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**West Bengal
Judicial Service
Previous Year Paper
Mains 2018 Essay**



judicial main (Compulsory)
2018

JM/F-C/1/18

2018

English Composition ,Essay & Precis Writing

Time Allowed -3 Hours

Full Marks-100

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

1. Make a précis of the following passage and add a suitable title. (Use the précis sheet supplied) [25+5=30]

The Clean Air Act of 1970, amended in 1977 and 1981, is one of the basic laws under which EPA operates. Its purpose is "to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population." In order to do that, Congress authorized a national research and development program to prevent and control air pollution. The act also provided for EPA to assist state and local governments in the development and execution of their air quality programs. The Clear Air Act required EPA to set national primary and secondary ambient air quality standards for certain air pollutants. The law also required emission standards for mobile sources of air pollution (vehicles), and for new stationary sources such as smokestacks. In addition, the act called for regulation of hazardous air pollutants for which no ambient air quality standard is applicable. Another section of the law was designed to protect air quality in national parks, wilderness areas, monuments, seashores, and other areas of special national or regional natural, recreational, scenic, or historic value, and to prevent significant deterioration of air quality in those areas.

2. Write an essay on any one of the following: [50]

- a. The Threats of the Digital World for Today's Youth.
- b. Globalization and Women Empowerment
- c. Dreaming your Ideal City
- d. Global Warming and Human Responsibility

3a. Write a dialogue in about 350 words between two individuals marked as X and Y on the following topic: [20]

'Our obsession with English language is a sign of our colonial hangover.'

OR

b. Discuss any one of the following topics in about 350 words. [20]

- (i) Population growth and global economy
- (ii) Indian law and the protection of neglected old parents

P.T.O.



OR

c. Give the substance of the following poem and add your critical comments. [20]

The caged bird sings
with a fearful trill
of things unknown
but longed for still
and his tune is heard
on the distant hill
for the caged bird
sings of freedom.

The free bird thinks of another breeze
and the trade winds soft through the sighing trees
and the fat worms waiting on a dawn bright lawn
and he names the sky his own

But a caged bird stands on the grave of dreams
his shadow shouts on a nightmare scream
his wings are clipped and his feet are tied
so he opens his throat to sing.

The caged bird sings
with a fearful trill
of things unknown
but longed for still
and his tune is heard
on the distant hill
for the caged bird
sings of freedom.

2018

Bengali Composition ,Essay & Translation

Time Allowed -3 Hours

Full Marks-100

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

1. ১) যে কোনো একটি অংশ বাংলায় অনুবাদ করুন :

১৫

(ক) No one can live without air as one can without water for a few days and without food much longer. Therefore, nature has surrounded us with air on all sides so that we can get it without any effort.

We take in air through the nose into our lungs .The lungs act as a sort of bellows. The atmospheric air which we breathe in has a life –giving substance-a gas known as oxygen. The air that we breathe out contains poisonous gases . These can kill us if they are not immediately allowed to spread out and get diluted by the atmospheric air . Hence the necessity of proper ventilation.

(খ) Next to air ,water is a necessity of life. We cannot live without it for more than a few days , just as without air we cannot live for more than a few minutes .Therefore ,as in the case of air , nature has provided us with ample amount of water.Man cannot live on barren land where there is no water. Vast tracts of desert land lie utterly uninhabited.

In order to keep healthy , everyone should take 5 lbs. of water or other liquid food in 24 hours . Drinking water must be pure . In many places it is difficult to get pure water . There is always risk in drinking well water . The water of shallow wells , and even deep wells with a staircase leading down to level ,should be considered absolutely unfit for drinking purposes.

