

First Semester LL.B. Three Years Course (CBS) Examination

LEGAL LANGUAGE AND LEGAL WRITING

Compulsory Paper—5

Time : Three Hours]

[Maximum Marks : 80

- Note :—** (1) Solve **SEVEN** questions, including Question No. 1 which is compulsory from Section A.
 (2) Both Sections A and B are compulsory.
 (3) Marks are indicated against each question.

SECTION—A

1. Attempt the following (any **TEN**) :—

- (i) Law is a result of —
 - (a) Group conflict
 - (b) A mirror of society
 - (c) A social fact, a Constitution of State
 - (d) All of the above
- (ii) The word ‘_____’ is the most powerful word discovered by the draftsman.
 - (a) Law
 - (b) Language
 - (c) Shall
 - (d) May
- (iii) Which of the following Article of the Constitution declares that all proceedings in the Supreme Court and in the High Courts shall be in English ?
 - (a) Art. 347
 - (b) Art. 348
 - (c) Art. 349
 - (d) Art. 351
- (iv) He is a person who is not engaged in the case, but who brings to the court’s attention a point which has apparently been overlooked :
 - (a) Alibi
 - (b) Amicus Curiae
 - (c) Jury
 - (d) Pacifist
- (v) _____ is transfer of certain existing movable or immovable property made voluntarily without valuable consideration.
 - (a) Sale deed
 - (b) Lease deed
 - (c) Gift deed
 - (d) All of the above
- (vi) _____ is a tentative and provisional, preparatory writing.
 - (a) Complaint
 - (b) W.S.
 - (c) Drafting
 - (d) Appeal

- (vii) In which of the following case wherein the S.C. observed that the Judges and Advocates have failed to rise upto the expectation of the welfare starved society, though both are the machinery for social justice and economic justice of the Republic of India ?
- Keshvanand Bharati v. State of Kerala
 - R.R. Dalwai v. State of Tamil Nadu
 - Madhu Limaye v. Bed Moorti
 - S.P. Gupta v. Union of India
- (viii) _____ are not compulsorily legal experts, they cannot unfold the technicalities of law.
- Ordinary citizen
 - Law maker
 - Legal adviser
 - All of the above
- (ix) _____ is a kind of translation but such translation is not made in other language.
- Paraphrasing
 - Precis
 - Both (a) and (b)
 - Either (a) or (b)
- (x) Which of the following phrase used in the Law of Torts to refer to the violation of an interest which may constitute an national tort, without proof of damage i.e., pecuniary loss ?
- Res Ipsa Loquitur
 - Fait Justitia
 - Injuria Sine damnum
 - Damnum Sine Injuria
- (xi) In which of the following case the Hon'ble Supreme Court ruled that the principle 'False in one thing, False in every thing' is not applicable in India ?
- Shyam Sunder v. State of Rajasthan AIR 1973 SC 890
 - D.K. Basu v. State of W.B. (1997) 1 SCC 416.
 - Amarjit Singh Kalra v. Premod Gupta (2003) 3 SCC 272
 - Sucha Singh v. State of Punjab (2003) 7 SCC 643
- (xii) Who may Mortgage ?
- Company or association
 - Any living person
 - A partner
 - All of the above
- (xiii) _____ is also called the 'witness clause'.
- Recitals
 - Testatum
 - Both (a) and (b)
 - None of the above
- (xiv) Which of the following are the examples of verbose expression ?
- Have need of
 - At the time of his birth
 - Consider
 - Only (a) and (b)
- (xv) _____ is a departure from the ordinary form of expression, or the ordinary course of ideas in order to produce a greater effect.
- Figures of speech
 - Use of preposition
 - Comprehension
 - All of the above

1×10=10

2. Explain (any **FIVE**) :— 5×2=10
- (a) Ad Valorem
 - (b) Alibi
 - (c) Caveat emptor
 - (d) Ex-parte
 - (e) Lex Loci
 - (f) Obiter dictum
 - (g) Vox Populi Vox dei.
3. Explain (any **TWO**) :— 5×2=10
- (a) Actus dei nemini Facit injuriam
 - (b) Communis error facit jus.
 - (c) Vigilantibus et non dormientibus, jura subveniunt
 - (d) Ubi jus ibi remedium.
4. Explain the meaning of legal language and discuss its scope with examples. 10
5. 'Due to ambiguity in the human language, the Legal Language too has its own problems', Elaborate with specific reference to :
- (a) Problem due to uncertainty and doubt
 - (b) Problem arising due to regional or limited meaning of the words
 - (c) Problem due to use of Legalistic Language. 10
6. Write a note on, 'Problem of Language in drafting statute'. 10
7. Write a note on :—
- (a) Promissory note
 - (b) Fundamental principles of legal writing. 10
8. What is gift ? How it is made ? Draft a sample gift deed, between ABC and XYZ. ABC has 5000 sq. ft open land situated at Gangapur Tahasil, District Madhavpur and he would like to donate this land to XYZ a Registered Society working for the cause of wellbeing of street children (beggars). 10
9. Write an explanatory note on, 'Nemo dat quod non habet'. 10

SECTION—B

10. (A) Paraphrase the following :

A right to vote is a statutory right. The Law gives it and the Law takes it away. Persons convicted of crime are kept away from elections to the Legislature, whether to State Legislature or Parliament and all other public elections. The Court has no hesitation in interpreting the

Constitution and Laws framed under it, read together, that persons in the lawful custody of the police also will not be voters, in which case they will neither be electors. The law temporarily takes away the power of such persons to go anywhere near the election scene. To vote is a statutory right. It is a privilege to vote, but this privilege may be taken away. In that case, the elector would not be qualified even if his name is on the electoral rolls. The name is not struck off, but the qualification to be an elector and the privilege to vote when in the lawful custody of the police is taken away. 5

(B) Name of the figures of speech (any **FIVE**) :—

- (a) Words are like leaves; and where they most abound, Much fruit of sense beneath is rarely found
- (b) She accepted it as the kind cruelty of the Surgeon's knife.
- (c) The fool doth think he is wise, but the wise man knows himself to be a fool.
- (d) O Judgement ! thou art fled to brutish beasts.
- (e) The House, for the members of Lok Sabha.
- (f) O What a fall was there, my countrymen !
- (g) He has many mouth to feed. 5