentences.

- (1) What are the principles of natural justice?
- (2) What is the significance of Indian law Reports Act, 1875?
- (3) How are the judges of the High Court appointed?
- (4) What was the jurisdiction of the Mayor's Court in the Presidency Trums?
- (5) Who are the legal advisors to the Govt. Of India?
- (6) Who was the Governor-General who over hauled the entire Adalat System by imposing 2 conditions in 1787?
- (7) Conditions for disqualification of the Advocates enrollment under the Advocate's Act, 1961.
- (8) Why is condification essential?
- (9) Mention the main airm of the Act of Settlement 1781.
- (10) Which are the courts which have powers to issue Writs?

20

2. Write short Notes (any 4)

- (a) Functions of the Bar council
- (b) Working of the Mayor's Court
- (c) Diarchy in India
- (d) Independence of judiciary
- (e) Seperation of powers
- (f) Writ of Habeaus Corpus

20

3. Attempt any two of the following:-

(1) In Munshidabad prouncial Council Gora chand Dutt filed a suit against Mirza Jaleel for the recovery of the sum due from him and Mirza claimed that a larger sum was due from Dutt. The Council dismissed the action brought by Gora Chand and accepted the Counter claim made by Mirza Jaleel. Gora Chand brought a suit in the Supreme Court against Horsiya the Chief of the Prouncial Council.

12

(1) What were the contentions of Gora Chand, Dutt before the Supreme Court.
(2) What does the case reveal about the proceedings of the Supreme court.
(2) The Revenue Council of calcutta issued a writ for Kamaluddin Committal without bail. Kamaluddin obtained the writ of Habeams Corpus and set himself free. the supreme court granted the writ through the bail and held that the facts submitted by the council was defective.

(1) Mention the facts of the case.

(2) Describe the effect of the judgement on the governor-General and council.

CX-Con. 10445-14. TURN OVER

QP Code : 17736

2

(3) The trial of Raja Nand kumar was the first decisive event which led to the growing bitterness between the Supreme Court and Supreme Council. The judges insisted on the independence of judiciary in the face of growing interference form the Council.

- (1) Describe the facts of the case and its issues.
- (2) Explain the main conflict between the Supreme Court and the Supreme Council

(4) Answer any four of the following:-

48

- (1) Describe the need for the advocates Act of 1961. Highlight the role of Bar Council of India in improving the legal profession?
- (2) Enumerate the different kinds of writs as enshrined under Art. 32, 226 and 227 of the Constitution of India Also describe the principles applied in the adjudication of writs.
- (3) Explain the conflicts arising out of the Dual judicial system before 1861?
- (4) Explain the high courts and its jurisdictions after independence as enumerated under the Constitution of India?
- (5) Critically examine the role of Law Commission in recent times towards the reformation of Laws.
- (6) Explain the functioning of the Mayor's Court with Special reference to the conflict between the mayer's court and the Governor -in- Council.

CX-Con. 10445-14.

QP Code : 13059

(3 Hours)

[Total Marks : 100

- N. B. : (1) All questions are compulsory.
(2) Figures to the right indicate full marks.

1. Answer the following is not more than two sentences :- 20
- Mention the significance of Law Commission of India.
 - What was the controversy regarding the Trial of Raja Nand Kumar?
 - What kind of conflicts arose in the judiciary in the presidency towns in 1726?
 - What is dyarchy?
 - What is Faujdari Adalats and who were the judges in that court?
 - What was the objectives of the Choultry Court?
 - Mention the principles on which Dicey's ideas of the rule of law are based upon.
 - Define the writ of Mandamus.
 - What was the reason for enactment of the Advocates' Act 1961?
 - What are the powers of the Admiralty Courts?
2. Write short notes on any four of the following :- 20
- Working of the Supreme Court in Calcutta.
 - Advantages of Law Reporting.
 - Objectives of Legal Education in India.
 - Federal Court under the Government of India Act 1935.
 - Justice, equity and good conscience.
 - Judicial Precedents.
3. Attempt any two of the following :- 12
- Radhacharan Mitra who was the vakil of Nawab Mubarak-ud-Daula was one of the accused in a case of conspiracy which was instituted by the Governor General Warren Hastings. On behalf of the council, a letter was sent to the judges of the Supreme Court, mentioning the immunities which could be allowed to the representatives of the native princes.
 - Explain the facts of the case.
 - What was the effect of the decision of the Supreme Court on this case?

[TURN OVER

- (b) The conflict between the Supreme Council and the Supreme Court reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed it. The Parliament passed the Act of Settlement, 1781 on the basis of the detailed report presented by the committee appointed for this purpose.
- Identify the above case and explain briefly the facts.
 - Explain the conflict which arose in this case and explain the decision made.
- (c) Swaroop Chand was a surety responsible for the payment of revenue of the East India Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
- Explain the defence which Swaroop Chand took in this case.
 - Explain the Supreme Court's decision.

4. Answer in detail any four of the following:-

48

- Discuss the writ jurisdiction under the Constitution of India and elucidate the same in detail.
 - Describe the development of legal profession beginning from the Company Courts to the Advocates Act, 1961.
 - Discuss the functioning of the Mayor's Court and explain its significance with respect to the Company Courts.
 - Explain the concept of rule of law and its impact on Indian laws.
 - Describe the importance of the Indian High Courts Act of 1961 and discuss the provisions of the same.
 - Discuss the main features of the Regulating Act of 1773 and the functioning of the Supreme Court established in 1774.
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QP Code : 23631

(3 Hours)

[Total Marks : 100

1. Answer the following briefly in not more than two sentences. 20
- What was the main objectives of the independence of judiciary?
 - What is essential for proper administration of justice in any country?
 - When and how did the Apex Court of India come into existence?
 - On what basis did the Mayor's Court decide the cases?
 - What constitutes the dual system of Courts?
 - Who are the legal Advisors to the Government of India?
 - Who is empowered to punish the advocates for mis-conduct?
 - What is the doctrine of "Stare Decisis."
 - Define precedent?
 - What are the advantages of law reporting?
2. Write short Notes on **Any Four** of the following: 20
- Role of Law Commission.
 - Importance of Privy Council.
 - Seperation of Powers.
 - Working of the Supreme Court in Calcutta.
 - Principles of natural Justice.
 - Working of Admiralty Courts in 1686.
3. Attempt **any two** of the following: 12
- In Murshidabad Provincial Council, Gora Chand Dutt filed a suit against Mirza Jalleel for the recovery of the sum due from him and Mirza claimed that a large sum was due from Dutt. The Council dismissed the action brought by Gora Chand and accepted the counter claims made by Mirza Jalleel. Gora Chand brought a suit in the Supreme Court against Hossiyar, the chief of the Provincial Council.
 - What was the contention made by Gora Chand before the Supreme Court?
 - What does this case reveal about the proceedings of the Supreme Court?
 - The conflict between the Supreme Council and the Supreme Court reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed

[TURN OVER

it. The Parliament passed the Act of Settlement in 1781 on the basis of the detailed report presented by the committee appointed for the purpose.