২) যে কোনো একটি অংশের তাৎপর্য বিবৃত করুন :

২০

ক) বছর মধ্যে একা উপলব্ধি ,বিচিত্রের মধ্যে একস্থাপন -ইহাই ভারতবর্ষের অন্তর্নিহিত ধর্ম ।

খ) শেষ কহে , একদিন সব শেষ হবে ,
হে আরম্ভ ,বৃথা কেন অহংকার তবে ।
আরম্ভ কহিল ভাই , যেথা শেষ হয়
সেইখানে পুনরায় , আরম্ভ -উদয় ।

পরপৃষ্ঠায় দেখুন

৩) যে কোনো একটি বিষয়ে দৈনিক পত্রিকার সম্পাদকের কাছে আপনার মতামত জানিয়ে চিঠি লিখুন।

২৫

(নিম্ন ও ঠিকানার পরিবর্তে ক,খ,গ উল্লেখ করুন।)

(ক) প্রবীন নাগরিকদের একাকিত্বের সমস্যা।

(খ) নারীশিক্ষায় কন্যাশ্রী প্রকল্পের প্রভাব।

৪) যে কোনো একটি প্রশ্নের উত্তর দিন -

১৫

(ক) ভয়াবহ পরিবেশ দূষণ প্রসঙ্গে দুই নাগরিকের ভাবনা সংলাপের সাহায্যে ব্যক্ত করুন।

(খ) পেট্রোল ও ডিজেলের মূল্যবৃদ্ধি প্রসঙ্গে দুই নাগরিকের দৃষ্টিভঙ্গি সংলাপের মাধ্যমে ব্যক্ত করুন

৫) যে কোনো একটি বিষয়ে প্রবন্ধ রচনা করুন :-

৩০

(ক) আধুনিক ভারতে নারীর আইনি সুরক্ষা ও অধিকার।

(খ) নববরুপে মহানগর কলকাতা।

(গ) দেশের যুবসমাজ : ভাবনায় ও ভাষায়।



2018

Hindi Composition ,Essay & Translation

Time Allowed -3 Hours

Full Marks-100

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

1. Translate into Hindi (any one)

15

(क) No one can live without air as one can without water for a few days and without food much longer. Therefore, nature has surrounded us with air on all sides so that we can get it without any effort.

We take in air through the nose into our lungs .The lungs act as a sort of bellows. The atmospheric air which we breathe in has a life -giving substance-a gas known as oxygen. The air that we breathe out contains poisonous gases . These can kill us if they are not immediately allowed to spread out and get diluted by the atmospheric air . Hence the necessity of proper ventilation.

(ख) Next to air ,water is a necessity of life. We cannot live without it for more than a few days , just as without air we cannot live for more than a few minutes .Therefore ,as in the case of air , nature has provided us with ample amount of water. Man cannot live on barren land where there is no water. Vast tracts of desert land lie utterly uninhabited.

In order to keep healthy , everyone should take 5 lbs. of water or other liquid food in 24 hours . Drinking water must be pure . In many places it is difficult to get pure water , There is always risk in drinking well water . The water of shallow wells , and even deep wells with a staircase leading down to level ,should be considered absolutely unfit for drinking purposes.

2. Amplify the idea contained in any one of the following :

20

(क) प्रदुषण की समस्या ।

(ख) भारतीय संबिधान में प्रदत्त नागरिक अधिकार ।

3. Write a letter to the editor of a newspaper on any one of the following (Write A,B,C in place of name/address etc.)

20

(क) मिशन निर्मल बांग्ला ।

(ख) बेटी बाचाओ,बेटी पड़ाओ ।

P.T.O.



4. Write an essay on any one of the following :

30

(क) आतंकवाद और भारत ।

(ख) "हानि-लाभ जीवन-मरण यश-अपयश विधि हाथ " ।

5. Answer any three of the following :

5 X 3

(क) काल किसे कहते हैं ? काल के भेदों को उदाहरण सहित समझाइए ।

(ख) निम्नलिखित में से किन्हीं पाँच शब्दों के दो-दो पर्यायवाची रूप लिखिए :-

१. गंगा , २. पृथ्वी , ३. सूर्य , ४. अग्नि , ५. पवन , ६. जल , ७. पुष्प , ८. पहाड़

(ग) निम्नलिखित शब्दों में से किन्हीं पाँच शब्दों के विपरीतार्थक रूप लिखिए :-

१. असंतोष , २. आकाश , ३. अपनापन , ४. शीत , ५. आगमन , ६. उत्कर्ष , ७. प्रारम्भ , ८. कायर

