

Seat No. : \_\_\_\_\_

**AK-103**

April -2018

**LL.B., Sem.-VI**

**312 : Legal Language/Legal Writing Including General English**

**Time : 3 Hours]**

**[Max. Marks : 100**

1. Write an essay on any **one** of the following :

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- (1) Court is luxury of litigation
- (2) Free education to girls is injustice to boys
- (3) Rule of Law
- (4) Judicial Activism

2. Explain any **five** legal terms given below and frame meaningful sentences using them : **20**

- |                |                              |
|----------------|------------------------------|
| (1) Jus in rem | (6) Accomplice               |
| (2) Ipso Facto | (7) Mala fide                |
| (3) Act of god | (8) Locus Standi             |
| (4) Inter alia | (9) Ultra vires              |
| (5) Status Quo | (10) Nemo dat quod non habet |

3. Read the passage carefully and answer the questions given below in your own words : **20**

Disputes of all the citizens are settled through a well-defined and recognized system of law. But litigations do not always lead to satisfactory results. A case won or lost does not change the attitude of the litigants who go on fighting in appeal after appeals. This is the reason because of which parties go for alternative ways of resolving their disputes. In simple words Alternative Dispute Resolution means a method of settlement of dispute outside the formal legal system. The noble concept of resolution of dispute was well known in history. In ancient times, the disputes were settled by community bodies for e.g. Parishads (assemblies of learned men who knew law). In post-independence period, bodies such as the Panchayat, a group of elder persons in a



village decided the dispute among villagers. Alternative Dispute Resolution is today being increasingly acknowledged in the field of law as well as in the commercial sector. The need of Alternative Dispute Resolution is due to the long process of litigation, its cost and inadequacy of the court system which cause unnecessary delay in administering justice. So, in order to provide speedy justice to the people ADR is necessary. The main purpose of ADR is to render justice to the parties by resolving the conflicts in a more cost effective and expedited manner while fostering long term relationship. ADR involves finding other way which act as a substitute for litigation and resolve civil disputes. ADR procedures are widely recommended to reduce the number of cases and provide cheaper and less adverse form of justice which is a lesser formal and complicated system. At present, even judges have started recommending ADR to avoid court cases. When easier way has been resorted and found, then holding on to traditional concepts is not a wiser show.

**Questions :**

- (1) What does ADR mean ? Why do parties go for alternative ways of resolving their disputes ?
- (2) How were the disputes settled in ancient times ?
- (3) What is the need for Alternative Dispute Resolution system ?
- (4) Why are ADR procedures widely recommended ?
- (5) Give suitable title to the given passage and justify.

4. Translate the following passage into Gujarati or Hindi :

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The key to success is the art of distinguishing the relevant from the irrelevant; is a key that can open any door. And when the lawyer does get on, he must not forget that the basic quality of fairness upon which all dispensation of justice rely should be taken into consideration. The lawyer must not forget that he is only fighting the battles of his client, but is also assisting in the administration of justice. He is bound to fight for his client with all the force and vigour of which he is capable. I do not believe in tepid advocacy. An advocate should enter into the fray with zest and confidence. It was said of one famous English lawyer Lord Curzon that he made the judge feel that every client he appeared for was gentleman, every cause he defended was the most just of causes.



5. Reduce the following paragraph into one third :

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Liberty is man's birth right. His rights should be protected. For the protection of his rights, law is necessary. The fundamental rights guaranteed and protected by the Constitution give freedom of speech and expression to citizens. This does not mean that an individual is free to speak anything to anyone. Liberty should not be taken as a licence. One has a right to express his opinion on public affairs but he has no right to put a defamatory or seditious libel. Liberty means ability to do a thing without being liable for it in law. Law and order are utmost necessary for the protection of individual rights. Where there is society without law, there is disorder. Discipline should be observed in the enjoyment of rights. Thus law and liberty go together. The purpose of law is not only to do justice but also to secure order in the society and the reconciliation of a will of one with the liberty of another.

**OR**

Critically examine any **two** problems given below :

- (1) A police officer while trying to capture the escaping thief fired at him. In doing so another person was hit and killed. Can the justification by the police officer under Section 76, be accepted ?
- (2) Defendant contracted to employ the plaintiff on 12 April. Employment was to start from 1 June. On May 11, he wrote to the plaintiff that plaintiff's services were not required. Evaluate.
- (3) A, mortgages his property for ₹ 20,000 and gets an advance of ₹ 8000. Thereafter he files a suit to get the mortgage deed cancelled. The mortgagee demanded ₹ 8,000 back from A. Can it be given back ?
- (4) Defendant made a movie wherein a lady having good character and high social status was shown to have been outraged by a person of bad character. The background in the movie showed that the plaintiff was such a woman. The plaintiff filed a suit for damages for defamation, can the plaintiff succeed ?



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