UP PCS-J (Mains) 2015

Law Paper I: Substantive Law · compulsory paper

1.(a) It is fallacious to think that Directive Principles and Fundamental Rights are opposed to one another in their ultimate objectives. They are in fact complementary and supplementary to each other and both striving to secure socio-economic welfare by ensuring a social order in which justice and individual liberty are safeguarded. Comment critically. 15 Marks

1.(b) "Freedom of speech can be restricted only in the interest of the security of the state, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence." Elucidate the above statement with suitable case laws in relation to the freedom of the press. 15 Marks

1.(c) Explain what is meant by the expression "Failure of constitutional machinery in a state under Article 356 of the Constitution of India". Which situation will fall and which will not fall within the expression? Explain. 10 Marks

1.(d) Critically evaluate the scope of the expression 'Personal Liberty' in Article 21 of the Constitution of India. Do you think that the expression 'procedure established by law' in Article 21 introduces in India, the American 'due process clause' on the subject? Discuss. 10 Marks

2.(a) Who are the persons governed by Hindu Law? Who are entitled to share a partition in joint Hindu family? Explain divorce by mutual consent under the Hindu Marriage Act, 1955. 10 Marks

2.(b)(i) Describe the main provisions of the Shariat Act, 1937. State the changes brought about by it. 6 Marks

2.(b)(ii) 'A' has a wife 'B', an unmarried daughter 'C' and a son 'D'. 'A' makes a gift of his entire property to his son 'D'. Is the gift valid? What steps must be taken to protect the right of maintenance of 'B' and 'C' against the gift? Explain. 4 Marks

2.(c) How can an offer be made, revoked or accepted? What rules apply when an offer is made through post or over the telephone? Discuss. 10 Marks

3.(a) Discuss Property. What are the properties which cannot be transferred? Distinguish between 'Sale' and 'Agreement to Sell'. 15 Marks

3.(b) Discuss the doctrine of election with the help of illustrations. Also discuss the important conditions relating to doctrine of election as provided under Section 35 of Transfer of Property Act, 1882. 15 Marks

4.(a) What is Partnership? State its essential elements. Distinguish between partnership and joint Hindu family. 15 Marks

4.(b) Under what circumstances can a partnership firm be dissolved by the court? What are the consequences, if a partnership firm is not registered? Discuss. 15 Marks

5.(a) "The rule in Rylands Vs. Fletcher is interpreted in the light of the Constitutional provision by the Supreme Court in M.C. Mehta Vs. Union of India (1987)." Explain the rule laid down in Rylands Vs. Fletcher. Keeping in mind the aforementioned statement, elaborate the corresponding development in India with reference to the said rule. 10 + 5 Marks

5.(b) "A statement made in performance of duty is privileged." Examine such statement referring to tort of defamation. 15 Marks

6.(a) Define trust. Discuss its creation and the different kinds. 10 Marks

6.(b) Define trustee. Describe duties and liabilities of trustees. 10 Marks

6.(c) Explain the following maxims with illustrations:
(i) Equality is equity. [5 Marks]
(ii) Equity will not suffer a wrong to be without a remedy. [5 Marks]

7.(a) What do you mean by easement? Explain its origin and development. What is distinction between customary right and customary easement? State. 15 Marks

7.(b) Which are the contracts which would be specifically performed under the Specific Relief Act, 1963? Explain about the recission of contracts with illustrations. 15 Marks

8.(a) "The sanctity of a contract is the foundation of the law of contract and the doctrine of impossibility cannot be permitted to become a device for destroying this sanctity." Explain this statement. 15 Marks

8.(b) Who can give adoption? Who can adopt? What are the effects of adoption? Discuss. 15 Marks

9.(a) Define Talak. Explain various modes of talak in Muslim Law. What are distinctions between Sunni and Shia Law regarding talak? Explain. 10 Marks

9.(b)(i) Explain different kinds of Mehr in Muslim Law. 10 Marks

9.(b)(ii) Heena, a Muslim widow, re-marries within 30 days of the death of her husband. Justify it. 10 Marks

10. Solve any three of the following problems by referring to relevant laws. (10 Marks each)

10.(a) 'A' shakes his fist at 'Y', intending or knowing it to be likely that he may thereby cause 'Y' to believe that 'A' is about to strike 'Y'. 10 Marks

10.(b) 'A' supplies 'B', who is a lunatic, with necessaries suitable to his condition in life. 'A' is entitled to be reimbursed from 'B's property. 10 Marks

10.(c) One of the partners of a firm, while on touring for business of the firm, usually travelled in rail without ticket. In consequence, he was caught by railway police. The other partners objected to his conduct and sought dissolution of firm through court. Whether the partners would succeed? 10 Marks

10.(d) 'A', being on friendly terms with 'Y' goes into Y's library in Y's absence and takes away a book without Y's express consent for the purpose merely of reading it and with intention of returning it to his friend. 10 Marks