# UP PCS-J (Mains) 2018

## Law Paper I: Substantive Law · compulsory paper

1. (a) “No person shall be deprived of his life and personal liberty except according to procedure established by law." Discuss with the help of decided cases. 15 Marks

1.(b) Describe briefly the comparative position of the two Houses of Parliament. 10 Marks

1.(c) What is money bill? Discuss the mode of passing of money bill. 10 Marks

1.(d) Against whom Fundamental Rights are available? In this context, refer to the meaning of the term ‘State’ in Part III of the Constitution. 15 Marks

2.(a) What do you understand by void and voidable marriage? In which circumstances a marriage becomes void or voidable? 10 Marks

2.(b)(i) Describe in brief the classification of dower and explain the characteristics of widow’s right of retention. 05 Marks

2.(b)(ii) Distinguish between public Waqf and Private Waqf. 05 Marks

2.(c) Discuss in brief, the doctrine of frustration as applicable in India and state the specific grounds of frustration of contract. Refer to statutory provisions and decided cases wherever relevant. 10 Marks

3. (a) Who is an ostensible owner? What are the circumstances under which a transfer made by an ostensible owner shall not be voidable? 15 Marks

3.(b) Write notes on the following:
(i) Rules against perpetuity
(ii) Immovable property 15 Marks

4. (a) What are the rights of partners in the management and conduct of the business of a partnership firm? 15 Marks

4.(b) Can a partner use the partnership property for his own private purpose and carry on competing business? If not, what is the result if he does so? 15 Marks

5.(a) Explain the principle of contributory negligence with illustration. What are the defences available in a case of contributory negligence? 10 Marks

5.(b) Describe the extent of the liability of the master for the torts committed by his servant. 10 Marks

5.(c)(i) Explain the following maxims with illustrations: Res ipsa loquitur 05 Marks

5.(c)(ii) Explain the following maxims with illustrations: Ubi jus ibi remedium 05 Marks

6.(a) While stating the law relating to recovery of possession of immovable property, discuss the effect of combining the remedies available under Section 5 and 6 of the Specific Relief Act, 1963 in a single suit. 15 Marks

6.(b) Stating the general principles on the basis of which temporary injunctions are granted, discuss the circumstances in which perpetual injunctions are granted by the Court. 15 Marks

7.(a) Briefly state the various modes of creation of easement as laid down in the Easement Act. 10 Marks

7.(b) What are different kinds of easement? Explain with illustrations. 10 Marks

7.(c) Define easement and state its essential elements. 10 Marks

8.(a) Can a Muslim woman divorce her husband? If so, under what circumstances? 10 Marks

8.(b) Discuss the grounds of exclusion from inheritance under the Muslim Law. 10 Marks

8.(c) What do you mean by 'pious obligation theory'? Discuss the liability of a son to pay off his father's debt. 10 Marks

9.(a) What is a 'partial partition'? Describe the rules relating to partial partition. 10 Marks

9.(b) Can a partition be re-opened? Explain the grounds on which a partition may be re-opened.

9.(c) Define gift. Can a Karta of a joint family gift coparcenary property? Explain. 10 Marks 10 Marks

10.(a) Explain the difference between equitable interest and legal interest. 10 Marks

10.(b) What are the circumstances, when a surety is discharged from his liabilities? 10 Marks

10.(c) Explain the following maxims with illustrations :[10 Marks]
(i) Equity will not suffer a wrong to be without a remedy.

10.(c) Explain the following maxims with illustrations :
(ii) Where equities are equal, the law shall prevail.