(घ) किन्हीं पाँच मुहावरों का अर्थ बताते हुए उनका अपना वाक्यों में प्रयोग कीजिए :-

अकल का दुश्मन , फुले न सड़ना , अंधों की लकड़ी , खढ़ाई में पड़ना , पानी-पानी होना , हाती पर साँप लोरना , पाँचों अँगुली घी में धोना , अपनी खिचड़ी अलग पकाना ।

(ङ) निम्नलिखित शब्दों में से किन्हीं पाँच शब्दों के उपसर्ग और प्रत्यय बताइए :-

१. अपमान , २. सुपुत्र , ३. बुढ़ापा , ४. मिठाईवाला , ५. भुगड़ालु , ६. मनुष्यत्व , ७. भुलक्कड़ ,

८. सोनार



2018

Nepali Composition ,Essay & Translation

Time Allowed -3 Hours

Full Marks-100

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

1. Translate into Nepali (any one)

15

(a) No one can live without air as one can without water for a few days and without food much longer. Therefore, nature has surrounded us with air on all sides so that we can get it without any effort.

We take in air through the nose into our lungs .The lungs act as a sort of bellows. The atmospheric air which we breathe in has a life -giving substance-a gas known as oxygen. The air that we breathe out contains poisonous gases . These can kill us if they are not immediately allowed to spread out and get diluted by the atmospheric air . Hence the necessity of proper ventilation.

(b) Next to air ,water is a necessity of life. We cannot live without it for more than a few days , just as without air we cannot live for more than a few minutes .Therefore ,as in the case of air , nature has provided us with ample amount of water. Man cannot live on barren land where there is no water. Vast tracts of desert land lie utterly uninhabited.

In order to keep healthy , everyone should take 5 lbs. of water or other liquid food in 24 hours . Drinking water must be pure . In many places it is difficult to get pure water . There is always risk in drinking well water . The water of shallow wells , and even deep wells with a staircase leading down to level ,should be considered absolutely unfit for drinking purposes.

P.T.O.



2. तलका कुनै एउटा गद्यांशको केन्द्रीयभाव स्पष्ट पारेर लेख्नुहोस् : 20

(Write the central idea of any one of the following)

(क) कवि भानुभक्त नेपाली साहित्यका प्रातः स्मरणीय कवि हुन् । उनले विश्वका विभिन्न स्थानमा छरिएर बसेका नेपाली जातिलाई भाषाका माध्यमबाट एउटा सूत्रमा बाँध्ने कार्य गरे । यसैले हामी उनलाई कवि मात्र मान्दैनौ, हामीमा जातीय भावना उत्पन्न गराउने एकताका प्रतीक पनि मान्छौ । उनी हाम्रा सांस्कृतिक धरोहर हुन् । चार जात छत्तीस वर्ण भएको हाम्रो समाजलाई एउटा साझा भाषाको माध्यमबाट अटुट भावनात्मक सूत्रमा बाँध्न उनी सफल भएका छन् । कवि भानुभक्तको साहित्यिक योगदानलाई सठिकसँग बुझ्नका निम्ति वा उनका काव्य-कृतिहरूको उचित मूल्याङ्कन गर्नका निम्ति हामीले उनका काव्य-कृतिहरूको गहन अध्ययनका साथै उनका समकालीन नेपाली कविहरूका काव्य-कृतिहरूको अध्ययन अनि उनका समकालीन अन्य भाषा वा छिमेकी भाषा साहित्यका कविहरूका काव्य-कृतिहरूको अध्ययन पनि गर्न आवश्यक हुन्छ । यसका साथै भानुभक्तको रामायणलाई राम-कथालाई लिएर विभिन्न भाषामा रचिएका कृतिहरूको सापेक्षतामा राखेर हेर्न सकिन्छ । लेखन र विचार युग र समयसँगसँगै परिवर्तन हुदै जान्छन् । कला र साहित्यलाई हेर्ने दृष्टिकोणमा परिवर्तन आएको छ; अब भानुभक्तका कृतिहरूको नवीन दृष्टिकोणले पठन हुनपर्छ । आजको समयमा अन्तर्राष्ट्रिय दृष्टि तथा व्यापक बौद्धिक चिन्तनलाई आत्मसात गरेर भानुभक्तका कृतिहरूलाई नयाँ सन्दर्भ र नयाँ अर्थमा ग्रहण गरिनु पर्छ ।

