

LD – 148 CV-19
B.A.L.L.B. (I SEM.)
Term End Examination JAN 2021
Paper-V General and Legal English

Time : Three Hours

[Maximum Marks : 100

[Minimum Pass Marks : 036]

नोट:— Note: Answer all question. The figures in the right-hand margin indicate marks.

1. Explain in brief the following maxims either in English or in Hindi: (any five) 10

(i) *Actus non facietrum simens sifrea.* (ii) *injuria Sine Damnum.* (iii) *Respondent superior.*
(iv) *Caveat Emptio* (v) *Res judicat* (vi) *Bonafides.* (vii) *Ex-parte.*

2. Explain the following abbreviations: (any five) 10

(i) *S.C.C.* (ii) *M.P.W.N.* (iii) *Cal. L.R.* (iv) *I.B. Rev.* (v) *S.C.W.R.* (vi) *Al. Cr. C.* (vii) *I.T.J.* (viii) *Bom. L.R.*
(ix) *J.L.J.* (x) *M.P. L.J.* (xi) *O.L.R.* (xii) *A.I.R.*

3. Translate the following passages from Hindi to English. 10

न्यायिक प्रक्रिया का एक आवश्यक तत्व यह है कि प्रशासनिक प्राधिकारी को न्यायिक कल्प के मामलों में कार्य करते हुए निष्पक्ष, ऋद्धतु तथा पक्षपात से परे होना चाहिए। न्यायिक सदाचार के नियमों में यह बहुत पहले निश्चित किया गया था कि पीठासीन अधिकारी को किसी भी प्रतिकूल प्रभाव से मुक्त होना चाहिए। जहां उस व्यक्ति के आचरण से, जो न्यायिक कल्प कार्यों का निर्वहन करता है, यह प्रतीत होता है कि वह हितबद्ध है या वह हितबद्ध होता दिखाई देता है। वह इस हैसियत से कार्य करने के अयोग्य होगा। कोई भी न्यायाधिकरण स्वयं अपने मामलों में निर्णायक नहीं हो सकता और उस व्यक्ति को जो दूसरे के विषय में निर्णय देने के लिए बैठता है पक्षपात से मुक्त होना चाहिए तथा उसमें विवाद के प्रश्न पर निष्पक्ष तथा वस्तुनिष्ठ मस्तिष्क से विचार करने की क्षमता होना चाहिए। रतन लाल शर्मा बनाम मैनेजिंग कमेटी, डॉ. हरी राय हायर सेकेण्डरी स्कूल के मामले में उच्चतम न्यायालय ने यह संप्रेक्षित किया कि नैसर्गिक न्याय का यह एक महत्वपूर्ण सिद्धांत है कि कोई व्यक्ति अपने मामले में स्वयं निर्णायक नहीं हो सकता।

4. Translate the following passages from English to Hindi 10

it is quite possible for a person to escape to another state after committing a crime in his own state. Such cases have started occurring more frequently with the result of the development of the air traffic. A question arises as to whether fugitive shall be tried in the country where he has fled away or in the state where the crime has been committed. Normally a state finds itself in a difficult situation to punish a person who has committed a crime elsewhere primarily because of the lack of jurisdiction, and therefore, such persons are sometimes surrendered to the state where the crime has been committed. Surrender of an accused or of a convict is referred to as extradition. Surrender of a person is opposite to the traditional practice of the states to grant asylum. Thus in those cases where the tradition of granting asylum is not followed, it is known as extradition. Thus, the surrender of a person is against the established and traditional practice of the states which started since the last quarter of the eighteenth century.

The term extradition has derived from two Latin words *ex* and *traditum*. Ordinarily, it may mean 'delivery of Criminals, surrender of fugitives' as 'handover of fugitives'. Extradition may be defined as surrender of an accused or a convicted person by the State on whose territory he is found to the state on whose territory he is alleged to have committed, or to have been convicted of a crime.

5. Read the passage carefully, write precis and suggest a suitable title: 10

The ADR consists of several techniques which are being utilized to resolve disputes. These techniques have been developed on scientific lines by some leading Universities and ADR Centres in US, UK, Canada and Australia. In Asia, ADR has emerged as a significant movement in these countries and has helped not only to reduce cost and time taken for resolution of disputes, but also to provide less formal and less complicated forms for various types of disputes, in the Far East countries,

especially Chins, Australia and Japan, conciliation has the preferred method for resolving disputes. The United States has seen a rapid evolution and growth of various ADR procedures. The ADR has become popular and desirable in developed countries as it is an effective, low cost, efficient and speedy form of dispute resolution.

It has been observed that the ADR is able to give better results than the traditional Courts. The ADR has its own advantages, for example it may be used at any time and even when a case is pending before the Court. It can provide a better solution to a dispute more expeditiously and at a lesser cost than in regular litigation. It is flexible and is not governed by the rigours of the rule of procedure. The ADR helps in reducing the workload of the courts and, thereby helps them to focus attention on other cases. The ADR procedure permits parties to choose neutrals who are specialists in the subject matters of the dispute. The main objective of the ADR procedure is to make the parties come together, with a view to achieving a settlement and maintain the relationships even thereafter.

6. Write an essay on the following: (any one) 30

- (i) Essentials of a valid contract. (ii) Right of private defence under Criminal Law.
- (iii) Fundamental rights under the Indian Constitution. (iv) Emergency provisions.

7. Do as directed: (any one) 20

- (i) (a) Filly (b) Duke (change the gender) (ii) (a) data (b) Mrs. (change the number)
- (iii) (a) Only best quality is sold by us. (b) Umbrella is of no avail against the thunder storm. (Insest suitable article where necessary) (iii) (a) ill (get), ill spent. (b) A stitch in time, (save) nine. (Rewrite the following using correct tense of the verb given in the brackets.) (v) (a) Promises should be kept. (b) He will do it. (change the voice) (vi) (a) O god; Keep me sin. (b) He is addicted opium. (Supply appropriate prepositions where necessary.) (vii) (a) The advocate asked the witness if he knew that man. (b) the magistrate said, "Let the prisoner go". (change the narration.) (viii) (a) Government by King or Queen. (b) Murders or murderer of brother. (Substitute one word.) (ix) (a) Despise (Give the antonym) (b) Prodigal (Give the Synonym) (x) (a) I doubt that he will come. (b) Let us discuss about the problem. (Correct the above sentences.)

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