



RAN-4434

Third Year LL.B. (Sem. V) Examination

March / April - 2019

Legal English

Time: 3 Hours]

[Total Marks: 70

સૂચના : / Instructions

નીચે દર્શાવેલ નિશાનીવાળી વિગતો ઉત્તરવહી પર અવશ્ય લખવી.
Fill up strictly the details of signs on your answer book

Name of the Examination:

☛ **Third Year LL.B. (Sem. V)**

Name of the Subject :

☛ **Legal English**

Subject Code No.:

4

4

3

4

Seat No.:

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Student's Signature

Instructions :

- 1) Figures to the right indicate marks.
- 2) Do not change question number.
- 3) Assume necessary facts where required.

Q.-1. Write an essay on any ONE of the following.

10

1. Capital Punishment.
2. Rule of law.
3. Uniform civil code - Need of Present Time.
4. Independence of Judiciary.

Q.-2. Explain with illustrations any TWO of the following.

10

1. Libel and Slander.
2. Garnishee Order.
3. Status quo.
4. Coparceners.

Q.-3. Discuss any TWO of the following with its meaning.

10

1. Rex non potest peccare.
2. Ubi jus Ibi remedium.
3. Aequites est quasi - aequalites
4. Ex facto jus oriture.

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[1]

[P.T.O.]

Q.-4. Read the following passage carefully and answers the questions in your own words : **10**

“There is here a fundamental difference between the civil law and common law systems. A Judge acting within the civil law system acts within the written law. In the common law system the judge tries to reason how a principle is applicable and whether it admits of deviation. The most intriguing situation is when the judge finds that no principle so far stated in written law or in the dicta of judges quite fits in the case. In legal parlance such a case is described as a case of first impression. After all, society is not static. The pattern of life changes and so do our institutions and understanding of our social order. The law as involved up to the point of controversy fails to take in the new condition. How must the judge then act? He cannot wait for these legislatures to apply the missing rule. He must do something on his own. He then examines the area of the law as evolved already and considers the need of the new principle in ethical, political, social and such other aspects. He then considers the nearest principles on which the new development can be engrafted. Even so he cannot go ahead and lay a task for him. He has to follow some accepted cannon and his departure must be as little as possible. He must move with what be called the speed of a glacier. Some judges promptly lay down new law on a broad canvass with bold strokes. This is perhaps wrong. The utmost slowness in the evolution of the law must be adopted and the new law must be correlated to the facts of the case. Otherwise the judge would be usurping the functions of the legislature.”

- “M. C. Changla *"Roses in December"*”

Questions :-

- 1) What according to the author is the fundamental difference between the civil law and common law systems ?
- 2) what according to the author is the most intriguing situation ?
- 3) What according to the author is wrong for a judge?
- 4) When does a judge usurp the function of the legislature?

Q.-5. Make a precis of the passage given in question 4, reducing to 1/3rd of its size in your own words, without losing substance. **10**

OR

Q.-5. Translate the passage given in question - 4 into Gujarati or into Hindi. **10**

Q.-6. Make a drafts of any Two of the Following :- **20**

- 1) Draft an application seeking an interim injunction.
- 2) Draft a sale deed of a bungalow, assume necessary facts.
- 3) Draft a partnership deed for seasonal business.
- 4) Draft a petition of divorce on ground of cruelty on behalf of a Hindu wife against her husband under section 13 of the Hindu Marriage Act, 1955.