(ख) समय अखण्ड, अनन्त र निराकार भएर पनि गतिशील र प्रवाहमान् छ । समय बगिरहेको पानी हो । जीवनका बाँझा टारहरूलाई बगिरहेको समयरूपि जलले सिञ्चन गर्नेले मात्र जीवनमा खुसीको हरियाली ल्याउन सक्छन् । महान् पुरुषहरूले समयको उपयोग गर्दै त्यसको महत्वलाई आत्मसात् गरेकाले महान् बनेका हुन् । गौतमका अगाडि एउटा यस्तो क्षण आयो जसलाई पक्रँदा उनी बुद्ध बने । मोहनदासलाई अङ्ग्रेजी साम्राज्यवादले हेपेको क्षणले उनका मन-मस्तिष्कमा परेको गम्भीर असरबाट उत्प्रेरित भई कर्म गर्दा उनी महात्मा बने । सौतेनी आमाको कठोर वचन वाणबाट आहत बनेका ध्रुवले जुन क्षणमा सहासिलो कदम चाले त्यसले उनलाई ध्रुवतारा बनाइदियो । त्यसैले त 'शुभस्य शीघ्रम्' भनेझैं शुभ काममा ढिलाइ गर्न नहुने र अन्यथा रात रहे अग्राख पलाउँछ भन्ने उक्ति सार्थक हुने कुरो स्वतः सिद्ध छ । विश्वइतिहासको पाना पल्टाउँदै जाँदा के सुकरात, के प्लेटो, के लेनिन, के गान्धी, के आइन्स्टाइन सबैले समयको उपयोग गरी त्यसको महत्वलाई चरितार्थ गरेका छन् । त्यसैले त हरेक बुद्धिमान् र विवेकवानहरूले समयलाई उपयोग गरी समयको महत्वलाई आत्मसात् गर्ने गर्दछन् ।

3. आफ्नो नाम, ठेगानामा XYZ उल्लेख गरेर तलका कुनै एउटा विषयमा सम्पादकलाई पत्र लेख्नुहोस् : (Mentioning XYZ in place of your name, address etc. write a letter to the Editor on any one of the following:) 20

(क) पहाडी क्षेत्रमा पिउने पानीको समस्या ।

Contd.....P-3



(ख) उपभोक्ता संरक्षण।

(ग) धर्म र राजनीति

4. कुनै पाँचवटा वाक्यांशलाई अर्थ खुल्नेगरी वाक्यमा प्रयोग गर्नुहोस् :

2x5= 10

(Frame meaningful sentences using any five of the following :)

(क) नौनी हुनु

(ख) थला पर्नु

(ग) ढोल पिट्नु

(घ) तेल लगाउनु

(ङ) छाती ठोक्नु

(च) चिसो पस्नु

(छ) काम चोर्नु

(ज) आफ्नो खुट्टामा उभिनु।

5. विपरीतार्थक शब्द लेख्नुहोस् (कुनै पाँचवटा)

(Give the opposite words: (any five)

1x5=5

(क) विरोध

(ख) सार्थक

(ग) अचेत

(घ) उग्र

(ङ) जन्म

(च) अपमान

(छ) अतीत

(ज) शोषक।

6. तलका कुनै एउटा विषयमा निबन्ध लेख्नुहोस् :

(Write an essay on one of the following :)

30

(क) भारतीय अर्थव्यवस्था र मूल्यवृद्धि

(ख) वर्तमान शैक्षिक व्यवस्था

(ग) नागरिक अधिकार र कर्तव्य।

2018

GENERAL KNOWLEDGE AND CURRENT AFFAIRS

Time Allowed : 3 Hours

Full Marks : 100

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 written either in English or in Bengali but all answers must be in one and the same language.

Separate Answer Books to be used for Group-'A' and Group-'B'

(In case a candidate write answers to questions on Group-'B' in the answer book meant for Group-'A' and Vice-Versa such answers will not be evaluated)

Answers to all the parts of a particular question must be written at a stretch.