- i) Identify the case and describe the facts briefly?
- ii) What was the main conflict about and what was the decision taken?

(c) Shahbaz Khan did not have a male issue/heir when he died in 1776. His nephew Bahadur Beg came into conflict with Shahbaz Khan's wife Nadirah Begam and approached the Provincial Council.

- i) What was the main issue in this case?
- ii) What does the case depict and explain its significance.

4. Attempt **any four** of the following.

48

- a) Explain the dual judicial system of Courts which were prevalent in India between 1834 to 1861.
 - b) Explain the different kinds of Writs as enshrined under Article 226, 227 and 32 of the Constitution of India. Also describe the principles applied in the adjudication of the writs.
 - c) Discuss the working of the Mayor's Court with special reference of the conflict between the Mayor's Court and the Governor-in-Council.
 - d) State the importance of the Indian High Courts Act of 1861 and discuss the provisions of the same?
 - e) Explain the concept of Rule of Law and highlight its functioning in India after independence?
 - f) Explain the growth of legal profession in India with special reference to the provisions of the Indian Advocates Act, 1961.
-

BLS sem III

[Time: 3 Hours]

[Marks: 100]

Please check whether you have got the right question paper.

- N.B:**
- 1) All Questions are compulsory.
 - 2) Answer the following questions in not more than two sentences.

- Q.1** 1) According to the doctrine of the separation of powers, what are the three main organs of the government? 20
- 2) What constitutes the dual system of courts?
 - 3) What is the main object of the law commission?
 - 4) What is the significance of the law reports?
 - 5) Which are the courts that have the powers to issue writs?
 - 6) What was the main outcome of the Indian Law Reports Act of 1875?
 - 7) Mention the main aim of the Act of settlement 1781.
 - 8) What was the main objective of the Regulating Act of 1773?
 - 9) What is the main purpose of the writ of Habeas Corpus?
 - 10) What was the objection taken by Raja Nand Kumar regarding the jurisdiction of the Supreme Court?

- Q.2** Write short notes on any four of the following 20
- a) Independence of judiciary
 - b) Diarchy in India
 - c) Separation of Powers
 - d) Court of Record
 - e) Writ jurisdiction in India
 - f) Working of Supreme Court at Calcutta

- Q.3** Attempt any two of the following 12
1. In Murshidabad Provincial council Gora Chand Dutt filed a suit against Mirza Jaleel for the recovery of the sum due from him and Mirza claimed that a larger sum was due from Dutt. The council dismissed the action brought by Gora Chand and accepted the counter claim made by Mirza Jaleel. Gora Chand brought a suit in the Supreme Court against Hossiyar the chief of the Provincial Council.
- a) What are the contentions of Gora Chand Dutt before the Supreme Court?
 - b) What does the case reveal about the proceedings of the Supreme Court?

III nos 2 19

2. Radha Charan Mitra was a vakil of the Nawab Mubarak-ud-daula against whom a case of conspiracy was instituted by Warrens Hastings. On behalf of the council a letter was written to the Judge of the Supreme Court regarding immunities allowed to the representatives of the native princes.
 - a) Elucidate the facts of the above case.
 - b) Describe the conflict of laws involved and also mention the decision of the Supreme Court.
3. The Patna case pointed out that the administration of justice under the charter of 1773 was inadequate. This case was directly responsible for many provision of the Act of settlement 1781 to remove the evil effects of the Regulating Act.
 - a) What was the main issue or the problem in this case?
 - b) What were the effects of the decision held in this case?

Q.4 Answer any four of the following

- a. State the importance of the Indian High Courts Act of 1861 and discuss the provisions of the same.
- b. What are codifications? What is the role of Law Commission in India in judicial process?
- c. Discuss the Writ Jurisdiction under the constitution of India and elucidate the same in detail.
- d. Explain the provisions of the Advocate Act 1961 with special reference to disciplinary committee and its powers.
- e. Elucidate the dual system of court prevalent in Indian between 1834 to 1861
- f. Disuses the working of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governors - in - Council.

[वेळ: ३ तास]

[गुण: १०]

सूचना : 1. सभी प्रश्न अनिवार्य हैं

- प्र. १ खालील प्रश्नांची प्रत्येकी दोन वाक्यात उत्तरे लिहा.
- अ सत्तेच्या विभाजनाच्या सिद्धांतानुसार सरकारचे तीन मुख्य घटक कोणते?
- ब दुहेरी न्यायालयाची संरचना स्पष्ट करा?
- क विधी आयोगाचा मुख्य उद्देश लिहा?
- ड कायद्याच्या अहवालाचे महत्त्व सांगा ?
- इ देशातील कोणकोणत्या न्यायालयाला लेखी आदेश (writs) जारी करण्याचे अधिकार आहेत?
- फ १८७५ च्या भारतीय अहवाल कायद्याचा मुख्य परिणाम लिहा?
- ल १७८१ च्या सेटलमेंट कायद्याचा मुख्य उद्देश लिहा?
- य १७७३ च्या रेग्युलेटिंग कायद्याचा मुख्य उद्देश लिहा?
- र हिबियस कॉर्पस लेखी आदेशाचे मुख्य कारण कोणते?
- ल राजा नंदकुमारने कलकत्ता येथील सर्वोच्च न्यायालयाच्या अधिकार क्षेत्रा बद्दल कोणता आक्षेप घेतला होता?

