



Previous Year Paper

ODISHA JUDICIAL MAINS 2015-2016

General English

Time : 2 1/2 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

Answer all questions.

1. Translate the following into English:

25

। ଭାରତ ହେଉଛି ଏକ ବହୁଭାଷୀ ରାଷ୍ଟ୍ର । ବହୁ ଜାତି, ବହୁ ଧର୍ମ ଓ ବହୁ ମତ ସହିତ ବହୁ ଭାଷାଭାଷୀ ଲୋକଙ୍କୁ ନେଇ ଏହା ଏକ ବିଚିତ୍ର ଭୂମି । ଭାବରେ ସୁପରିଚିତ । ବୈଚିତ୍ର ଓ ବୈବିଧ୍ୟ କାରଣରୁ ଭାରତକୁ ଏକ ଉପ-ମହାଦେଶ ବୋଲି କୁହାଯାଏ । ୧୧୦ କୋଟି ଲୋକ ସଂଖ୍ୟା ବିଶିଷ୍ଟ ଏହି ଦେଶରେ ପ୍ରାୟ ୧୭୫୨ ଟି ଭାଷା ଓ ଉପଭାଷା ପ୍ରଚଳିତ ଅଛି । ସେଥିରୁ ୨୨ଟି ମୁଖ୍ୟ ଭାଷାକୁ ସମ୍ବିଧାନ ଅନୁସାରେ ଧାରାରେ ସ୍ୱୀକୃତି ଦିଆଯାଇଛି । ଧର୍ମ ଭଳି ଭାଷା ହେଉଛି ଏକ ଭାବପ୍ରବଣ ବିଷୟ । କାରଣ ମାତୃଭାଷା ହେଉଛି ଯେକୌଣସି ବ୍ୟକ୍ତିର ଅତ୍ୟନ୍ତ ଆତ୍ମୀୟ ସମ୍ପତ୍ତି । ଭାଷାହିଁ ସାମାଜିକ ସଂହତି, ଏକତା ଓ ପାରସ୍ପରିକତାକୁ ବାନ୍ଧି ରଖୁଛି । ଭାରତ ଏକ ବହୁଭାଷୀ ଗଣତାନ୍ତ୍ରିକ ରାଷ୍ଟ୍ର ହୋଇଥିବାରୁ ଏଠାରେ ଭାଷାକୁ ନେଇ ଅନେକ ସମୟରେ ବିଭେଦ ଓ ବିଭ୍ରାନ୍ତ ସୃଷ୍ଟି ହେବା ସ୍ୱାଭାବିକ । ବିଶେଷକରି ହିନ୍ଦୀକୁ ରାଷ୍ଟ୍ରଭାଷା କରିବାଫଳରେ ଦେଶରେ ଏକ ବିଭେଦ ଦେଖାଦେଇ ଦକ୍ଷିଣ ଭାରତରେ ପ୍ରବଳ ହିନ୍ଦୀ ବିରୋଧୀ ମନୋଭାବ ମୁଣ୍ଡ ଟେକିଛି ।

2. Translate the following into Oriya:

25

Nations are not immortal. They are not the permanent possessors of this planet. They are its temporary tenants. They will last long if they adhere to the moral law. The doom of nations cannot be delayed so long as the cupidities of man persist. Nations aim at permanence. We know, however, that all great societies perished leaving behind the great heritage of arts and skills, ideas and ideals on which we still build. No society dies in vain. All living things die but out of death comes life.

