

24/1/24

3L00511-LLB (3 Years) (75:25)
FYLLB Sem I

Paper / Subject Code: 75712 / Legal Language

Time: 2 ½ hrs.

Marks: 75

Note:

1. Please check whether you have got the right question paper
2. Total marks are indicated on the right side of paper.

Q1. Answer Any Six questions in one or two sentences:

[Marks: 12]

- a) She bought a new car. (Change the voice from active to passive)
- b) "I never hate my country" (Change into affirmative sentence)
- c) State two examples of external aids.
- d) Differentiate between Discharge and Acquittal
- e) Explain the citation:
Animal Welfare Board of India v. A. Nagaraja and Others (2014) 7 SCC 547
- f) Law Magazine
- g) What is meant by Adjournment?
- h) Define "affidavit" as per the General Clauses Act, 1897.

Q2. Write Short Notes on Any Two:

[Marks: 12]

- a) Interpretation of directory and mandatory provisions
- b) Ignorantia facti excusat, ignorantia juris non excusat
- c) Search of cases on "Whether contract against public policy is invalid."
- d) Interpretation of taxation statutes.

Q3. Answer Any Two of the following:

[Marks: 12]

- a) As per section 2 (1) of the Consumer Protection Act of 2019, "advertisement" has been defined as - "means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print, electronic media, internet or website and includes any notice, circular, label, wrapper, invoice or such other documents;"

David displays images of his new Hair Gel product available in supermarkets, on billboards alongside a highway.

- i. Explain whether David's action can be treated as an advertisement?
- ii. State with reasons what would be an appropriate rule of interpretation for interpreting the expression "or such other documents".

- b) A Central Act defined the Offences but failed to prescribe the procedure for recovery of Fines for the Offences made out.

- i. Explain the provision of the General Clauses Act, 1897, applicable in the above case.
- ii. What is an Offence under the General Clauses Act, 1897?

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c) Answer the following questions with respect to the legislative extract given below:

The Protection of Human Rights Act, 1993
(ACT No. 10 of 1994)

[8th January, 1994]

An Act to provide for the constitution of National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows: -

CHAPTER-I
Preliminary

1. Short title, extent and commencement. -

(1) This Act may be called the Protection of Human Rights Act, 1993.

(2) It extends to the whole of India:

(3) It shall be deemed to have come into force on the 28th day of September, 1993.

Identify the following:

i. Official citation

ii. Long Title

iii. Date of commencement

d) Throughout history, people have generally coordinated with their neighbors regarding the time, seen in merchants displaying their goods at daybreak and the local synchronization of time has been essential for communal activities, economic transactions, and cultural events. The value of this tradition is today more apparent than ever. Were it not for public acceptance of a single yardstick of time, social life would be unbearably chaotic: the massive daily transfers of goods, services, and information would experience disruptions, the very fabric of modern society would begin to unravel. A unified time system is critical for the smooth functioning of various aspects of our interconnected global society, including business, travel, finance, science, technology, communication, emergency response, and cultural exchange. It promotes efficiency, reduces confusion, and fosters collaboration on a worldwide scale.

Answer the following questions based on the extract given above:

i. What is the main idea / theme of the passage?

ii. What is meant by single yardstick of time?

Q4. Answer Any Three in detail:

[Marks: 39]

1. Discuss effect and consequences of repeal under General Clauses Act, 1897.

2. Explain the different types of Internal Aids of Interpretation of Statutes.

3. Explain with case laws, the Mischief Rule of Interpretation.

4. Write an essay on: "The impact of social media on traditional journalism."

5. Outline the facts, issues, and guidelines given by the Supreme Court in *Vishakha v. State of Rajasthan* – AIR 1997 SC 3011

Time: 2.30 hrs

Total Marks: 75

Note:

1. Please check whether you have got the right question paper
2. Total marks are indicated on the right side of paper.

Q1. Answer questions in one or two sentences: (Any Six)

[Marks: 12]

1. The security Guard opens the door. (Change the voice)
2. Differentiate between Appeal and Review.
3. Explain the citation: *Aruna Shanbaug vs. Union of India* AIR (2011) SC 1290
4. Explain Law Reports.
5. What is meant by retrospective effect of law?
6. He said, "I'm going out." (Change into indirect speech)
7. Explain the term "Ex-parte".
8. What is meant by Nemo est haeres viventis.