- प्र. २ संक्षिप्त टीपा लिहा:- (कोणतेही चार)
- अ न्यायालयाची स्वतंत्रता.
- ब भारतातील विद्दल राज्यपद्धती.
- क सत्तेचे विभाजन.
- ड कोर्ट ऑफ रेकार्ड.
- इ अध्यादेशाचे अधिकार (Writ jurisdiction).
- फ कलकत्ता येथील सर्वोच्च न्यायालयाची कार्यपद्धती.

- प्र. ३ कोणत्याही दोन प्रश्नांची उत्तरे कारणासहित लिहा.
१. मुर्शिदाबाद प्रांतीय मंडळात काही रकमेच्या वसुलीसाठी गोरचंद दत्तने मिर्जा जालीलच्या विरोधात दावा दाखल केला. मिर्जा जालीलने उलटपक्षी दावा केला की, नमूद केलेल्या रकमे पैशा मोठी रक्कम गोरचंद दत्तकडून येणे लागते. प्रांतील मंडळाने गोरचंद दत्तचा दावा फेटाळला आणि मिर्जा जालीलचा प्रतिदावा स्वीकारला, यानंतर गोरचंद दत्तने सर्वोच्च न्यायालयात प्रांतीय मंडळाचे प्रमुख होसिसयार विरोधात दावा दाखल केला.
- अ) सर्वोच्च न्यायालयासमोर गोरचंद दत्तचे काय म्हणणे होते?
- ब) हा खटला सर्वोच्च न्यायालय व सर्वोच्च प्रशासकीय मंडळ यांच्या संघर्षावर कसा प्रकाश टाकते?
२. सधाचरण मित्रा हे नवाब मुबारक उद्दोलाचे वकील होते. त्यांच्या विरोधात वॉरन हेस्टिंगने कटकारस्थानचा दावा दाखल केला होता. कॉन्सिलच्या वतीने सर्वोच्च न्यायालयाच्या न्यायाधीशांना पत्र लिहिले आणि त्या पत्रामध्ये संस्थानांच्या प्रतिनिधींना कायद्यातील काही कलामामध्ये शिथिलता बहाल केलेली आहे हे नमूद केले.
- अ) या खटल्यातील तथ्यांचे वर्णन करा.
- ब) या खटल्यातील संघर्षाचे कारण सांगून सर्वोच्च न्यायालयाच्या निर्णयाचे वर्णन करा.

३. पटना खटल्यांनी हे सिद्ध केले की १७७३ च्या चार्टर कायद्यान्वये निर्माण केलेल्या न्यायप्रशासनात अनेक त्रुटी होत्या. हा खटला अॅक्ट ऑफ सेटलमेंट च्या अनेक तरतुदीसाठी जबाबदार होता. १७८१ चा कायदा १७७३ च्या कायद्यातील उणिवा दूर करण्यासाठी पारित केला गेला.
- अ) या खटल्यातील मुख्य मुद्दे लिहा.
- ब) या खटल्यातील निर्णयाचा काय परिणाम झाला ते लिहा.

प्र.४ खालील प्रश्नांची उत्तरे सविस्तरपणे लिहा.

- अ १८६१ च्या भारतीय उच्च न्यायालय कायद्याचे महत्त्व सांगून या कायद्याच्या तरतुदी नमूद करा.
- ब कायद्यांची संहिता म्हणजे काय? या न्यायिक कार्यप्रणालीत भारतात विधी आयोगाची कोणती भूमिका आहे?
- क भारतीय राज्यघटनेअंतर्गत नमूद केलेल्या वेगवेगळे अध्यादेश स्पष्ट करा. तसेच त्याचे सविस्तरपणे वर्णन करा.
- ड अभिव्यक्ता अधिनियम कायदा १९६१ च्या तरतुदी विधिज्ञ परिषदेच्या अनुशासन समिती व त्यांच्या अधिकारांच्या संदर्भात नमूद करा.
- इ १८३४ ते १८६१ मध्ये भारतात कार्यरत असलेल्या दुहेरी न्यायालय प्रशासनाचे वर्णन करा.
- फ मेयर्स न्यायालयाची कार्यपद्धती मेयर्स न्यायालय व गव्हर्नर यांच्यातील संघर्षाच्या विशेष संदर्भासह स्पष्ट करा.

Q.P. Code : 304802

(3 Hours)

Marks : 80

N.B. : 1) All questions are compulsory.

1. Answer the following is not more than two sentences :-

20

- What was the role of Choultry Courts in 1639?
- What was the purpose of the Government of India Act, 1935?
- Why is the Supreme Court considered the Apex Court of India?
- What is the purpose of Law Reporting in India?
- What is the theory on which the concept of rule of Law is based?
- What is the contribution of the first Law Commission in India?
- What is 'Lex-Loci'?
- What is the object of writ of "Quo-Warranto"?
- Why is independence of judiciary necessary in the administration of justice?
- Who is empowered to punish the Advocates for mis-conduct?

2. Write short notes on any four of the following :-

20

- Dyarchy in India.
- Principles of Natural Justice.
- Conditions for becoming an Advocate under the Bar Council of India.
- Importance of Mayor's Court.
- Major Reforms made by Cornwallis code.
- Working of the Supreme Court at Calcutta.

3. Attempt any two of the following :-

12

- The conflict between the Supreme Court and the Supreme Council reached a climax in this case. The Supreme Court claimed its jurisdiction over the whole native population while the Supreme Council opposed it. The Parliament passed the Act of Settlement, 1781 on the basis of the detailed report presented by the Committee appointed for this purpose.
 - Identify the case and give the facts of the case.
 - Describe the main conflict in this case.