GROUP - A

Answer any four questions

All questions carry 12½ marks each 12½ x 4

1. Discuss the main features of India's "Look East" & "Act East" policies.
2. Write a note on Paris Climate Agreement.
3. Discuss causes & effects of Emergency in Sri Lanka declared on March 6, 2018.
4. Discuss CPN-UML & CPN-MAOIST merger in Nepal.
5. Write a note on Marine Sanctuary of Pacific-Island nations.
6. Comment on Lost City of Alexander the Great as discovered in Iraq.
7. Discuss Rohingya issue with reference to Bangladesh-Myanmar initiatives.

GROUP - B

Answer any five questions

All questions carry 10 marks each 10 x 5

8. (a) How many departments are there in the Ministry of Human Resource Development, Government of India ?
- (b) Why was the National Awards to teachers instituted in India ?
- (c) What is the Central Scheme for North East Indian industrialisation ?
- (d) What is the purpose of 'Shikshashree Scheme' of W.B. Government ?
- (e) Write a short note on 'Kanyashree Scheme/Prakalpa' of W.B. Government.
9. Write in brief on :-
 - (a) The Mekong-Ganga Co-operation
 - (b) BRICS
 - (c) BREXIT
 - (d) Indian-Ocean Region
 - (e) UIDAI

P. T. O.



-: 2 :-

10. (a) What is Cabinet Bill for allowing NIA to probe human trafficking ?
 (b) 'NIRBHAYA Fund' - Discuss.
 (c) Discuss Electoral Bond Scheme, 2018.
 (d) Write on Mahanadi Water Dispute.
 (e) Bengaluru-based Inlogg - Define & discuss.
11. (a) Which two states of India first passed bill awarding death penalty for rape of girls below 12 years of age ?
 (b) Write a brief note on India's first all women railway station.
 (c) Discuss in brief which state of India launched world's largest solar park ?
 (d) Discuss the new state flag of Karnataka.
 (e) What is unique about the Arunachal Express ?
12. Discuss the following with reference to socio-economic development in India :-
 (a) Swatantra Sainik Samman Yojana.
 (b) Fugitive Economic Offender Bill, 2018.
 (c) Union Cabinet approval for relief package for telecom sector, 2018.
 (d) PMEG.P. Scheme.
 (e) The Chit fund Amendment Bill, 2018.
13. Write briefly on :-
- (a) Bahadur Shah Zaffar
 (b) Indira Gandhi
 (c) David William Donald Cameron
 (d) Donald John Trump.

242 x 4

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2018

CIVIL PROCEDURE CODE

Time Allowed : 3 Hours

Full Marks : 100

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 written either in English or in Bengali but all answers must be in one and the same language.

SEPARATE ANSWER BOOKS TO BE USED FOR GROUP-A AND GROUP-B

(In case a candidate writes answer to questions on Group-B in the answer book meant for Group-A and Vice-Versa, such answers will not be evaluated).

GROUP-AAnswer all questions

1. "The law of civil is an adjective law to facilitate justice and further its ends" — In the light of the statement discuss the distinction between substantive law and adjective law. 5 + 5
2. Discuss the changes which have been made to the Code of Civil Procedure by the C.P.C. Amendment Acts of 1999 and 2002. 10
3. (a) Discuss the concept jurisdiction under Section 9 of the Code of Civil Procedure.
- (b) State the distinction between absence of jurisdiction and erroneous exercise of jurisdiction. 5 + 5
4. Explain the doctrine Res Sub Judice (Stay of Suit) under Section 10 of the Code of Civil Procedure. 10
5. Write short notes on the following :-
 - (a) Decree and Order
 - (b) Rejection of Plaint
 - (c) Foreign Judgment
 - (d) Mesne profit