3. Write a short essay in about 150 (one hundred and fifty) words on any one of the following:

50

- The Role and Independence of the Judiciary
- Justice and Compassion
- The Pitfalls of Population
- The Problem of Terrorism in India
- Trial by Media
- The Old Order Changeth Yielding Place to New





**4. Make a precis of the following passage in about
(One hundred) words:**

**100
25**

A vast responsibility, therefore, rests on our universities and educational institutions and those who guide their destinies. They have to keep their lights burning and must not stray from the right path even when passion convulses the multitude and blinds many amongst those whose duty it is to set an example to others. We are not going to reach our goal through crookedness or flirting with evil in the hope that it may lead to good. The right end can never be fully achieved through wrong means. Let us be clear about our national objective. We aim at a strong, free and democratic India where every citizen has an equal place and full opportunity of growth and service, where present-day inequalities in wealth and status have ceased to be, where our vital impulses are directed to creative and co-operative endeavour. In such an India communalism, separatism, isolation, untouchability, bigotry and exploitation of man by man have no place, and while religion is free, it is not allowed to interfere with the political and economic aspects of the nation's life. If that is so then all the business of Hindu and Muslim and Christian and Sikh must cease in so far as our political life is concerned, and we must build a united but composite nation where both individual and national freedom are secured. We have passed through grievous trials. We have survived them but at a terrible cost, and the legacy they have left in tortured minds and stunted souls will pursue us for a long time. Our trials are not over.

Let us prepare ourselves for them in the spirit of free and disciplined men and women, stout of heart and purpose, who will not stray from the right path or forget our ideals and objectives. We have to start this work of healing, and we have to build and create. The wounded body and spirit of India call upon all of us to dedicate ourselves to this great task. May we be worthy of the task and of India.

5. Read the following passage and answer the questions that follow: 5x5 = 25

Political education may be defined as the preparation of a citizen to take well informed, responsible and sustained action for participation in the national struggle for the realization of the socio-economic objectives of the country. The over-riding socio-economic objectives in India are the abolition of poverty and the creation of a modern democratic, secular and socialist society in place of the present traditional, feudal, hierarchical and inegalitarian one. Under British rule, the Congress leaders argued that political education was an important





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part of education and refused to accept the official view that education and politics should not be mixed with one another. But when they came to power in 1947, they almost adopted the British Policy and began to talk of education being defiled by politics. 'Hands off education' was the call to political parties. But in spite of it, political infiltration into the educational system has greatly increased in the sense that different political parties vie with one another to capture the minds of teachers and students. The wise academicians wanted political support without political interference. What we have actually received is infinite political interference with little genuine political support. This interference with the educational system by political parties for their own ulterior motives is no political education at all; and with the all-round growth of elitism, it is hardly a matter for surprise that real political education within the school system (which really means the creation of a commitment to social transformation) has been made even weaker than in the pre-independence period. At the same time, the freedom struggle came to an end and the major non-formal agency of political education disappeared. The press could and did provide some political education. But it did not utilize the opportunity to the full, and the stranglehold of vested interest continued to dominate it. The same can be said of political parties as well as of other institutions and agencies outside the school system which can be expected to provide political education. All things considered, it appears that we have made no progress in genuine political education in the post-independence period and have sided back in some respects. For instance, the education system has become even more elite oriented. Patriotism has become the first casualty. Gandhiji gave us the courage to oppose the Government when it was wrong, in a disciplined fashion and on basic principles (he believed the means to be as important as the ends) and taught us to work among the poor people for mobilizing and organizing them. Today we have even lost the courage to fight on basic issues in a disciplined manner because agitational and anarchic politics for individual, group, or party aggrandisement has become common. The education system of today continues to support damnation of the privileged ones. The situation will not change unless we take vigorous steps to provide genuine political education on an adequate scale. This is one of the major educational reforms we need, and if it is not carried out, mere linear expansion of the existing system of formal education will only support the status quo and hamper radical social transformation.

- (a) What does political education in the real sense mean?
- (b) What is the major pitfall of the present education system?
- (c) What was the policy of the ruling party regarding political education immediately after independence ?





(d) What should be the ultimate objective of political education ?

(e) What is the main contribution of Mahatma Gandhi to the field of political education ?

Procedural Laws

Time : 2 1/2 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

Answer six questions, selecting two from Section-A,
two from Section - B and two from Section - C.

