

LL.B. Semester - 5 (CBCS) Examination**Oct/Nov. - 2018****LEGAL ENGLISH (CORE)****Time: 2:30 Hours****Marks: 70****Instructions:**

1. All questions are compulsory.
 2. Figures to the right indicate marks.
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- Que-1 Write an essay on any one of the followings. (20)
- (A) Offence against women.
 - (B) Capital punishment.
 - (C) Lok adalat.
 - (D) Human rights.
- Que-2 Explain any four from the following legal maxims by illustrating their legal application. (20)
- (A) Dumnum singe injuria.
 - (B) Actus non facit reum nisi mens sit rea.
 - (C) Salus populi est supreme lex.
 - (D) Qui facit per alium facit perse.
 - (E) Res ipsa loquitur
 - (F) Habeas corpus.
- Que-3 Write reference to context. (Any four) (20)
- (1) "The law is no respecter of persons"
 - (2) "Wisdom cannot be attained except by investigation and discussion"
 - (3) "An advocate must also study the atmosphere of the court"
 - (4) "The interest of the client are paramount"
 - (5) "We furnish the momentum you the direction"
 - (6) "It was not impossible to practice law without compromising truth"
 - (7) "When at Rome do as roman do"
- Que-4 Draft a partnership deed between Manoj Patel and Mayur Shah for opening new medical store at Rajkot. (20)

OR

- Que-4 Draft a special power of attorney on behalf of Anilbhai Patel in favour Maganbhai Thakker for the management of immovable properties situated at Junagadh.
- Que-5 Translate the following passage into Gujarati. (10)
- One of the most important functions of the judiciary is to interpret the constitution. Under this power the judiciary determines the legal competence of the legislative and pronounces upon the constitutionality of legislative measures. In our country the constitution is supreme and it has made the judiciary quite an independent institution. The independence of judiciary is meant to prevent the State from making any encroachment upon the right of citizens. The independent and powerful judiciary is all more necessary in a democracy which trends to degenerate into mobocracy. The judiciary is thus an independent institution and functions under the constitutional provisions.
- Que-6 Reduce the following passage to one third of the original length with suitable title. (10)
- Rights and duties are correlative. The fundamental duties are intended to serve as a constant reminder to every citizen that while the constitution specifically conferred on him certain fundamental rights it also requires citizen to observe certain basic norms of democratic conduct and democratic behavior. It has been claimed by the leaders of the ruling party, the

Congress that what the framers failed to do is being done now. The omission by providing a chapter on the citizen's duties. It has been said that in India people lay emphasis only on rights and not on duties.

It is submitted that this view is entirely wrong. The performance of one's duties even in partial disregard of one's rights and privileges has been traditional in this country. Since time immemorial the emphasis in Indian society in accordance with the dictates of the ancient scriptures has been on the individuals "Kartavya" that is performance of one's duty towards society, the country and especially towards one's parents. The Gita and the Ramayana enjoin people to perform their duties without caring for their rights or (fruits).

These traditional duties have given constitutional sanction. "If one takes care of see, he will discover in the constitution not only his rights but also his duties. A look at the constitution will also thus answer but has not set out the duties of the individual towards the society. By the preamble the constitution secures to all the citizens: liberty of thought, expression, belief, faith and worship. These are fundamental rights of citizens. The rest of the preamble emphasise only the duties, "justice, social, economic and political". In addition to this the fundamental rights guaranteed by the constitution are not absolute rights. The state is empowered to impose reasonable restriction and curtail these rights in the interest of society. Restriction may sometimes amount to 'Prohibition'.