2½ x 4

GROUP-BAnswer any five questions

6. (a) Discuss the rights and duties of Caveator.
- (b) Discuss the procedure applicable for a caveat petition. 5 + 5
7. (a) The purpose of inherent powers of Court is to achieve the end of justice and to eliminate the abuse of process of Court - Discuss.
- (b) Discuss the scope and ambit of correctional power of Court under the Code of Civil Procedure. 5 + 5
8. (a) Discuss the law relating to Courts which may execute decrees.
- (b) What are the questions can be determined by executing Court. 5 + 5
9. Discuss the relevant provisions of the Code of Civil Procedure in connection to appeals to the Supreme Court of India. 10
10. (a) Discuss the legal effect of death of party in a Civil Suit.
- (b) Discuss the law relating to withdrawal and adjustment of Civil Suit. 5 + 5
11. Write a note on the law relating to suits by or against government or public officer under the Code of Civil Procedure. 10

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2018

CRIMINAL PROCEDURE CODE AND INDIAN PENAL CODE

Time Allowed : 3 Hours

Full Marks : 100

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 written either in English or in Bengali but all answers must be in one and the same language.

Separate answer books to be used for Group-A & Group-B

(In case a candidate write answers to question on Group-B in the answer book meant for Group-A and Vice-Versa such answers will not be evaluated)

GROUP - AAnswer any five questions

1. (a) Discuss the power of Magistrates to sentence to imprisonment in default of fine.
- (b) State the rule as to sentence in case of conviction of several offences at one trial. 5 + 5
2. (a) Is it necessary that an arrest to be made by a police officer must always be under a warrant ? State the exception to this principle.
- (b) What is the procedure to be followed by him in case of such arrest ? 4 + 6
3. (a) What is public nuisance ? When can the Magistrate pass an order for removal of nuisance or apprehended danger ?
- (b) Under which circumstances can a Magistrate pass an order of injunction against the person whom an order has been made under Section 133 of Cr. P.C. ? 6 + 4
4. (a) What is anticipatory bail ? Which Court can grant such bail ?
- (b) X having reason to believe that he may be arrested on an accusation of having committed of voluntary causing grievous hurt makes an application for anticipatory bail. Will X be granted anticipatory bail ? 6 + 4
5. (a) When can the State Government or the Central Government directs the Public Prosecutor to present an appeal to the High Court against sentences on the ground of inadequacy ? Can the High Court enhance the sentence and if so, under what circumstances ?
- (b) Does an appeal lie from an order of acquittal and if so, to which Court ? 2½+2½+5
6. Write short notes on any four of the following :-
 - (a) FIR
 - (b) Limitation for taking Cognizance
 - (c) Plea bargain
 - (d) Joinder of charges
 - (e) Summary Trial
 - (f) Proclaimed offender2½ x 4

P. T. O.

$$-: 2 :-$$

GROUP - B

Answer any five from the following :-

7. (a) What are the acts against which there is no right of private defense of body and property ?
(b) A is attacked by a mob who attempts to murder him. He cannot effectually exercise his right of private defense without firing on the mob and he cannot fire without risk of harming four children who are mingled with the mob. Whether A commits any offence if by firing he harms any of the children ? 7 + 3
8. (a) Define abduction and point out the difference between kidnapping from India and kidnapping from lawful guardianship.
(b) Write the difference between Cheating and Forgery. 5 + 5
9. (a) Define Extortion and distinguish between Extortion and Robbery.
(b) When Theft becomes robbery ? Explain with illustration. 5 + 5
10. (a) What are the exceptions of Section 300 of I.P.C. ? Explain with judicial pronouncement.
(b) Distinguish between Culpable Homicide and Murder. 6 + 4
11. (a) What are the essential ingredients to bring a charge under Section 304B, I.P.C. ?
(b) Compare Section 304B of I.P.C. with Section 498A of I.P.C. with special reference to cruelty. 3 + 7
12. Write notes on any four of the following :-
 - (a) Mistake of Fact
 - (b) Common intention
 - (c) Doli incapax
 - (d) Territorial and extra-territorial operation of the Code
 - (e) Waging war
 - (f) Offence of Sedition.

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2018

JM/F-C-9/18

INDIAN EVIDENCE ACT

Time Allowed : 3 Hours

Full Marks : 100

If the question 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 written either in Bengali or in English but all answers must be in one and the same language.