Section -A

(Code of Criminal Procedure, 1973)

1. (a) **X, a person commits an offence of murder in the presence of few persons. Then he tries to evade from the place of murder but in vain as he was captured by one of the passer by who later informed the Police of such arrest. Examine the nature and validity of this arrest with special reference to the provisions of Criminal Procedure Code.** 15
- (b) **Metro related construction work is in progress on M. G. Road, Kolkata. C, a person notices that there are few iron rods that are hanging dangerously from the top where large number of commuters were frequently using the road. He immediately informs to the authorities of Metro, local corporation and the jurisdictional police. No action has been taken by the above named authorities. Advise.** 10
2. (a) **Rani is the wife of Mahesh and they have a daughter named Vanisree. Mahesh and his family members were continuously making demands for dowry. Rani and her parents could not comply with the unending demands. Mahesh brought a woman by name Sheela to their house and began to reside with her as man and wife. Rani protested against this behaviour of Mahesh but in vain. Requirements for maintenance for food, clothing and other necessities of Rani and her daughter were not taken care of by Mahesh and finally he refused to maintain them. Rani along with her daughter went back to her natal family and started residing with her parents, Rani filed a criminal miscellaneous petition on the file of the Family Court claiming separate maintenance from the respondent at Rs. 5,000 per month for each of them. Explain the significance of Sec. 125 of the Code of Criminal Procedure and state the essential ingredients to be mentioned before the court to seek a remedy as aforesaid.** 10





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- (b) Comment on the provisions of Criminal Procedure Code relating to attendance of persons confined or detained in prisons. 5
- (C) Mr. Jaan was convicted for an offence punishable with death penalty as his case in the opinion of the Sessions Court fell within the rarest of the rare case. Explain the procedure for confirmation of death sentence. 5
- (d) Explain the procedural safeguards to be followed while a Magistrate is recording Confession. 5
3. (a) **Comment on the provisions dealing with appeals under the Code of Criminal Procedure, 1973.**
- (b) Distinguish between Reference and Revision. 5
- (c) Death penalty was confirmed by the Supreme Court as against one Mangubhai, a pregnant lady. Explain the provision and procedure to be followed in execution of death sentences in this case. 5
- (d) Write a short note on irregular proceedings. 5
4. (a) **Write a note on the contents of Charge, alteration of charge and joinder of charges.** 15
- (b) X, a person is accused of rape. A medical practitioner employed in a hospital run by a Government was requested by the jurisdictional Hi Police Officer to examine X. State the . procedures to be followed in the examination of person accused of rape by medical practitioner. 10

Section - B (The Code of Civil Procedure, 1908)

5. (a) **Explain the difference among Decree, Order and a Deemed decree.** 5
- (b) Explain the concept of Constructive Res Judicata under Section 11 of Civil Procedure Code with an illustration. 5
- (c) Explain the rules relating to the granting of Ex-parte injunction with special reference to the decision in Morgan Stanley Mutual Fund v. Karthick Das. 5





(d) Explain the significance of an Interpleader Suit. How is it different from an ordinary suit ? 5

(e) Write a note on Doctrine of Cypres. 5

6. (a) Explain the concepts of substantial question of law and substantial question of law of public importance with illustrations/case laws. 15

(b) Rajeev borrowed from Ram a sum of Rs. 2,00,000 agreeing to repay the same within 6 months and executed the pro-note. Rajeev failed to pay the same, even after the expiry of the agreed period, in spite of demands made by Ram, including issuing a notice of demand. Rajeev did not reply to the notice. Ram filed a suit for a sum of Rs. 2,60,000 stating that Rs. 2,00,000 principal and Rs. 60,000 interest calculating @ 10% per annum for 3 years as per commercial usage. Rajeev contended that there is no agreement to pay the interest and therefore he is not liable to pay Rs. 60,000 claimed as interest. The court on merits of the case adjudicates and passes a decree in favour of Ram for Rs. 2,00,000 and costs. The court has not stated anything on the judgement and decree relating to the claim of interest. Therefore Ram has filed another suit claiming Rs. 60,000 towards interest. Rajeev has contested seeking the suit as not maintainable. Ram disputes the same. Decide the case as to whether the suit is maintainable or not. 10

