

No.

34160

LAW**(Part—I)****Full Marks : 150****Time : 2½ hours***The figures in the margin indicate full marks for the questions***Answer all questions****SECTION—A****(Marks : 50)**

1. Draft an Affidavit in opposition on behalf of the concerned department with reference to the passage given below :

Mr. A claims to be Grade IV Govt. employee of Fisheries Department, Government of Meghalaya, Shillong, who retired from service on 31.12.2020, but his pensionary benefits and pension could not be processed as his service in the post of PEON is yet to be regularized. Mr. A filed several representations to the appropriate authority in the Govt. for redressal of his grievances, but the same did not have any fruitful outcome and as such Mr. A was faced with severe hardships and so he was compelled to approach the Hon'ble High Court of Meghalaya, by filling a writ petition being **WP(C) No. XYZ of 2024—Mr. A vs. State of Meghalaya**, for redressal of his grievances and necessary relief.

The Hon'ble High Court came down heavily on the State respondents for such delay, but however, allowed sometime to the concerned department to file an Affidavit-in-opposition in response to the claims of the petitioner Mr. A.

Prepare an Affidavit-in-opposition accordingly in defense of concerned department presented by its Director.

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2. Draft a Special Leave Petition to be filed before the Supreme Court of India as provided for under the Rules of the Supreme Court of India :

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A State Transport Corporation running a bus depot had given a part of the land to a contractor X for running a canteen. The period of contract was for 5 years. After 5 years, the corporation invited fresh tenders. X submitted a tender but was unsuccessful. The corporation awarded the contractor to the successful bidder, Y and tried to remove X forcibly from possession. X protested that he would not vacate and filed suit for injunction relying on Section 6 of the Specific Relief Act, 1963. The High Court rejected his application for injunction.

In these circumstances, draft a Special Leave Petition against the High Court judgement to be filed before the Hon'ble Supreme Court setting out :

- (a) Brief synopsis of the core issue involved in the matter
- (b) The relevant questions of law and grounds in support of the reliefs sought

Section 6

- (i) If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person [through whom he has been in possession or any person] claiming through him may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit.
- (ii) No suit under this section shall be brought :
 - (1) After the expiry of 6 months from the date of dispossession
 - (2) Against the Government

SECTION—B

(Marks : 50)

Answer any five questions

3. Define Contempt of Court. Explain the defenses available in an action for Contempt of Court.
4. An Indian comedian faced contempt charges for his tweets about a Supreme Court order that granted bail offering no apology for his tweets about the Supreme Court judgement, the Indian comedian said his criticism was comedy and that 'jokes are not reality and do not claim to be so'.
- (a) Can people exercise rights to freedom of speech and expression against Supreme Court's order, if yes, then up to what extent?
 - (b) Will it amount to Contempt of Court?

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5. Enumerate the salient features of the Contempt of Court Act, 1971. 10
6. What are the intrinsic aids that help in interpretation of a statute? Discuss 'Preamble' and 'Definitions' as intrinsic aids to construction. 10
7. Explain the beneficial construction of the statutes. Also, highlight the judicial views in this regard. 10
8. Write short notes on/Answer any *two* of the following : 5×2=10
 - (a) Doctrine of pith and substance
 - (b) Explain the maxim 'Noscitur a Sociis' as rule of interpretation.
 - (c) Doctrine of Repugnancy
 - (d) Literal of grammatical construction

SECTION—C

(Marks : 50)

9. Smt. *L* is the absolute owner of a land situated at Police Bazar, Shillong measuring about 10000 sq ft. (Late) Smt. *M* has two daughters, Smt. *L* and Smt. *P*. Out of love and affection to said landed property was gifted by (Late) Smt. *M* to her daughter Smt. *L* vide Gift Deed dated 22.06.2022. Smt. *P* had her contentions about the Gift Deed and encroached the oversaid landed property claiming that the property was owned jointly with her sister Smt. *L*. So, a plaint was filed by Smt. *L* (T.S. No. 41 of 2022) against the defendant Smt. *P* for declaration of right, title, interest of the gifted landed property situated at Police Bazar, Shillong measuring about 10000 sq. ft.

Draft a written statement on behalf of the defendant.

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10. Shri *Z* is an absolute owner of a plot of land along with a house at Laitkor measuring about 50000 sq. ft more or less. Shri *Z* had agreed to sell to Shri *X* for a consideration price of ₹ 30,00,000 (Rupees Thirty Lakhs) only. It is to be noted that the said property is free from all encumbrances. The land is bounded as follows :

North : PWD road

East : Land of Mr. *Z*

South : Land of Mr. *X*

West : River

Draft a sale deed between Mr. *Z* and Mr. *X*.

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11. Shri A is a real estate agent having many businesses within the State as well as outside the State. In the past one month, he had suffered from some financial difficulties in sustaining his business. Therefore, he had approached one of his business partners Shri B for financial help amounting to ₹ 13,00,000 (Rupees thirteen lakhs). A contract agreement was made between the two parties in which it was clearly mentioned that Shri A will pay the said amount within a period of one year. For security purpose, Shri A had also mortgaged his land situated at Mawdiangdiang and the land documents are being handed over to Shri B.

Draft a contract agreement between Shri A and Shri B.

