

WBCS MADE EASY

2023

LAW

PAPER-II

MWC(O)-L-II/23

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.

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

GROUP A

Answer Question 1 and any three questions from the rest of GROUP A

1. Answer any four of the following:

5x4

- (a) Malicious Prosecution
- (b) Contributory Negligence
- (c) Public Nuisance
- (d) Res Ipsa Loquitur
- (e) Vis Major
- (f) Extortion

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- 2. (a) "All torts are civil injuries but all civil injuries are not torts" Explain the statement. (10)
(b) Distinguish between tortious liability and contractual liability. (10)
- 3. (a) Discuss the rule of strict liability with the help of relevant case laws. Is there any difference between strict liability and absolute liability? (10)
(b) When do the courts award exemplary damages in an action for torts? (10)
- 4. (a) "The law of criminal conspiracy insists on the agreement between two or more persons whereas in abetment by conspiracy a mere engagement between them may be sufficient" Explain. (10)
(b) Critically examine the statement with reasons and examples: "The offence of riot is not committed unless all the five elements are present". (10)
- 5. (a) "Right of private defence is available only against offences." Discuss. (10)
(b) "In murder cases sentence of imprisonment for life is the rule and death sentence an exception." Discuss. (10)
- 6. (a) Distinguish between criminal breach of trust and criminal misappropriation of property. (10)
(b) What changes are incorporated in the law dealing with rape in the recent past? (10)

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GROUP B

Answer Question 7 and any three questions from the rest of GROUP

7. Write short notes on any four of the following:

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(a) Quasi contracts

(b) Doctrine of Frustration

(c) Undue Influence

(d) Minor Partner

(e) Promissory Note

(f) Caveat Emptor

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8(a) State the exceptions to the rule that an agreement without consideration is void? (10)

(b) What are wagering contracts? Differentiate between wagering and contingent contract? (10)

9.(a) Who are the persons by whom a contract may or must be performed? Can a contract be performed by a person other than a party to it? (10)

(b) Define Novation. What are the various kinds of Novation? (10)

10. (a) What is meant by breach of contract and what are the different remedies available to an aggrieved party as a result of a breach of contract? (10)

(b) "A contract shall not be enforced if the agreement is opposed to public policy". Examine. (10)

11. (a) Define the contract of guarantee. How surety can be discharged from his liability in contract of guarantee? (10)

(b) What is the contract of bailment? When and how can it be revoked? (10)

12(a) What is a contract of agency? Discuss its essentials. (10)

(b) Discuss the rights and obligations of undisclosed principal and his agent vis-a vis the other party to the contract. (10)

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GROUP C

Answer Question 13 and any one from rest of GROUP C

13. Answer any four of the following:

(4x5)

- (a) Res- gestae
- (b) Judgement in Rem
- (c) Professional Communication
- (d) Law of Presumption
- (e) Burden of Proof
- (f) Documentary evidence

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14. (a) When is hearsay evidence admissible and why ?

(10)

(b) State the exceptions to the rule and the principle underlying such exception.

(10)

15(a) What is the scope of cross examination and re- examination of the witness?

(10)

(b) Dying Declaration is admitted in evidence by way of exception to the general rule.

Explain

(10)

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