7. (a) Explain the procedures involved when a suit is filed by an indigent person. . 15 (b) Raghav has filed a suit against Ramesh seeking declaration of his title to the site and to restrain B by permanent injunction from disturbing plaintiff's possession and enjoyment. The suit has reached the trial stage and it was for hearing on 20. 09. 2015 for recording evidence of the parties. The defendant's advocate reported to the court that the defendant had died on 18.04.2015 and that his son has brought that information to him. The question is as to what Raghav should do to continue the suit in order to obtain a decree or order for aforesaid reliefs. Explain the procedures involved in this matter invoking the relevant provisions of CPC. 10

8. (a) Discuss the scope of Cross Decrees referred to under Order 21 under the Code of Civil Procedure with illustration.

(b) Munni filed a suit against Rajjo in the court of Civil Judge Senior Division for declaration of title to 5 acres of garden land situated at Deonar, Mumbai and for possession and Mesne profits. On contest by Rajjo the court adjudicated upon





on the merits of the case and decreed the suit in favour of Munni. Munni executed the decree and took possession of the property. Rajjo preferred an appeal in the High Court and on contest by Munni the High Court heard and disposed of the appeal on merits allowing the appeal and setting aside the trial court's decree. Munni preferred an appeal before Supreme Court but the same was rejected at the admission stage itself. Now that the proceedings of the court in respect of the litigation are concluded Rajjo wants to obtain possession of the garden land from Munni. What is the procedure and course of action to take possession of the said land by Rajjo?

10

Section - C (The Indian Evidence Act, 1872)

9. **Write short notes on the following:**

- (a) Expert evidence
- (b) Leading Questions
- (C) R vs. Bedding field
- (d) Accomplice evidence
- (e) Without prejudice admissions

OR

'Wills on the Law of Evidence' observes "whenever a person's death is the subject of a criminal charge any statement made by the deceased relating to the circumstances from which his death ensues is admissible in evidence, provided that it was made at that time when death was in fact impending and declarant had himself lost all hope of recovery." Examine this statement discussing the difference between the admissibility of dying declaration in the English and the Indian Law.

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10. **(a) Explain the significance and admissibility of proof of life and death under the Indian Evidence Act.**

15

(b) Jairam killed his wife in revenge as she had illicit relations with his neighbour Ramsahay. Jairam was arrested and prosecution wanted to offer the evidence of a witness who had seen the accused going out of the house at 5 pm on the date of alleged murder soliloquying that he had finished his wife and thereby put an end to the daily quarrels. Is the intention to communicate necessary? Refer judicial response in this regard.

10

11. **(a) Explain the significance of presumptions related to matrimonial offences prescribed under the Indian Evidence Act.**

15





- (b) A criminal action was pending against a goldsmith Ram from whom stolen ornaments and molten silver were recovered. Ram and his friend Narain met the police inspector on the road and promised to pay him a bribe to get through the case easily. Ram and Narain were asked by the police officer to discuss the matter at the police station and the matter was informed to his higher officials. The very next day Narain alone went to the police station and offered the bribe to the Inspector and told him that Ram had sent the money to hush up the case. Is the offer of bribe to the police officer by Narain and his statement that Ram sent him the money, admissible in evidence as against Ram. Explain the law and reasons in the context of decided case law on the point. 10
12. (a) Explain the significance of Character Evidence in civil and criminal cases under the Indian Evidence Act invoking relevant sections. 15
- (b) Explain the rule of presumption to ancient document outlining the necessity and convenience it provides in the Indian context. 10

Law of Crime and Law of Torts

Time : 3 hours

Full Marks : 150

The questions are of equal value.
Answer six questions, selecting three
from Section - A and three from Section - B.