[TURN OVER]

- (2) The judgement of the Supreme Court in this case provoked the members of the Council. It increased the conflict and also created panic among the local population of Calcutta. In this case, the jurisdiction of the Supreme Court and right of the Court to try action against the judicial officers of the company for an act done in their official capacity was questioned.
- (a) What was the main issue in this case?
- (b) What were the effects of the decision held by the Supreme Court in this case?
- (3) Raja Nand Kumar's trial was a very decisive event which led to the growing enmity between the Supreme Court and the Governor in Council. The judges insisted on the independence of judiciary and in spite of interference of the Council, the Supreme Court began to exercise the administration of justice in India in its own way.
- (a) Describe the facts of the case.
- (b) Give reasons for the charges framed against him.
4. Attempt any four of the following :-
- (a) What are the salient features of the Government of India Act, 1935?
- (b) Describe the role of Law Commission in modern India and explain its contributions towards law reforms.
- (c) Explain the dual system of Courts prevailing in India between 1834 to 1861?
- (d) Explain the concept of Writ jurisdiction under the Constitution of India. Elucidate the same?
- (e) Explain the provisions of Advocates Act, 1961 with special reference to its disciplinary powers over Advocates.
- (f) Discuss the working of the Mayor's Court with special reference to the conflict between Mayor's Court and Governor-in-Council.
- (h) Explain the growth of legal profession in India and how it necessitated the enactment of the Advocates Act, 1961?

BLS 2nd year

DEC 2017

Sero III

Q.P. Code : 26734

*

(3 Hours)

Total marks: 100

- I. Answer the following briefly in not more than two sentences:- 20
- (i) What constitutes the dual system of Courts?
 - (ii) How can a judge of a High Court be removed?
 - (iii) Name any two objectives of the Advocates Act 1961.
 - (iv) State the principles on which the concept of Rule of law is based.
 - (v) Define the writ of certiorari
 - (vi) State the jurisdiction of the Mayors Court under the Charter of 1688?
 - (vii) Where the Supreme Court was first established in 1774 & where would the appeals from this Court be heard?
 - (viii) What are the basic tenets on which the doctrine of separation of powers is based on?
 - (ix) Which article of the Constitution refers to the judgments of the Supreme Court as a source of law?
 - (x) Why is the independence of judiciary considered as one of the pillars of democracy?
- II. Write short notes on any four of the following:- 20
- (a) Writ of mandamus
 - (b) Composition of Mayors Court
 - (c) Demerits of the Regulating Act 1773
 - (d) Importance of Charter of 1833
 - (e) Significance of Privy Council
 - (f) Federal Court
- III. Attempt any two of the following:- 12
1. Swarrop Chand acted as a surety and was responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
 - a. What was the defence taken by him in the present case?
 - b. What was the decision taken by the Supreme Court?
 2. This case preceded the more famous Raja Nand Kumar case. Radhacharan was condemned to death in 1765 as a result of the introduction of English laws into India which was deplorable. This process would soon claim Nand Kumar as a sacrifice at its alter.
 - a. Describe the charges framed in this trial.
 - b. Was the decision held in this case fair or not? Give reasons.

3. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.

- a. Describe the facts of this case?
- b. What were the effects of the decision held in this case?

IV. Answer any four of the following:-

48

- (a) Explain the writ jurisdiction under the Constitution of India and describe the principles applied in the adjudication of these Writs by the Courts.
- (b) Discuss the main features of the Regulating Act of 1773 and its impact on the judiciary in India.
- (c) Explain the difference the working of the Crown's Court and Company's Court highlighting the jurisdictional differences.
- (d) Explain the objectives of the Advocates Act 1961 and explain how the Act brought about a change in the profession of lawyers.
- (e) Explain the concept of the rule of law and its impact on the growth of legal structure in India.
- (f) Describe the First Law Commission established under the Charter of 1833 and elucidate the need for law reforms.

(3 Hours)

Total marks: 100

- I. Answer the following briefly in not more than two sentences:-** **20**
- (i) What constitutes the dual system of Courts?
 - (ii) How can a judge of a High Court be removed?
 - (iii) Name any two objectives of the Advocates Act 1961.
 - (iv) State the principles on which the concept of Rule of law is based.
 - (v) Define the writ of certiorari
 - (vi) State the jurisdiction of the Mayors Court under the Charter of 1688?
 - (vii) Where the Supreme Court was first established in 1774 & where would the appeals from this Court be heard?
 - (viii) What are the basic tenets on which the doctrine of separation of powers is based on?
 - (ix) Which article of the Constitution refers to the judgments of the Supreme Court as a source of law?
 - (x) Why is the independence of judiciary considered as one of the pillars of democracy?
- II. Write short notes on any four of the following:-** **20**
- (a) Writ of mandamus
 - (b) Composition of Mayors Court
 - (c) Demerits of the Regulating Act 1773
 - (d) Importance of Charter of 1833
 - (e) Significance of Privy Council
 - (f) Federal Court
- III. Attempt any two of the following:-** **12**
1. Swarrop Chand acted as a surety and was responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
 - a. What was the defence taken by him in the present case?
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 2. This case preceded the more famous Raja Nand Kumar case. Radhacharan was condemned to death in 1765 as a result of the introduction of English laws into India which was deplorable. This process would soon claim Nand Kumar as a sacrifice at its alter.
 - a. Describe the charges framed in this trial.
 - b. Was the decision held in this case fair or not? Give reasons.

- 3. The Patna Case proved that the administration of justice under the Charter of 1773 was totally inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.
 - a. Describe the facts of this case?
 - b. What were the effects of the decision held in this case?

IV. Answer any four of the following:-

48

- (a) Explain the writ jurisdiction under the Constitution of India and describe the principles applied in the adjudication of these Writs by the Courts.
- (b) Discuss the main features of the Regulating Act of 1773 and its impact on the judiciary in India.
- (c) Explain the difference the working of the Crown's Court and Company's Court highlighting the jurisdictional differences.
- (d) Explain the objectives of the Advocates Act 1961 and explain how the Act brought about a change in the profession of lawyers.
- (e) Explain the concept of the rule of law and its impact on the growth of legal structure in India.
- (f) Describe the First Law Commission established under the Charter of 1833 and elucidate the need for law reforms.

[वेळ: ३ तास]

[गुण : १००]

सूचना: सर्व प्रश्न अनिवार्य आहेत.
उजवीकडील अंक प्रश्नांचे पूर्ण गुण दर्शवितात.

