

2021

LAW

PAPER-II

Time Allowed — 3 Hours

Full Marks — 200

If the questions attempted are in excess of the prescribed number, only the questions attempted first up to the prescribed number shall be valued and the remaining ones ignored.

Answers may be given either in English or in Bengali but all answers must be in one and same language.

Group-A

Answer question No. 1 and any three questions from the rest of the Group-A.

1. Write short notes on any four of the following: 5×4=20
 - (a) ubi jus ibi remedium
 - (b) Inevitable accident
 - (c) Volenti non fit injuria
 - (d) Wrongful gain
 - (e) Document
 - (f) Dishonestly
2. (a) Explain Malfeasance, Misfeasance and Nonfeasance with suitable examples. 12
(b) Make a distinction between Intention and Motive. 8
3. (a) Distinguish between 'giving false evidence' and 'fabricating false evidence'. 12
(b) Write a critical note on *Mens rea*. 8
4. Explain in brief the various theories of Punishment under the Indian Penal Code. 20
5. (a) Define and illustrate 'extortion' and distinguish it from theft. 15
(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in the pocket. Is A liable for any offence? 5
6. (a) Make a distinction between 'Common intention' and 'Common object'. 10
(b) Comment in brief on 'Criminal Conspiracy'. 10

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Please Turn Over

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Group-B

Answer question No. 7 and *any three* from the rest of the Group-B.

7. Write short notes on *any four* of the following: 5×4=20
- (a) Unenforceable Contract
 - (b) Supervening impossibility in a Contract
 - (c) Wagering Agreement
 - (d) Quasi Contract
 - (e) Quantum Meruit
 - (f) Partnership at Will
8. (a) Define the term Offer. Explain the Legal rules regarding Offer. 10
- (b) Distinguish between offer and invitation to make an offer. 10
9. (a) What is undue influence? How does it differ from coercion. 12
- (b) Comment on "ignorance of Law is no excuse". 8
10. (a) Define Partnership. How does it differ from Co-ownership? Can a Partnership be created orally? Can a Minor be a partner in a Partnership firm. 6+6+2+2=16
- (b) X a publisher agrees to publish at his own expense a book written by Y and to pay Y half of the net profits. Is there a partnership between X and Y? 4
11. (a) Explain the various modes of Creation of an Agency. Mention the different kinds of Agent. 12
- (b) Point out the modes for termination of Agency by operation of Law. 8
12. (a) Discuss the various remedies available for breach of contract. Distinguish between liquidated damages and penalty. 12
- (b) 'N' a filmstar agreed to act exclusively for 'W' and for none else for a period of one year. During the year 'N' also contracted to act for one 'C'.
Has 'W' any remedy against 'N'? 8

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Group-C

Answer question No. 13 and *any one* from the rest of the Group-C.

13. Write short notes on *any four* of the following: 5×4=20
- (a) Disproved
 - (b) Accomplice
 - (c) Fact in issue
 - (d) Hearsay evidence
 - (e) Leading question
 - (f) Judgement in rem
14. (a) What is a dying declaration? 6
- (b) What is the effect of dying declaration when the person making it does not die? 6
- (c) What is the value of a dying declaration? 8
15. (a) Who are competent to testify? 6
- (b) Are the lunatic, dumb, husband and wife competent to testify? 8
- (c) Discuss the value of the evidence given by a child. 6
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