Section-A

1. Discuss the objectives of criminal justice in the light of recognised theories of punishment.
2. Right to private defence is founded on the principle . "it is the first duty of man to help himself". Make a critical assessment.
3. "All homicides are not culpable as much as all culpable homicides are not murders." Explain the relevant provisions of IPC with appropriate illustrations.
4. Define "Extortion" and "Theft" and explain the distinguishing features of these offences.
5. Explain the ingredients of the offence of "Forgery" and distinguish between "Forgery" and making a "false document".





6. Write short notes on the following:

- (a) Criminal trespass
- (b) Deportation
- (c) Malicious prosecution
- (d) Criminal intimidation
- (e) Riot and Affray (0) Cyber crime

Section-B

- 7. "Every injury is a Tort unless justified, no injury is a Tort unless it falls within the specified category of any accepted Tort". Critically examine the schools of thought by Winfield and Salmond.
- 8. "Relationship of Master and Servant is an essential precondition for determining vicarious liability".
- 9. Discuss the essential conditions of Tort of Defamation and the various defences available to the defendant.
- 10. "The Law takes no cognizance of carelessness where there is no duty to take care." Discuss.
- 11. Discuss the changing dimensions of the "Rule of Strict Liability":
- 12. Write short notes on the following:
 - (a) Innuendo
 - (b) Maintenance and Champerty
 - (c) Contributory negligence
 - (d) Assault and Battery
 - (e) Joint Tortfeasors
 - (f) Res Ipsa Loquitur

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Personal Law

Time : 3 hours

Full Marks : 150

The questions are of equal value.
Answer six questions, selecting three from
Section - A and three from Section - B

Section-A

1. Discuss the concept of marriage under Hindu Law. What are the essentials of a valid marriage under the Hindu Marriage Act, 1955 ?
2. The remedy of judicial separation was unknown to the shastric Hindu Law. But the British Indian Courts permitted in certain circumstances. Discuss the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955 as amended upto-date. How does a decree for judicial separation differ from that of a decree of divorce ?
3. Explain the concept of defacto guardian. With the help of decided cases discuss whether Hindu Minority and Guardianship Act, 1956 abolished it?
4. With the help of statutory provisions discuss the general rules relating to succession given under Hindu Succession Act, 1956.
5. What do you understand by Hindu Coparcenary? Distinguish it from Joint Hindu family.
6. What is Antecedent Debt ? Discuss the powers of Hindu Father to alienate to Coparcenary property for payment of its antecedent debt.

Section - B

7. Who is a Muslim ? Discuss the various classical sources of Islamic Law. .
8. As is well known, the law of Islam is available in different versions which agree in fundamentals but differ with one another in respect of certain details known as Schools of Law. Discuss the various Schools of Sunnie Law now prevail in various parts of the world.





9. While discussing the concept, capacity and form of marriage also discuss the proof of Muslim Marriage.
10. Discuss the grounds on which marriage can be dissolved by the Muslim wife under the provisions of Dissolution of Muslim Marriage Act, 1939.
11. With the help of decided cases discuss the provisions of Muslim Women (Protection of Rights on Divorce) Act, 1986.
12. Write explanatory notes on any two of the following:
 - (a) Muslim law recognises legitimacy and not legitimation
 - (b) Khayar-al-bulagh (option of puberty)
 - (c) Kinds of Maher
 - (d) Waqf-alal-aulad (Family waqf)

Law of Property

Time : 3 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

Answer six questions, selecting two
from Section - A two from Section - B
and two from Section = C.

