



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

**H-19050415**

**B. A. LL. B. (Integrated) (Sem. IV)**

**(W.E.F. 2019) Examination**

**April - 2023**

**Legal English**

Time :  $2\frac{1}{2}$  Hours / Total Marks : 70

- Instructions :** (1) Attempt all questions.  
(2) Each question carries equal marks.

- 1** Write an essay on any One of the following : **14**
- (1) Duties of Lawyer towards court.
  - (2) Judicial Activism in India.
  - (3) Freedom of the press in democracy.
  - (4) Legal Education in India.

- 2** Draft a Bail Application under Cr. P. C. **14**

**OR**

- 2** Draft an application for maintenance under section 125 of the code of criminal procedure by assuming necessary details. **14**

- 3** Read the passage carefully and answer the questions given below in your own words. **14**

Parole has to be distinguished from probation or conditional release. In case of parole, part of sentence is served and it is then that the convict is released on parole on condition of good behaviour and if he is found to have improved and abstained from criminal conduct, he gets remission of the rest of sentence and for some time at least of the sentence.

Parole is not a new technique. It had its counterpart in England in what was known as “ticket of leave”. After serving a part of the sentence under strict surveillance the prisoner was granted a ticket of leave which he has earned through his good behaviour and work. This permitted him to enjoy a kind of conditional freedom under supervision. Alexander Maconochie is the father of parole.

Probation officers work much more closely with courts than parole officers do. Probation in itself is a legal or judicial function. While parole is usually appointed by the court and serve at its pleasure. Most probation officers make frequent appearances in court and are engaged daily in carrying out its written and verbal orders. In probation, the offender is not sent to jail after being found guilty and a decision to grant probation is to be made by the court. In parole, the convict is released after serving some part of the sentence awarded to him and the release is not the result of any court decision.

Parole is also to be distinguished from pardon, which is an act of forgiveness and remission of punishment, freeing the individual from responsibility to the state with respect to the remainder of his sentences. A pardon is an act of grace usually at the hands of the governor of state or president of India.

- (1) Explain what is Parole.
- (2) Explain what is Probation.
- (3) Who is the father of parole? Who can give pardon?
- (4) Discuss difference between parole and probation.
- (5) In which condition is the Parole granted?
- (6) What is the work of Probation Officer?
- (7) Which type of probation is granted by court? And give suitable title to passage.

4      Discuss the maxim Volenti non fit injuria. 14

**OR**

4      Discuss the latin maxim Res Ipsa Loquitur and Actus non facit 14  
reum nisi mens sit rea.

- 5 Translate the following passage into Gujarati :

14

I have learnt with the deepest sorrow about the sad demise of Shri Nani Palkhiwala. In his death our country has lost an outstanding citizen whose life and work have been a source of tremendous inspiration for numerous people in our country. He was a living embodiment of the finest values of our ancient civilization. At the same time, in him one found a unique blend of tradition and modernity. Throughout his life, he worked relentlessly for building a New India which would operate on the frontiers of human knowledge, be a major power house of world economy and would always be mindful of ethical and wider human concerns. For many of us he was a friend, philosopher and guide to whom we could always turn for sane advice. His death created a void which will be difficult to fill. He was undoubtedly one of our most eminent jurists who used his vast knowledge, wisdom and experience for the improvement of the human condition, in particular in promoting the cause of probity in our country.

**OR**

- 5 Reduce the following paragraph into one third and give a suitable title. 14

In any country, the judiciary plays the important role of interpreting and applying the law and adjudicating controversies between one citizen and another and between a Citizen and the state. In a country with a written constitution, courts have the additional function of safeguarding the supremacy of the constitution by interpreting and applying its provisions and keeping all authorities within the constitutional framework. An arbiter is, therefore, required to scrutinise laws to see whether they fall within the allotted legislative area of the enacting legislature and this function is usually left to the judiciary. In India, in addition to the above, the judiciary also has the significant function of enforcing the fundamental rights of the High Court below it. The Supreme Court thus enjoys the topmost position in the judicial hierarchy of the country. It is the supreme interpreter of the constitution and the guardian of the people's Fundamental Rights. It is the ultimate court of appeal in all civil and criminal matters and the final interpreter of the law of the land and thus helps in maintaining a uniformity of law throughout the country.