SEPARATE ANSWER BOOKS SHOULD BE USED FOR GROUP-A AND GROUP-B

(In case a candidate writes answer to questions on Group-B in the answer book meant for Group-A and Vice-Versa, such answers will not be evaluated).

GROUP-A

Answer Question No.1 and any TWO from the rest.

1. The enactment and adoption of the Indian Evidence Act, 1872 was a path breaking judicial measure introduced in India which changed the entire system of concepts pertaining to the admissibility of rules of evidence in the Indian Courts of law - Discuss the nature, scope and applicability of the Act in the light of the above statement. 20
2. a) Explain the terms 'proved', 'disproved' and 'not proved' in context of the Act. 8
- b) A married woman had been writing to her parents and other relatives about her critical condition at the hands of her in laws. She lost her life six months later. The letters were sought to be proved as a dying declaration. Decide whether the letters form a dying declaration or not. 7
3. a) Define 'Relevant Fact' and 'Fact in Issue' and point out the differences between the two. 3+2+5
- b) Explain oral evidence and hearsay evidence. 5
4. Write short notes on the following :-
 - i) Examination-in-chief
 - ii) Cross-examination
 - iii) Re-examination 5+5+5

GROUP-B

Answer Question No.5 and any TWO from the rest.

5. a) Explain the term 'Competent to testify' under the Indian Evidence Act, 1872. Discuss the competence of a lunatic to testify. 8+7
- b) "Evidence is to be weighed on the basis of quality, not quantity" - Discuss. 5
6. a) What is 'Primary Evidence' ? 8
- b) Discuss the concept of 'hostile witness' from the point of view of the Act. 7

P.T.O.

7. a) Who is an expert ? 7
- b) "Views of third persons often help the Courts form an opinion" - Discuss. 8
8. a) Discuss the concept of privileged communications. 7
- b)i) 'A' disclosed to his lawyer that he is guilty of an offence and should be defended - Discuss. 4
- ii) Define 'Conclusive Proof'. 4



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2018

LAW OF CONTRACTS AND TORTS

Full Marks-100

Time Allowed -3 Hours

GROUP - A
ANSWER ALL QUESTIONS

1. (a) "No estoppel against a minor" – Discuss.
- (b) X, tenant has occupied the 10th floor of a building. The owner of the building has failed to maintain the lift in order. X claims damages therefor. The owner pleads that there has been no provision in the contract as to the obligation of the owner for maintaining the lift in order. Can the owner avoid the liability on this ground?
- (c) A, B and C are members of a family. There is a partition in the family. On partition of the property, A, B and C promises to pay the expenses for the marriage of an unmarried girl, M of the family. But afterwards they refuse to do the same. When M brought an action to enforce the agreement made between A, B and C, they gave the argument that since M is not a party to contract she cannot enforce the contract. Is the argument justified? 4 + 3 + 3
2. (a) "Mental acceptance is not sufficient to create a valid contract." Discuss.
- (b) By telephone X makes an offer to B for purchase of his Maruti car for Rs.3 lakhs. B says "I am ready to purchase the car for Rs.3 lakhs but as soon as B starts to speak, the telephone line becomes dead and due to this X fails to hear the reply. B does not say anything and claims that contract has been created. Will he succeed?
- (c) A knows that the railway company will not give him the contract. Thus, A makes an agreement with B under which B is to apply for the contract and after the contract being obtained A will work as actual contractor. A file a suit to enforce the agreement. Will he succeed? Decide. 4 + 3 + 3
3. (a) "A Contract may be a contingent contract" – Explain the meaning, Characteristics and rules regarding contingent contract. 2 + 3 + 3
- (b) A agrees to pay B Rs.1,000/- if B will marry A's daughter, C. C was dead at the time of the agreement. Is the agreement valid? 2
4. (a) Aditya had two digital cameras, say, camera P and camera Q. He had offered his camera P for sale to Basant for Rs.10,000/-. Basant had readily accepted the offer. However, at a latter date, it was revealed that Basant was under the impression that Aditya had only one camera Q and so he had thought that he had purchased that very camera Q from Aditya. As against this, Aditya had offered for sale his camera P, instead, and not his camera Q. Do you think that the abovementioned agreement would constitute a valid agreement, enforceable in law? Give reasons for your answer. 4
- (b) Shaukat Ali had threatened Karamatullah that he will kill his wife Abida Begum if he does not pay him a sum of Rs.5,00,000/-. Karamatullah had got scared and so he had readily agreed to pay the amount of Rs.5,00,000/- to Shaukat Ali., as was demanded by him, and finally he had paid the amount, as per his promise.
- (i) Do you think that a valid agreement had been entered into between Shaukat Ali and Karamatullah in the instant case? Give reasons for your answer.