- प्र १ खालील सर्व प्रश्नांची उत्तरे प्रत्येकी दोन वाक्यात लिहा. २०
- अ भारतीय राज्यघटनेच्या कलम २२ नुसार उच्च न्यायालयाच्या न्यायाधीशाची बदली कोण करू शकते?
- ब द्विदल न्यायपद्धतीचे घटक कोणते ?
- क १९६२च्या अभिव्यक्ता आधिनियम कायद्यातर्गत वकील म्हणून कोणाला नाव नोंदणी करता येते?
- ड ले लेगललाईट म्हणजे काय?
- इ भारतात कोणत्या कायदानुसार फेडरल न्यायालयाची स्थापना करण्यात आली?
- फ भारतीय उच्च न्यायालय कायदा - १८६१ चा मुख्य उद्देश कोणता?
- ग चोलतीरी न्यायालयाचे अधिकारक्षेत्र लिहा?
- ह भारतात लॉ रिपोर्टिंगचे (अहवाल कायदा) महत्त्व लिहा?
- ज रिट आफ मँडामस कोणाच्या विरोधात जारी करू शकतो? कोणतेही दोन उदाहरणे लिहा.
- ल १७२६ मधील प्रेसिडेंसी शहरातील न्यायपालिकेत कोणता मुख्य संघर्ष चालू होता?
- प्र २ संक्षिप्त टीपा लिहा:- (कोणतेही चार) २०
- अ भारतातील कायदेशीर शिक्षणाचा उद्देश
- ब भारत सरकारचा कायदा - १९३५
- क नैसर्गिक न्याय तत्त्वे
- ड न्यायपालिकेचे स्वातंत्र्य
- इ मेयर न्यायालयाची रचना
- फ न्यायिक पूर्वाभिर्णय
- प्र ३ परिस्थिती निमाडीत कोणत्याही दोन प्रश्नांनाची उत्तरे करणासहित लिहा. १२
- अ राजा नंदकुमारच्या खटल्यानंतर ह्या दाव्यावर निर्णय देण्यात आला. १७६५ मध्ये राधाचरण मित्राला मृत्युदंडाची शिक्षा देण्यात आली. भारतात इंग्रजी कायद्याच्या परिचयामुळे हा निर्णय घेण्यात आला होता. नंदकुमारच्या त्यागाच्या पार्श्वभूमीवर हा निर्णय घेण्यात आला, असा दावा केला गेला.
- अ) या खटल्यातील आरोपाचे वर्णन करा.
- ब) या खटल्यातील निर्णय योग्य होता कि आयोग्य कारणांसहित लिहा.

ब सर्वोच्च न्यायालय व सर्वोच्च प्रशासकीय मंडळ यांच्यातील संघर्ष विकोपाला गेला सर्वोच्च न्यायालयाने संपूर्ण रहिवासी लोकसंख्या आपल्या अधिकारक्षेत्रात असल्याचा दावा केला, तर प्रशासकीय मंडळाने त्याला विरोध केला. या पार्श्वभूमीवर ब्रिटीश संसदेने १६८१ चा अॅक्ट आफ सेटलमेंट मंजूर केला. या कायद्याची मंजूरी संसदेने नेमलेल्या समितीद्वारे सादर केलेल्या विस्तृत माहितीच्या आधारे करण्यात आली होती.

१ नमूद केलेला खटला ओळखा व त्याचे तथ्ये सांगा .

२ या खटल्याअंतर्गत सर्वोच्च न्यायालयातील संघर्षाचे कारणे लिहा.

क या खटल्यात स्वरूपचंद जामीनदार म्हणून काम पाहत होते. डाक्का शहरातून कंपनी साठी महसूल जमा करण्यासाठी ते जबाबदार होते. डाक्का शहरातून रु. १०,०००/ महसूल वसूल करणे बाकी होते. डाक्का प्रोव्हीनशियल डिव्हिजनचे चे खजिनदार म्हणून त्याचे वागणे वादातीत होते. त्यांनी खजिन्यात रु. ६६७४५/ जमा केले नाहीत असे आढळून आले.

अ वरील खटल्यात स्वरूपचंदने कोणता बचाव मांडला ?

ब या खटल्यात सर्वोच्च न्यायालयाने कोणता निर्णय दिला?

प्र ४

खालील प्रश्नांची उत्तरे सविस्तरपणे लिहा. (कोणतेही चार)

अ १७७३ च्या रेग्युलेटिंग कायद्याच्या मुख्य वैशिष्ट्याची चर्चा करा व या कायद्याच्या भारतीय न्यायायालिकेवरील प्रभाव स्पष्ट करा.

ब 'कायद्याचे राज्य' ही संकल्पना स्पष्ट करून याचा कायद्याचा संरचनेवर काय प्रभाव पडला ते थोडक्यात लिहा.

क अधिवक्ता अधिनियम १९६१ च्या कायद्याचे उद्देश लिहा. विधी व्यवसायात या कायदयाने कोणते बदल घडविले ते स्पष्ट करा.

ड आधुनिक भारतातील विधी आयोगाच्या भूमिकेबद्दल चर्चा करा. विधी सुधारणेत विधी आयोगाचा सहभाग लिहा.

इ कंपनीचे न्यायालय व क्राऊन चे न्यायालय यांच्यातील कार्यपद्धतीतील फरक स्पष्ट करून त्यांच्या अधिकारक्षेत्रातील फरकावर प्रकाश टाका.

फ न्यायप्रशासनातील प्रगतीमध्ये न्यायिक पूर्वनियंत्रण (precedent) व अहवाल कायदा (Law Reporting) यांच्या भूमिकेची चर्चा करा.

[Time: Three Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B: 1. All questions are compulsory.
2. Figures in the right shows full marks.

Q.1 Answer the following briefly in not more than two sentences:-

- i) Why did the Mayor's Court in Madras cease to exist in 1746?
- ii) What was the reason for the enactment of the Advocates Act of 1961?
- iii) Define Writ of Prohibition under Constitution of India?
- iv) Why is codification important?
- v) State the object of Indian High Courts Act of 1861?
- vi) On which theory is the concept of 'Rule of Law' based?
- vii) What was the objection taken by Raja Nand Kumar regarding the jurisdiction of the Supreme Court?
- viii) Why is Independence of Judiciary considered as one of the pillars of democracy?
- ix) Name the people who constituted the corporation in the Mayor's Court under the charter of 1688.
- x) State the principles of Natural Justice?

Q.2 Write short notes on any four of the following:-

- I) Doctrine of precedent
- II) Working of the Supreme Court at Calcutta.
- III) Separation of Powers.
- IV) Working of the Admiralty Court.
- V) Writ of Mandamus.
- VI) Professional misconduct under the Advocates Act 1961.

