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LL.B. (Vth Semester) Examination, 2020

Paper - I

LEGAL LANGUAGE AND GENERAL ENGLISH

Time Allowed : Three Hours

Maximum Marks : 100

Minimum Pass Marks : 36

Note : Attempt all questions.

Q. 1. Convert following sentences into direct speech : **5**

- (i) He enquired whether his name was Ram.
- (ii) The stranger asked Alice where he lived.
- (iii) Ram said to his mother that he would be late that night.
- (iv) She said that she always drank coffee.
- (v) They told me that they had been living in Paris.

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Q. 2. Change the following sentences into active

voice : **5**

- (i) The room will be cleaned by John every Saturday.
- (ii) A difficult question was asked by the boy.
- (iii) Clothes were being washed by the woman.
- (iv) I was decided by the court that the contract was invalid.
- (v) The cookies were stolen by John.

Q. 3. Write antonyms of following words (any five) : **5**

- (i) Wrongful
- (ii) Void
- (iii) Right
- (iv) Totalitarian
- (v) Monarchy

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- (vi) Deduct
- (vii) Condition subsequent
- (viii) Vested
- (ix) Minor
- (x) Married

Q. 4. Write synonyms of following words (any five) : **5**

- (i) Conviction
- (ii) Power
- (iii) Mistake
- (iv) Fraud
- (v) Wagering
- (vi) Performance
- (vii) Mandatory
- (viii) Contingent
- (ix) Proclamation
- (x) Amend

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Q. 5. Write essay on any one topic of the followings : **30**

- (i) Marriage under Hindu Law.
- (ii) Essentials of a Valid Contract.
- (iii) Theories of Punishment.

Q. 6. Explain the following abbreviations (any ten) : **10**

- (i) A.I.R.
- (ii) S.C.C.
- (iii) M.P.L.J.
- (iv) J.L.J.
- (v) M.P.W.N.
- (vi) Cal. L.R.
- (vii) S.C.R.
- (viii) S.C.W.R.
- (ix) All. L.J.
- (x) Cal. L.J.
- (xi) Cr. L.J.
- (xii) Har. L. Rev.

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Q. 7. Explain the following maxims in brief, either in

English or in Hindi (any five) : **10**

(i) Nemo - dat - quod non habet

(ii) Non - compos mentis

(iii) Sine - die

(iv) Ex - gratia

(v) Trespass - ab - initio

(vi) Ex post facto

(vii) Malafide

Q. 8. Translate from English to Hindi : **10**

Although a tort is a civil injury, all civil injuries are not torts, there being certain classes of such injuries which for special reasons are excluded from this department of the law. In the first place, no civil injury is to be classed as a tort unless the

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appropriate remedy for it is an action for damages.

Such an action is an essential characteristic of every true tort. Thus, a public nuisance is not to be deemed a tort merely on account of the fact that the civil remedy of injunction may be obtained at the suit of the Attorney - General; it is a tort only in those exceptional instances in which a private person may recover damages for loss sustained by him in consequence thereof. Nor is a refusal to perform a statutory duty a tort if the only remedy is a mandamus. Nor is any wrong a tort if the appropriate remedy is an action, not for unliquidated damages, but for a liquidated sum of money - e.g., an action for money paid by mistake, or due under a judgement, or paid to the use of another without

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contract. Such claims are classed by our law as quasi-contractual, being based on a fictitious contract implied in law, but in truth they belong neither to the sphere of contract nor to that of tort.

Q. 9. Translate from Hindi to English : **10**

संविधान के अनुच्छेदों 19 एवं 20 में वैयक्तिक स्वतंत्रता एवं जीवन संरक्षण की गारण्टी दी गयी है। अनु. 21 के अनुसार किसी भी व्यक्ति को विधि द्वारा स्थापित प्रक्रिया के अतिरिक्त जीवन या वैयक्तिक स्वतंत्रता के अधिकार से वंचित नहीं किया जा सकता है। इसका स्पष्ट अभिप्राय यह हुआ कि व्यक्तिगत स्वतंत्रता एवं जीवन की सुरक्षा का दायित्व सरकार ने अपने ऊपर ले लिया है। प्रश्न यह है कि शब्द 'जीवन' से क्या अभिप्राय है ? क्या जन्म से मृत्यु तक जीवित रहना ही इसका अर्थ है ? यदि वस्तुतः ऐसा है तो भारतीय दण्ड संहिता की धारा 309 के अन्तर्गत आत्महत्या का प्रयास दण्डनीय होना सही एवं संवैधानिक है। लेकिन यदि हम जीवन का अर्थ