Q2. Write Short Notes on Any Two:

[Marks: 12]

- a) *Vishakha v. State of Rajasthan* – AIR 1997 SC 3011
- b) Beneficial Construction
- c) Describe the search of a case-law on "whether contract by minor is void ab- initio"
- d) *Salus populi est suprema lex*

Q3. Answer Any Two of the following:

[Marks: 12]

1. A law was passed by the Central Government called the Prevention of growing Narcotic or Psychotropic plants Act 2023. The Act does not define the term Plant.
 - a) Explain what type of Aids can be used to ascertain the meaning of plant.
 - b) The Act is a Penal legislation. What rules of interpretation would generally be used to interpret statutes of such nature.
2. Section 11 of the Family Court Act 1984 read as under,

"In every suit or proceeding to which this Act applies, the proceedings may be held *in Camera*, if the family Court so desires and shall be so held if either party so desires",

 - a) Identify the mandatory and directory portion of the above provision.
 - b) Explain the differences between mandatory and directory provisions.

3. Answer the following questions with respect to the legislative extract given below:

THE MATERNITY BENEFIT ACT, 1961

(Act No. 53 of 1961)

[12th December, 1961]

An Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows: -

1. Short title, extent and commencement. -

(1) This Act may be called as Maternity Benefit Act, 1961

(2) It extends to the whole of India.

Identify the following

i) Short title

ii) Long title

iii) Enacting formula

iii) Date of Assent

4. An Act was passed by the parliament and it received presidential assent. No provision was made in the said act with respect to coming into operation.

a) When is such Act deemed to come into operation?

b) Explain in brief presumption as to validity of statutes.

Q4. Answer Any Three in detail:

[Marks: 39]

1. Discuss the different parts of a statute and their function in interpretation.

2. Explain with illustrations the Primary rules of Interpretation.

3. Briefly explain the objective and scheme of the General Clauses Act 1956. When can the provisions of this Act be used and cannot be used while interpreting Indian Statutes?

4. Write an essay on: "Education is a weapon that can change the world."

5. Read the following passage and answer the following questions below:

Garbage cans are not magical portals. Trash does not disappear when you toss it in a can. If there are no magic garbage fairies, where does all that trash go? There are four methods to managing waste: recycling, landfilling, composting, and incinerating. Each method has its strengths and weaknesses. Let's take a quick look at each.

Recycling is the process of turning waste into new materials. For example, used paper can be turned into paperboard, which can be used to make book covers. Recycling can reduce pollution, save materials, and lower energy use. Yet, some argue that recycling wastes energy. They believe that collecting, processing, and converting waste uses more energy than it saves. Still, most people agree that recycling is better for the planet than landfilling.

Landfilling is the oldest method of managing waste. In its simplest form, landfilling is when people bury garbage in a hole. Over time the practice of landfilling has advanced. Garbage is *compacted* before it is thrown into the hole. In this way more garbage can fit in each landfill. Large liners are placed in the bottom of landfills so that toxic garbage juice doesn't get into the ground water. Sadly, these liners don't always work. Landfills may pollute the local water supply. Not to mention that all of that garbage stinks. Nobody wants to live next to a landfill. This makes it hard to find new locations for landfills. As landfill space increases, interest in composting grows.

Compositing is when people pile up organic matter, such as food waste, and allow it to decompose. The product of this decomposition is compost. Compost can be added to the soil to make the soil richer and better for growing crops. While composting is easy to do onsite somewhere, like home or school, it's hard to do after the garbage gets all mixed up. This is because plastic and other inorganic materials must be removed from the compost pile or they will pollute the soil. One thing that is easier to do than composting, is burning garbage.

There are two main ways to incinerate waste. The first is to create or *harvest* a fuel from the waste, such as methane gas, and burn the fuel. The second is to burn the waste directly. The heat from the incineration process can boil water, which can power steam generators. Unfortunately, burning garbage pollutes the air. Also, some critics worry that incinerators destroy valuable resources that could be recycled. Usually, the community in which you live manages waste. Once you put your garbage in that can, what happens to it is beyond your control. But you can make choices while it is still in your possession. You can choose to recycle, you can choose to compost, or you can choose to let someone else deal with it. The choice is yours.

- a) Why does the author state that "Garbage cans are not magical portals."?
- b) What is the drawback of disposing garbage through the landfilling method?
- c) What are the criticisms present for disposing waste through incineration?
- d) For inorganic waste which method of disposal would be preferred Composting or Recycling?
- e) Explain the meaning of the terms '*harvest*' and '*compacted*'.
- f) Give an appropriate title to the Passage. In brief state what the author tries to explain to the readers with this essay.