Q.3 Attempt any two of the following:-

- a) The Patna case pointed out that the administration of justice under the charter of 1773 was inadequate. This case was directly responsible for many provisions of the Act of Settlement, 1781, to remove the evil effects of the Regulating Act.
 - 1) What was the main issue involved in this case?
 - 2) Describe the facts of the case?
- b) He was a surety responsible for the payment of revenue of the company from Dacca. The balance due was fixed at Rs. 10,000/- He disputed the balance in his capacity as a treasurer of revenues of the Dacca provincial division. He was found in default to the treasury to the tune of Rs.66,745/-
 - 1) Identify the case in question? What was the defence taken by the defendant in the present case?
 - 2) What was the decision taken by the Supreme Court?

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- d) The trial of Raja Nand Kumar was the first decisive event which led to the growing enmity between the Supreme Court and Governor-in Council. The Judges insisted on the independence of judiciary and inspite of interference of the council, the Supreme Court began to exercise the administration of justice in India in its own way
- 1) Write in detail the facts of the case?
- 2) Why is it called as the 'Judicial Murder of Raja Nand Kumar'?

Q.4 Answer any four of the following.

- a) Describe the development of Legal profession beginning from Company's courts to advocates Act of 1961.
- b) Discuss the working of the Mayor's court with special reference to the conflict between the Mayor's Court and the Governor in Council.
- c) Discuss the concept of the Rule of law and its impact on Indian judiciary.
- d) Describe the role of Law Commissions in Modern India towards the Law reforms.
- e) Describe the salient features of the Government of India Act 1935 with special reference to the administration of justice.
- f) Explain the provisions of the Advocates Act, 1961 especially those pertaining for punishing an advocate for misconduct.

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BLS sem - III

[Time: 3 Hours]

[Marks: 100]

Please check whether you have got the right question paper.

N.B: 1. All questions are compulsory.

- Q.1 Answer the following questions is not more than two sentences: 20
- a) Who can transfer judges of the High Court according to Art. 222 of the Constitution?
 - b) What constitutes the dual system of courts?
 - c) Who can be admitted and enrolled as Advocates under the Indian Advocates Act, 1961.
 - d) What is the meaning of 'La Legalite'?
 - e) Under which act was the Federal Court of India established?
 - f) What was the objective of Indian High Courts Act, 1861?
 - g) What was the jurisdiction of the Choultry Courts?
 - h) What is the significance of Law Reports?
 - i) Against whom a writ of Mandamus is issued. Give any 2 examples.
 - j) What was the main Conflict in judiciary which arose in the Presidency Town in 1726?
- Q.2 Write short notes on **any four** of the following: 20
- a) Objects of Legal Education in India.
 - b) Government of India Act, 1935.
 - c) Principles of natural justice.
 - d) Independence of judiciary.
 - e) Composition of Mayor's Court.
 - f) Judicial Precedents.
- Q.3 Attempt **any two** of the following: 12
- a) This case preceded the more famous Raja nand Kumar's case However, as a result of English laws in India, this act was deplorable as this process would soon claim Nandkumar as a sacrifice at its alter. The court described Nawab as a Phautom and a man of straw.
 - i) Describe the charges framed in this trial.
 - ii) Was the decision held in this case fair not? Give reasons.
 - b) The conflict between the Supreme Council and the Supreme Court which began after the Regulating Act. reached the climax in this case. The Supreme Court claimed its jurisdiction over the whole native population which was strongly opposed by the Supreme Council. The Committee presented the detailed report on the conflict between the Supreme Court and the Council. The parliament passed the Act of Settlement, 1781.
 - i) Identify the case and briefly give the facts.
 - ii) What was conflict between Supreme Court and the Supreme Council?
 - c) Swoop Chand acted as a Surety and was responsible for the payment of revenue of the company from Dacca. The balance due was fixed at Rs. 10,000/- He disputed the balance in his capacity as the treasures of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-
 - i) What was the defense taken by him in the present case?
 - ii) What was the decision taken by the Supreme Court?

Q.4 Answer any four of the following:

- 1) Discuss the main features of the Regulating Act, 1773 and its impact of judiciary in India?
- 2) Explain the concept of the rule of law and its impact on the growth of legal structure in India?
- 3) Give the objectives of the Advocates Act, 1961 and explain how the Act brought about a change in the profession of lawyers?
- 4) Describe the role of Law Commission in modern India toward law reforms?
- 5) Explain the difference in the working of the Crown's court and the Company's Court highlighting the jurisdictional differences?
- 6) Describe the role of judicial precedents and Role of Law reporting in the growth of the administration of justice in India?

BLS sem- III

[Time: 3 Hours]

[Marks : 100]

Please check whether you have got the right question paper.

- N.B: 1. All questions are compulsory.
2. Figures to the right indicate full marks.

1. Answer the following in not more than two sentences. 20
- What was the objective of choultry courts?
 - What is diarchy?
 - Why should there be separation of powers?
 - State A.V. Dicey's principles of Rule of Law?
 - Which Lord succeeded to be appointed as Governor-General conditionally in India and what were his two conditions?
 - Why is judiciary considered as a main pillar of democracy?
 - Who are the ex-officio members of the Bar Council of India?
 - Define misconduct under the Advocates Act, 1961?
 - What are the objectives of Article 141 of the Constitution?
2. Write short notes on (Any four) 20
- Writ of Mandamus
 - Separation of Powers
 - Significance of Privy Council
 - Functions of State Bar Council under the Advocates Act, 1961
 - Courts of Records
 - Judicial Precedents
3. Attempt any two of the following : 12
1. The Patna case pointed out that the administration of justice under the charter of 1774 was inadequate. The case was directly responsible for many provisions of the Act of settlement, 1781 which was enacted to remove the evil effects of the Regulating Act.
- What was the main issue in this case?
 - What were the effects of the decision held in this case?
2. The conflict between the Supreme Council and the Supreme Court which began after the Regulating Act reached the climax in this case. The Supreme Court claimed its jurisdiction over the whole native population which was strongly opposed by the Supreme Council. The committee presented the detailed report on the conflicts between the Supreme Court and the Council. The Parliament passed the Act of settlement, 1781.
- Identify the case and briefly give the facts.

