

Total No. of Questions : 6]

SEAT No. :

**P1323**

[Total No. of Pages : 3

**[4940]-504**

**III - LL.B. (Semester - V)**

**(Three Year Course)**

**LEGAL WRITING**

*Time : 3 Hours]*

*[Max. Marks : 100*

*Instructions to the candidates:*

- 1) *All questions are compulsory.*
- 2) *Figures to the right indicate full marks.*

**Q1)** Explain the following legal terms **(Any Eight) :**

**[16]**

- a) Amicus curiae.
- b) Stare decisis.
- c) Suo-moto.
- d) Ratio decidendi.
- e) Restitution.
- f) Nudam pactum.
- g) Locus Standi.
- h) Injunction.
- i) In loco parentis.
- j) Holograph.

**Q2)** Discuss the circumstances destroying the binding force of precedent. **[16]**

**OR**

Discuss the object and extent of Article 141 of the Constitution.

**Q3)** Write an Essay on the following topic **(Any One) :**

**[16]**

- a) Protection of Women from Domestic Violence.
- b) Importance of Independence of the Judiciary.
- c) Effectiveness of Anti-dowry Legislation.

**P.T.O.**

- Q4)** Draft a notice for payment of money due on promissory note payable on demand. **[16]**

OR

Draft a reply to the notice of restitution of conjugal rights on behalf of wife.

- Q5)** Read the following passage carefully and answer the questions given below. **[16]**

If economic criterion for compensatory discrimination or affirmative action is accepted, it would strike at the root cause of social and educational backwardness and simultaneously take a vital step in the direction of destruction of caste structure which in turn would advance the secular character of the nation. This approach seeks to translate into reality the twin constitutional goals: one, to strike at the perpetuation of the caste stratification of the Indian society so as to arrest progressive movement and to take firm step towards establishing a casteless society; and two, to progressively eliminate poverty by giving an opportunity to the disadvantaged sections of the society to raise their position and be a part of the mainstream of life which means eradication of poverty.

Economic criteria must include occupation and land holdings because income alone is insufficient. To decrease the likelihood that the undeserving evades identification, it is wise to employ more than one criterion.

In *Vasanth Kumar V. State of Madhya Pradesh*, AIR 1987 SC 2322, Justice Chinnappa Reddy departs from Justice Desai's use of economic criteria as the sole means of identification. Nevertheless, he recognises that "attainment of economic equality is the final and only solution to the besetting problems". In Justice Chinnappa Reddy's opinion, it is easier to classify based on caste than economic criteria: "Class poverty, not individual poverty is therefore the primary test. Other ancillary tests are the way of life, the standard of living, the place in the social hierarchy, the habits and customs, etc. Despite individual exceptions, it may be possible and easy to identify social backwardness with reference to caste, with reference to residence, with reference to occupation or some other dominant features. Notwithstanding our antipathy to caste and sub-regionalism these are facts of life which cannot be wished away. If they reflect poverty which is primary source of social and educational backwardness, they must be recognised for what they are along with other less primary sources".

It all depends on how one defines “class”. Once economic criteria remove the relatively wealthy families (from all caste and communities), a “class” will remain. This class is known as “the poor”. The class would share the same characteristic, irrespective of caste. They would all lack money.

In a number of judgements, the Supreme Court has spelled out our constitutional philosophy regarding caste. On numerous occasions the Supreme Court has proclaimed that the cherished goal of the Nation is to realize a casteless society. “The history of social reform for the last century and more has shown how difficult is to break or even to relax the rigour of the inflexible and exclusive character of the caste system. It is to be hoped that this position will change and in course of time the cherished ideal of casteless society truly based on social, and equality will be attained under the powerful impact of the doctrine of social justice and equality proclaimed by the constitution and sought to be implemented by the relevant statutes and as result of the spread of secular education and the growth of a rational outlook and of proper sense of social values; but at present it would be unrealistic and utopian to ignore the difficulties which a member of the depressed tribe or caste has to face in claiming a higher status amongst his co-religionists. It is in the light of this background that the alternative plea of the appellant must be considered”.

On the basis of the given paragraph, answer the following questions.

- a) What is the economic criterion for compensatory discrimination? [2]
- b) Why the economic criterion not acceptable in the Indian society? [2]
- c) Which are the twin constitutional goals mentioned in the paragraph? [2]
- d) What does economic criterion mean and include? [3]
- e) What is the constitutional philosophy regarding classless society? [2]
- f) What according to Justice Chinnappa Reddy is the primary test for social backwardness identification? [3]
- g) Give a suitable title to the paragraph. [2]

**Q6)** Write a critical analysis of **Any Two** cases : [20]

- a) Sarita Sharma V Sushil Sharma [AIR 2000 SC 1019].
- b) Dr. Surajmani Stella Kujur V Durga Charan Hansdah [AIR 2001 SC 938].
- c) Sarbati Devi V Usha Devi [AIR 1984 SC 346]
- d) Balaji Raghavan V Union of India. [AIR 1996 SC 770]

