



Seat No. _____

HAK-1604010001050200
LL. B. (Sem. IV) (CBCS)
(W.E.F. 2016) Examination
May - 2023
Legal English
(Old Course)

Time : 3 Hours / Total Marks : 100

Instruction : All questions carry equal marks.

1 Explain : Legal Language in India 20

OR

Discuss: Actus reum non facit reum nisi mens sit rea. 20

2 Explain Maxim : (any **four**) 20

- (1) Ubi jus ibi remedium
- (2) Injuria sine Damnum
- (3) Ignorantia facit Excusat
- (4) Caveat Emptor
- (5) Mens Ria
- (6) Locus Standi
- (7) Vis Major

3 Draft Anticipatory bail application. 20

OR

Draft a Gift dead. 20

4 Write an essay on any **one** : 20

- (a) Role of Law in empowerment of women.
- (b) Independence of Judiciary.
- (c) Justice delayed in Justice denied.
- (d) Art of Advocacy

- 5 (a) Read the following passage and frame five relevant questions:

20

For the efficiency of the judiciary these should be sound and stable laws for administration and justice. At present there are two types of laws, that is, the Rule of Law and the Administrative Law which is usually practiced. Dicey has made the analytical interpretation of the term, "The Rule of Law". According to him, it has three meanings. Firstly, it means the absolute supremacy of predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness of prerogative, or even of wide discretionary authority on the part of the government. Englishmen are ruled by the law and by the law alone, a man may be punished for a breach of the law, but he can be punished for nothing also. According to this statement, the executive has no arbitrary powers over the individual. No person can be deprived of life, liberty and property arbitrary. Secondly, the Rule of Law implies equality before law, or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts. In other words, everyone is subject to the ordinary law of the realm. His rights must be determined in the ordinary courts. Thirdly the rule of law may be used as formula for expressing the fact that with as the constitution, the rules which in countries naturally form part of the constitutional code, are not the sources, but the consequences of the rights of the individuals as defined and enforced by the courts, it means that the main principles of the constitution such as the right of personal liberty of public meeting, have been set upon the foundation of the old common law and not as things devised from any general constitutional theory. In other words, rights do not follow from the constitution only but from judicial decision at well. The rule of law has proved very useful in England whose judiciary has been considered efficient in the world.

(b) Translate the following passage into Gujarati.

In India, Article 21 of the Constitution of India protects life and personal liberty by providing that “no person shall be deprived of his life or personal liberty except according to procedure established by law”. The Court observed that the expression “Life or personal liberty” includes the right to live with human dignity, and thus it would also include within itself, a guarantee against torture and assault by the State. Article 22 of the Constitution guarantees protection against arrest and detention in certain cases, laying down the procedural requirements as well as the rights of the person arrested. Detailed provisions are contained in the Criminal Procedure Code regarding powers of arrest and the safeguards which are required to be followed by the police to protect the interest of the arrested person. However, in spite of all these provisions, morning newspapers carry, almost every day, reports of dehumanizing torture, assault, rape and deaths in police custody, and in the words of the Supreme Court, “Society’s cry for justice becomes louder.”