- b) What was the conflict between the Supreme Court and Supreme Council?
3. Swaroop Chand was a surety responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/- . He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
- a) What was the defense taken by him in the present case?
- b) What was the decision taken by the Supreme Court?

4. Answer any four of the following:

- a) Discuss the working of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governor-in-Council?
- b) Compare and illustrate the salient features of the High Court under the Government of India Act, 1935 and the High Courts of India in present times?
- c) Explain the dual system of courts prevalent in India between 1834 and 1861?
- d) Describe the different kinds of writs as enriched under the Constitution of India. Also describe the principles applied in the adjudication of these writs?
- e) Give the objectives of the Advocates Act, 1961 and explain how the Act brought about a change in the profession of lawyers.
- f) Explain the role of Law Commission in modern India towards the Law reforms?

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वेळ: ३ तास

गुण: १००

Please check whether you have got the right question paper.

- सूचना: १. सर्व प्रश्न अनिवार्य आहेत.
२. उजवीकडील अंक प्रश्नांचे पूर्ण गुण दर्शवितात.
३. मराठी रूपांतराचे आकलन न झाल्यास कृपया इंग्रजी प्रश्नपत्रिका पाहावी.

१. खालील प्रश्नांची प्रत्येकी दोन वाक्यात उत्तरे लिहा. २०
- अ) मद्रासमधील चावडी (choultry courts) न्यायालयाचे मुख्य उद्दिष्ट काय होते?
ब) व्हिदल राज्यपद्धती म्हणजे काय?
क) सत्तेचे विभाजन का महत्त्वाचे आहे?
ड) ए.व्ही. डार्लेची 'कायद्याचे राज्य' या सिध्दांताबद्दल लिहा.
इ) तात्पुरते गर्व्हनर जनरल म्हणून कोणाची नेमणूक करण्यात आली? त्यांनी कोणत्या दोन अटी लादल्या होत्या?
फ) न्यायव्यवस्थेला लोकशाहीचा मुख्य आधार स्तंभ का संबोधले जाते?
ग) भारतीय विधिज्ञ परिषदेचे माजी सदस्य कोण होते?
ह) अभिव्यक्ती अधिनियम १९६१ च्या कायद्या अंतर्गत गैरवर्तन म्हणजे काय? व्याख्या लिहा.
य) १८७५ च्या भारतीय कायदा अहवालाचे महत्त्व सांगा.
ज) भारतीय राज्यघटनेच्या १४१ व्या कलमाचे उद्दिष्ट लिहा.
२. संक्षिप्त टीपा लिहा. २०
- अ) परमादेश
ब) सत्तेचे विभाजन
क) प्रिव्ही काउन्सिलचे महत्त्व
ड) राज्य विधिज्ञ परिषदेचे कार्य अभिव्यक्ती अधिनियम १९६१ च्या अंतर्गत
इ) अभिलेख न्यायालय
फ) न्यायिक पूर्वनिर्णय
३. कोणत्याही दोन प्रश्नांची उत्तरे कारणासहित लिहा. १२
- १) पटना खटल्याने हे सिध्द केले की १७७४ च्या कायद्यांतर्गत नमूद केलेल्या तरतुदी न्याय प्रशासनासाठी अपुऱ्या होत्या. पटना खटला १७८१ च्या कायद्यात अनेक तरतुदी नमूद करण्यासाठी जबाबदार ठरला हा कायदा १७७४ च्या कायद्याच्या त्रुटी दूर करण्यासाठी पारित करण्यात आला.
अ) या खटल्यातील मुख्य मुद्दा लिहा.
ब) या खटल्यासंदर्भात न्यायालयाने दिलेल्या निर्णयाचे काय परिणाम झाले?

- b) What was the conflict between the Supreme Court and Supreme Council?
3. Swaroop Chand was a surety responsible for the payment of revenue of the Company from Dacca. The balance due was fixed at Rs. 10,000/-. He disputed the balance in his capacity as the treasurer of revenues of Dacca provincial division. He was found in default to the treasury to the extent of Rs. 66,745/-.
- a) What was the defense taken by him in the present case?
b) What was the decision taken by the Supreme Court?

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

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- a) Discuss the working of the Mayor's Court with special reference to the conflict between the Mayor's Court and the Governor-in-Council?
- b) Compare and illustrate the salient features of the High Court under the Government of India Act, 1935 and the High Courts of India in present times?
- c) Explain the dual system of courts prevalent in India between 1834 and 1861?
- d) Describe the different kinds of writs as enriched under the Constitution of India. Also describe the principles applied in the adjudication of these writs?
- e) Give the objectives of the Advocates Act, 1961 and explain how the Act brought about a change in the profession of lawyers.
- f) Explain the role of Law Commission in modern India towards the Law reforms?

BLS Sem- III

6/2/2023

Time: 2.30 Hrs / वेळ : २.३० तास

Marks : 60 / गुण / ६०

Note; (1) All questions are Compulsory. / सर्व प्रश्न अनिवार्य आहेत.

(2) Figures to the right indicate marks / उजवीकडील अंक पूर्ण गुण दर्शवितात.

Q1 Answer the following in not more than two sentences (any six out of Ten) (12)

1. What is the basic principle of Rule of Law?- 1. कायद्याच्या राज्याचे मूळ तत्व काय आहे?
2. Which Courts have the power to issue Writs? - 2. कोणत्या न्यायालयांना रिट जारी करण्याचा अधिकार आहे?
3. What is the doctrine of Separation of Powers?- 3. शक्ती पृथक्करणाची शिकवण काय आहे?
4. What is the purpose of Independence of judiciary? - 4. न्यायपालिकेच्या स्वातंत्र्याचा उद्देश काय आहे?
5. What does the latin expression "La Legalite" signify?- 5. लॅटिन अभिव्यक्ती "ला लीगलाइट" चा अर्थ काय आहे?
6. What was the main objective of the Regulating Act,1773?- 6. नियामक कायदा, 1773 चा मुख्य उद्देश काय होता?
7. What constitutes the dual system of courts- 7. न्यायालयांची दुहेरी प्रणाली काय आहे?
8. What was the main outcome of the Indian Law Reports Act of 1875?- 8. 1875 च्या भारतीय कायदा अहवाल कायद्याचा मुख्य परिणाम काय होता?
9. What is the main objective of the Law Commission?- 9. कायदा आयोगाचे मुख्य उद्दिष्ट काय आहे?
10. What acts as as instrument to effect change in law through the Courts and legislatures?- 10. न्यायालये आणि विधिमंडळांद्वारे कायद्यात बदल घडवून आणण्यासाठी साधन म्हणून काय काम करते?