Section - A

1. (a) "The real owner is not allowed to attack the bonafide transfer on the basis of his hidden title." Discuss this in the light of the provisions of Transfer of Property Act: 13
- (b) "An actual sale creates right in rem while the right arising out of a contract for sale is a right in personam, i.e. such a contract binds only the parties to it." Explain and distinguish clearly the terms sale and contract for sale. 12
2. (a) "The right conveyed under Section 53-A of the Transfer of Property Act, 1882 can be relied upon only as a shield and not as sword." Examine this statement with the help of suitable examples.
- (b) 'A' transfers property of which he is the owner, to 'B' in trust for 'A' and his intended wife successively for their lives, and after the death of the survivor for the oldest son of the intended marriage, for life and after his death for A's second son. Explain whether the interest so created for the benefit of the eldest son will take effect or not.





- (c) 'A' transfers Rs. 10,000 to 'B' on condition that he shall marry with the consent of 'C', 'D' and 'E', 'E' dies, 'B' marries with the consent of 'C' and 'D'. Whether the transfer of Rs. 10,000 to B is valid ? 7

3. (a) A mortgages his property to 'X' for Rs. 5,000. He then mortgages the same property to 'Y' for Rs. 4,000. A makes a further mortgage of the same property to 'Z' for Rs. 2,000. 'Z' pays Rs. 3,000 to 'X'. In case the mortgage property is sold. Can 'Z' claim priority over 'Y' and 'X'?

- (b) Distinguish between the following: 9x2 = 18
(i) Charge and Mortgage
(ii) Marshalling and Contribution

4. (a) 'A' made gift of all his properties to 'B'. But 'A' retained life interest for himself on a part property. 'B' accepted the gift. Is 'B' a Universal Donee? Explain. 8

- (b), 'A' transfers to 'B' an estate belonging to 'C', and by the same transaction gives C's minor son a gift of Rs. 2,00,000. 'C' accepts the gift, but refuses to part with his estate in favour of 'B'. Advise 'A' and 'B'. 8

- (c) 'A' and 'B' agreed that property named 'Green fields' and belonging to 'A' should be leased to 'B'. B was already in possession, on the grounds of agreement 'B' built a house on the land. Subsequently 'A' sues to evict 'B'. Can 'A' succeed? Mention reasons.

Section - B

5. (a) How is the ownership with or without possession of immovable property protected from interference under the Specific Relief Act, 1963 ? 11

- (b) 'A' pledges certain Jewels to 'B' to secure a loan. 'B' disposes of them before he is entitled to do so. 'A' without having paid or tendered the amount of loan, sues 'B' for possession of the Jewels. Will 'A' succeed in the suit? 7

- (c) 'A' contracts to sell, and 'B' contracts to buy a certain number of railway shares of a particular description. 'A' refuses to complete the sale. Can 'B' compel the 'A' for specific performance of the agreement? Explain. 7

6. (a) State the contract in which the specific performance is enforceable under the Specific Relief Act, 1963. 11





