

2022

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 the same language.

Group-A

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

1. Writes short notes on any four of the following: 5×4=20
 - (a) Ignorantia juris non excusat
 - (b) Public Servent
 - (c) Sedition
 - (d) Assault and Battery
 - (e) Last opportunity rule
 - (f) Doctrine of Common Employment
2. (a) “The right of private defence is essentially a right of defence and not offence”— Explain. Discuss the limitations on the right of private defence.
(b) Discuss the circumstances when consent might not be legal defence to the person inflicting injury. 10+10=20
3. (a) Explain the dictum, ‘Actus Non-Facit Reum Nisi Mens Sit Rea’ with exceptions if any.
(b) Distinguish between culpable homicide and murder. 10+10=20
4. (a) Define ‘rape’. A man committed rape to a minor girl. Police applied POCSO Act— Whether non-application of IPC could be justified?
(b) Explain ‘Rarest of the rare case’ with reference to decided cases. 10+10=20
5. (a) What are the general defences available in case of tortious liability? Explain.
(b) To what extent is the government of India responsible for the tortious acts committed by its servants? Discuss with the help of Judicial decisions. 10+10=20
6. (a) Explain the principle of contributory negligence with illustrations. What are the defence available in a case of contributory negligence? Discuss.
(b) Discuss the essentials of tort of conversion. 10+10=20

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Please Turn Over

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) Quantum Meruit
 - (b) Caveat Emptor
 - (c) Novation of a Contract
 - (d) Privity of Contract
 - (e) Assignments of Contract
 - (f) Contract of Indemnity
8. (a) What is bailment? Discuss the various rights and obligations of a bailor. 10+10=20
- (b) Distinguish between 'Particular lien' and 'General lien'.
9. (a) Define the terms 'Agent' and 'Principal' as stipulated in the Indian Contract Act. Discuss the circumstances when an agency may be terminated. 10+10=20
- (b) Discuss the liabilities of the Principal to the third persons with illustrations.
10. (a) Distinguish between : 10+10=20
- (i) Partnership and Hindu Undivided family
 - (ii) Partnership and Co-ownership
- (b) Discuss the various modes of dissolution of firm under Indian Partnership Act.
11. (a) Distinguish between Void, Voidable, Illegal and Unenforceable Contract. 10+10=20
- (b) Write a note on the 'agreement in restraint of trade'.
12. (a) Define 'Quasi Contract'. Discuss the different types of quasi contracts with illustrations. 10+10=20
- (b) Distinguish between Wagering Contract and Contingent Contract.

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) Doctrine of Res gestae
 - (b) Expert opinion
 - (c) Doctrine of Estoppel
 - (d) Presumptions of law and presumptions of fact
 - (e) Judicial notice
 - (f) Dying Declaration and its evidentiary value

14. (a) "Relevancy and admissibility are neither co-extensive nor inter-changeable"— Explain.
(b) Write note on the conclusive and rebuttable presumption. 10+10=20
15. (a) Write a note on the relevance of evidence as to the good character in civil and criminal cases.
(b) Explain an 'accomplice'. How far and to what extent the testimony of an accomplice can be relied upon? 10+10=20
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