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LAW

(Part—II)

Full Marks : 150

Time : 2½ hours

The figures in the margin indicate full marks for the questions

SECTION—A

(Marks : 50)

Answer any five questions

1. In our legal system, judicative and administrative law-making has become de facto primary and the law-making by the legislature secondary. Within the framework of the Indian Constitution, how far is the situation constitutional? Discuss. 10
2. Answer any two of the following questions : 5×2=10
 - (a) Examine the scope of 'other authorities' under Article 12 of the Constitution.
 - (b) Discuss the declaration of emergency under Article 352 and its consequences.
 - (c) Discuss constitutional safeguards available to civil servant in India.
 - (d) Write a note on 'doctrine of severability'.
3. Answer/Write short notes on any two of the following : 5×2=10
 - (a) Suit by indigent person
 - (b) Notice under Section 80 of the Civil Procedure Code, 1908
 - (c) Inherent powers of the High Court
 - (d) Explain the provisions of Cr.P.C. relating to the transfer of criminal cases.
 - (e) Distinction between 'Relevancy' and 'Admissibility' of evidence

4. (a) "Agreement in restraint of trade is void." Discuss this statement and state the exceptions. 10
 (b) A, B and C jointly promise to pay ₹ 30,000 to D but B becomes insolvent. Discuss the liability of A, B and C. 10
5. "Distribution of State largesse should not be marred by arbitrariness." Elucidate. 10
6. Explain the meaning of 'public premises' and 'unauthorized occupation' as used in the Meghalaya Public Premises (Eviction of Unauthorized Occupants) Act, 1980. 10

SECTION—B

(Marks : 50)

Answer any five questions

7. Discuss the constitutional validity and ethicalness of 'Restitution of Conjugal Rights' under the Hindu Marriage Act, 1955. Whether consideration of employment of the wife amount to a reasonable excuse for her to withdraw from the society of her husband against his wish more specifically in a situation when he in the first place encouraged her to take up an avocation but later due to disagreement over control of her salary wanted her to resign from her job and give him conjugal company? 10
8. "Under the Hindu system of law, clear proof of usage will out-weigh the written text of law." Explain the statement. 10
9. Discuss the Doctrine of Son's Pious Obligation to pay father's debt. Has it been amended under the Hindu law? 10
10. Explain the scope of doctrine of 'Acknowledgement in Muslim law'. Can this doctrine be invoked in the following cases? 10
 - (a) The legitimacy of 'A' aged 20 years is in dispute. 'B' aged 27 years claims that 'A' is his son.
 - (b) 'A' acknowledges 'B' to be his son. It is discovered that at the time of B's birth, his mother 'M' was a lawfully married wife of 'Z'.
11. Can pension be withheld on conclusion of departmental/judicial proceedings? Which pay is reckoned as emoluments for pension if the Government servant is on leave, suspension or deputation at the time of retirement? 10
12. What is the validity of transfer of a government employee? What are the consequences of refusing to accept a transfer order in India as an employee of a State or Central Government? 10

SECTION—C

(Marks : 50)

13. Answer any *two* of the following questions :

10×2=20

- (a) What are the procedures for imposing penalties under the Meghalaya Services, (Discipline and Appeal) Rules?
- (b) Whether the appointing authority or any other authority empowered by the Governor can suspend a government servant? Discuss.
- (c) Write brief notes on any *two* of the following :

5×2=10

- (i) Provision regarding borrowed officers and lent officers
- (ii) Appeals against orders imposing penalties
- (iii) Appointing authority and their important powers

14. Answer any *three* of the following questions :

10×3=30

- (a) The concept of two-tier arbitration has been introduced to bring transparency, fairness and speedy remedy to the parties. Elucidate the validity of two-tier arbitration with relevant case laws and whether the appellate arbitrator has the power to set-aside the award of the arbitrator on merit.
- (b) Analyse the evolution of conciliation as a mode of dispute settlement. What is the nature and scope of the settlement agreement entered into between the parties to a dispute in conciliation proceeding?
- (c) Considering recent judicial pronouncements, discuss how interim measures before the court differs from interim measures ordered by arbitral tribunal.
- (d) Write brief notes on the following :

5×2=10

- (i) Powers and duties of a conciliation officer
- (ii) Distinction between an arbitration agreement and an arbitration clause

No.

36020

PART—III (ENGLISH)

(Essay & Précis Writing)

Full Marks : 100

Time : 2½ hours

The figures in the margin indicate full marks for the questions

1. Write an essay, within 1500 words, on any *one* of the following topics :

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- (a) The Role of Artificial Intelligence in Modern Society
- (b) The Importance of Mental Health Awareness
- (c) The Challenges of Waste Management in Urban Areas
- (d) The Impact of Population Growth on the Environment

2. Write a précis of the following passage and give a suitable title to it :

35+5=40

It is, no doubt, true that we cannot go through life without sorrow. There can be no sunshine without shade. We must not complain that roses have thorns, but rather be grateful that thorns bear flowers. Our existence here is so complex that we must expect much sorrow and suffering. Many people distress and torment themselves about the mystery of existence. But although a good man may at times be angry with the world, it is certain that no man who did his duty in it is ever so discontented with the world. The world is a looking glass; if you smile, it smiles; if you frown, it frowns back. If you look at it through a red glass, all seems red and rosy; if through a blue one, all blue; if through a smoked one, all dull and dingy. Always try, then, to look at the bright side of things; almost everything in the world has a bright side. There are some persons whose smile, the sound of whose voice, whose very presence seems like

a ray of sunshine and brightens a whole room. Greet everybody with a bright smile, kind words and a pleasant welcome. It is not enough to love those who are near and dear to us. We must show that we always do so. While, however, we should be grateful, and enjoy to the full the innumerable blessings of life, we cannot expect to have no sorrows or anxieties. Life has been described as a comedy to those who think, and a tragedy to those who feel. It is indeed a tragedy at times and a comedy very often but, as a rule, it is what we choose to make it. "No evil," said Socrates, "can happen to a good man, either in Life or in Death."