P.T.O.



(ii) Can Saukat Ali be asked to refund the amount to Karamatullah under any provision of law contained in the Act? If so, quote the relevant Section of the Indian Contract Act, 1872 to substantiate your point of view.

3 + 3

5. (a) "The liability of surety is co-extensive with that of the principal debtor". Discuss.

(b) What is the extent of liability of the principal when his agent exceeds authority?

(c) A, without B's authority, lends B's money to C. Afterwards B accepts interest on the money from C. Discuss the rights of A, B and C.

4 + 4 + 2

GROUP - B

ANSWER ALL QUESTIONS

6. (a) "Motive is generally not relevant in determining the liability for tort – it is not the same thing as intention." Comment.

(b) In tort, there is a concept of "Pigeon-hole theory" developed by Salmond. Discuss.

5 + 5

7. (a) Mention the various elements of strict liability with reference to the principle of Rylands Vs. Fletcher.

(b) "There are certain exceptions to the rule in Rylands Vs. Fletcher." Explain those exceptions in brief.

5 + 5

8. (a) Differentiate between false imprisonment and malicious prosecution.

4

(b) Write short note on: (i) Absolute liability and (ii) Kinds of Nuisance

3 + 3

9. (a) Write in brief about (i) Trespass ab initio (ii) Defences to negligence

3 + 3

(b) Is there any difference between libel and slander? If so, differentiate those.

4

10. (a) Discuss the concept of "Independent contractor".

(b) Explain the meaning of battery with illustration.

(c) In the parliamentary by-election of 1988, Abhishek was a qualified voter. The returning officer wrongfully refused to register the duly tendered vote by Abhishek. No loss was suffered by Abhishek because the candidate to whom he wanted to vote was declared elected. Yet Abhishek sued the returning officer for damages. Will he succeed?

4 + 3 + 3



TRANSFER OF PROPERTY ACT

Time Allowed : 3 Hours

Full Marks : 100

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 written either in English or in Bengali but all answers must be in one and the same language.

SEPARATE ANSWER BOOKS TO BE USED FOR GROUP-A & GROUP-B

(In case a candidate writes answer to questions on Group-B in the answer book meant for Group-A and Vice-Versa such answers will not be evaluated).

GROUP-A

Answer Question No.1 and any TWO from the rest.

1. a) Define transfer of property. What are the types of property that cannot be transferred ?
 b) State whether the following transactions are transfer of property within the meaning of transfer of property (any two)
 i) Partition ii) Family arrangement
 iii) Surrender iv) Release.
5+7+4+4
2. Explain the doctrine of lis pendens with case laws. 15
3. a) Explain the expressions 'vested interest' and 'contingent interest'.
 b) Explain the expressions 'condition precedent' and 'condition subsequent'.
 4. a) Explain the doctrine of part performance. 8+7
 b) What is meant by Lis pendens ? What are its effects on a transfer of property ? 7+8

GROUP-B

Answer Question No.5 and any TWO from the rest.

5. Define sale of immovable property. How is sale effected ? Distinguish between sale and exchange. Discuss the liabilities of seller before completion of sale. 6+6+8
6. Define mortgage. How is a mortgage by deposit of title deeds created under the T.P. Act . In what case the memorandum of deposit has to be registered ? 3+4+8
7. What are the essentials of a valid gift of immovable property ? How can a gift of immovable property be effected ? When can a gift be suspended or revoked ? 6+4+5
8. a) Define lease. 5+6+4
 b) How can a lease be terminated ?
 c) What is meant by 'forfeiture of notice'?