Q2. Write Short Notes on (any Two)

(12)

- Role of Bar Council in India. - a भारतातील बार कौन्सिलची भूमिका.
- Working of the Supreme Court in Calcutta. - b कलकत्ता येथे सर्वोच्च न्यायालयाचे कामकाज.
- Independence of judiciary. - c न्यायव्यवस्थेचे स्वातंत्र्य.
- Courts of Records. - d कोर्ट ऑफ रेकॉर्ड्स.

Q3. In Murshidabad provincial Council, Gorachand Dutt filed a suit against Mirza Jalleel for the recovery of the sum from him and Mirza claimed that a larger sum was due from Dutt. The council dismissed the action brought by Gorachand Dutt and accepted the counter-claim made by Mirza jalleel . Gorachand brought a suit in the Supreme Court against Hossiyar the Chief Provincial Council. मुर्शिदाबाद प्रांतीय परिषदेत, गोरचंद दत्त यांनी मिर्झा जलील यांच्याविरुद्ध त्यांच्याकडून रक्कम वसूल करण्यासाठी खटला दाखल केला आणि मिर्झा यांनी दावा केला की दत्तकडून मोठी रक्कम येणे बाकी आहे. गोरचंद दत्त यांनी केलेली कारवाई परिषदेने फेटाळून लावली आणि मिर्झा जलील यांनी केलेला प्रतिवाद मान्य केला. गोरचंद यांनी मुख्य प्रांतीय परिषदे होसियार यांच्याविरुद्ध सर्वोच्च न्यायालयात दावा दाखल केला.

- What are the contentions of Gorachand Dutt before the Supreme Court? (a) सुप्रीम कोर्टासमोर गोरचंद दत्त यांचे वाद काय आहेत?
- What does the case reveal about the Supreme Court? - (b) या खटल्यातून सर्वोच्च न्यायालयाविषयी काय माहिती मिळते?

Q 2. The Patna case proved that the administration of justice under the Charter of 1773 was totally inadequate .The case was directly responsible for many provisions of the Act of Settlement ,1781,which was enacted to remove the defects of the Regulating Act,1773.- पाटणा प्रकरणाने 1773 च्या सनदेनुसार न्यायाचे प्रशासन अपुरे असल्याचे निदर्शनास आणून दिले नियामक कायद्याचे वाईट परिणाम दूर करण्यासाठी सेटलमेंट अधिनियम, 1781 च्या अनेक तरतुदींसाठी हे प्रकरण थेट जबाबदार होते.

- Elucidate the facts of the case? - (अ) प्रकरणातील तथ्य स्पष्ट करा?
- Describe the effects of the decision held in this case? - (b) या प्रकरणात घेतलेल्या निर्णयाच्या परिणामांचे वर्णन करा?

Q3. The revenue Council of Calcutta issued a writ for Kamaluddin committal without bail. Kamaluddin obtained the writ of Habeas Corpus and set himself free. The Supreme Court granted the Writ through the bail and held that the facts submitted by the council were defective.- कलकत्त्याच्या रेव्हेंयू कौन्सिलने कमालउद्दीनला जामीन न देता रिट जारी केली. त्याविरोधात कमालउद्दीनने हेबियस कॉर्पसचे रिट मिळवले आणि स्वतःची सुटका केली. सर्वोच्च न्यायालयाने जामीनाद्वारे रिट मंजूर केली आणि परिषदेने सादर केलेले तथ्य सदोष असल्याचे नमूद केले.

(a) Mention the facts of the case? प्रकरणातील तथ्य स्पष्ट करा?

(b) Describe the effects of the judgement? या प्रकरणात घेतलेल्या निर्णयाच्या परिणामांचे वर्णन करा?

4. The conflict between the Supreme Court and the Supreme Council began after the Regulating Act reached the climax in this case. The Supreme Court claimed its jurisdiction over the whole native population which was strongly opposed by the Supreme Council. The parliament passed the Act of settlement, 1781. रेगुलेटिंग ॲक्ट पारित केल्यानंतर सर्वोच्च परिषद आणि सर्वोच्च न्यायालय यांच्यातील संघर्शाने कळस गाठला. सुप्रीम कोर्टाने संपूर्ण स्थानिक लोकसंख्येवर आपल्या अधिकारक्षेत्राचा दावा केला, ज्याला सर्वोच्च परिषदेने जोरदार विरोध केला. या समितीने सर्वोच्च न्यायालय आणि कौन्सिल यांच्यातील संघर्शाचा तपशीलवार अहवाल सादर केला. संसदेने सेटलमेंट कायदा, 1781 मंजूर केला.

(a) Identify the case and briefly give the facts?- (a) केस ओळखा आणि थोडक्यात तथ्य सांगा?

(b) What was the conflict between the Supreme court and Supreme Council? (b) सर्वोच्च न्यायालय आणि सर्वोच्च परिषद यांच्यातील संघर्ष काय होता?

Q 4. Answer **any Two** of the following (12)

1, Elucidate the concept of Rule of Law with special reference to post independence?- स्वातंत्र्योत्तर काळाच्या विशेष संदर्भात कायद्याचे राज्य ही संकल्पना स्पष्ट करा?

2. Describe the salient features of the High Courts under the The High Courts Act, 1861?- 2. उच्च न्यायालय अधिनियम, 1861 अंतर्गत उच्च न्यायालयांच्या ठळक वैशिष्ट्यांचे वर्णन करा?

3. Explain the dual system of Courts prevalent in India between 1834 and 1861?- 3. भारतात 1834 ते 1861 दरम्यान प्रचलित असलेल्या न्यायालयांच्या दुहेरी पद्धतीचे स्पष्टीकरण द्या?

4. Explain the role of Law Commission in modern India towards the Law Reforms? - 4. आधुनिक भारतातील कायदा सुधारणांबाबत कायदा आयोगाची भूमिका स्पष्ट करा?