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'वास्तविक जीवन' से लेते हैं तो संविधान प्रदत्त यह गारण्टी कई प्रश्न पैदा कर देती है। वास्तविक जीवन का मूल सम्मानपूर्ण जीवन है। सरकार का यह कर्तव्य है कि वह प्रत्येक व्यक्ति को जीवन यापन के लिए पर्याप्त एवं युक्तियुक्त साधन जुटाए।

Q. 10. Write precis of following paragraphs with suitable title : **10**

A safe workplace is a woman's legal right. Sexual harassment constitutes a gross violation of women's right to equality and dignity. It has its roots in patriarchy and its attendant perception that men are superior to women and that some forms of violence against women are acceptable. One of these is workplace sexual harassment, which views various forms of such harassment, as harmless and trivial. Any act of sexual harassment to a woman at workplace is not only the violation of

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her constitutional rights but also violation of her human rights. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their economic empowerment and the goal of inclusive growth. It is offensive at a very personal level and in a way undermines the right to equal opportunity and equal treatment of women at the workplace.

The laws in India have strived to provide for the protection to women against sexual harassment. Criminal and civil remedies have been made available by such laws. The researcher has studied the different legislations that have been enacted throughout the years. The Vishakha guidelines have also been discussed in relation to such offences.

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These guidelines provided for protection when there did not exist any specific legislation against sexual harassment. The researcher has given a critical analysis of the laws in order to understand the requirements based on which the available laws need to be rectified. Secondary sources of data have been used as the researcher has used books from the library and various articles from journals available in the library as well as online sources.

At an international level, sexual harassment has been identified to be a human rights violation as it causes harm to the dignity of the person harassed and can lead to hamper the emotional as well as mental well-being of the person. As sexual harassment in most cases is seen to be advanced towards a woman it is also perceived to be an

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outcome of the perpetual discrimination faced by women. As such international conventions like the UN Charter and CEDAW discusses the elimination of all forms of discrimination faced by women in all fronts. Incidents of sexual harassment are increasing exponentially – especially in Asian countries, where over half the world population resides. In India, a woman is sexually harassed every 12 minutes. In China, a survey was conducted by Women's Watch China in 2009, which found that 20 percent of the 1,837 female respondents interviewed had experienced sexual harassment at work. Workplace Bullying is a globally recognised problem reflected in the recent agendas of international organisations such as the International Labour Office (ILO) and the World

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Health Organization (WHO). The ILO also conducts widespread awareness of the issue of sexual harassment as it is discrimination on the ground of sex in employment and occupation. As a consequence, the Committee of Experts on the Application of Conventions and Recommendations conducted a special survey in 1996 on Convention No. 111 and confirmed that sexual harassment is a form of sex discrimination against women in employment as it undermines equality, damages working relationships and impairs productivity.

The Sexual Harassment Against Women at Workplace Act, 2013 was passed in order to protect the rights of women at workplace in light of constitutional and human rights of women at national as well as international level. It is also

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construed as a response to the public outrage that was seen after the Nirbhaya case in 2012. It extends to the whole of India including the State of Jammu and Kashmir. It is the duty of the appropriate government to monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace. Although this Act was welcomed as a much needed step on the part of the legislature, there are certain parts which need to be further amended. Discrimination is evident in the scope and ambit of the act as it is not gender-neutral. The Act provides protection against acts of sexual harassment only for women and not men. Interestingly, various recent studies and surveys have shown that very often, workplaces also involve

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women initiating and engaging in acts of sexual harassment. In a recent survey there were 527 people queried across seven cities in the country. It was found that in practicality, circumstances are not totally so as they were envisaged by the legislators. Although, this Act is a great step forward in protection for women, it provides no mechanism to deal with situation where men are the victims of sexual harassment. According to the US Equal Employment Opportunity Commission, both victim and the harasser can be either a woman or a man and the victim and harasser can be the same sex. But the Indian laws, except the Industrial Employment (Standing Orders) Act do not deal with such situations. In Hyderabad, 29% of the respondents said they have been sexually

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harassed by their female bosses while 48%
accused their male bosses while in Delhi 43%
reported to have been sexually harassed by their
female colleagues.