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- (b) 'A' is a trustee of land with power to lease it for seven years. He enters into a contract with 'B' to grant a lease of the land for seven years, with a covenant to renew the lease at the expiry of the term. Can this contract be specifically enforced ? Give reasons in support of your answer. 7
- (c) 'A' draws a bill on 'B' who endorses it to 'C', by whom it appears to be endorsed to 'D' who endorses to 'E'. C's endorsement is forged. Can 'C' get the instrument cancelled ? Explain. 7
7. (a) State the circumstances in which injunction can be refused under the provision of the Specific ii. Relief Act, 1963. 11
- (b) 'A', a purchaser, sues 'B' his vendor for specific performance of a contract for the sale of a patent. Before the hearing of the suit the patent expires. What remedies are available to 'A' against 'B' for non-performance of the contract ? 7
- (c) 'A' contracts to grant 'B' an under-lease of property held by 'A' under 'C', and that he will apply to 'C' for a licence necessary to the validity of the under-lease, and that if the licence is not granted. 'A' will pay 'B' Rs. 10,000. 'A' refuses to apply for the licence and offers to pay 'B' Rs. 10,000. Is 'B' entitled for specific performance of the contract ?
8. (a) Write notes on the following: 6+5 = 11
- (i) Rescission of Contracts
- (ii) Cancellation of Document
- (b) 'A' contracts to sell to 'B' a piece of land consisting of 100 bighas. It turns out that 50 bighas of the land belong to 'A' and the other 50 bighas to a stranger, who refuses to part with them. 'B' is willing to pay the price agreed upon, and to take the 50 bighas which belong to 'A', waiving all rights to compensation either for the deficiency or for loss sustained by him through A's neglect or default. Is 'B' entitled to a decree directing 'A' to convey those 50 bighas to him? Answer with reasons. 7
- (c) 'A' contracts to let for twenty one years to 'B' the right to use such part of a certain railway made by 'A' as was upon 'B's' land, and that 'B' should have a right of running carriages over the whole line on certain terms and might require 'A' to supply the necessary engine power, and that 'A' should during the term keep the whole railway in good repair. Can 'B' get the contract specifically performed ? 7



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Section-C

9. (a) "Laws of limitation bars the remedy but does not extinguish the right." Elucidate. 13
- (b) "Once limitation starts to run it remains continued." Explain it and also explain the effect of mistake on limitation. 12
10. (a) Discuss the fundamental principles of law of limitation
- (b) Which time is excluded in computing period of limitation ? Give examples. 8
- (c) Write a short note on law of limitation relating to minor. 9
11. (a) Discuss acknowledgement by part payment. 8
- (b) What are the ingredients of a valid acknowledgement ? Can acknowledgement made by a Hindu widow in respect of her deceased husband's debt bind the reversioners ? 8
- (c) What provisions are incorporated under the Limitation Act, 1963 for suits by parties under legal eligibility ? Enumerate. 9
12. (a) 'A' mortgaged an immovable property to 'B' on 2nd January, 1910 with a condition that the mortgage is redeemable after five years. After five years, 'A' offers the mortgage money to 'B' and requests for redemption of mortgage. 'B' refuses ; 'A' files a suit for redemption of mortgage on 2nd January, 1970. State whether the suit is within limitation or time barred ? Support your answer with reasons and statutory provisions. 13
- (b) 'A' takes a loan from a firm of which 'E', 'F' and 'G' are partners. 'E' and 'F' are insane and 'G' is a minor. When can 'A' be sued ? 12

Law of Contract

Time : 3 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

Answer six questions, selecting two questions each from any two Sections and one each from remaining two Sections.





Section - A

1. (a) Law of Contract is neither the whole law of agreements nor the whole law of obligation. Discuss. 15
(b) Want of free consent vitiates a contract and renders it void or voidable. Discuss. 10
2. (a) Explain various modes in discharge of a contract.
(b) A advances to B, a minor, Rs. 30,000 on the guarantee of C. On demand for repayment. B refuses to pay on the ground of minority. Can A recover the amount from C? 10
3. (a) 'Surety is a favoured debtor.?: Elucidate this principle with decided cases. 15
(b) A surety gives the guarantee to the tune of Rs. 50,000 for an overdraft to be allowed by the bank to the principal debtor. The bank and principal debtor altered this amount of guarantee from Rs. 50,000 to Rs. 40,000 without consent of surety. Decide with the help of decided cases. 10

Section - B

4. (a) Define Goods. Differentiate between sale and agreement to sell. 15
(b) Explain the rights available to the unpaid seller under the Sale of Goods Act. 10
5. Explain different types of 'implied conditions and warranties' recognized under Sale of Goods Act, 1930. 25
6. (a) What is meant by 'caveat emptor' ? Explain " exceptions if any. 15
(b) When does property in the goods pass from seller to the buyer? 10

Section - C

7. (a) Partnership born out of a contract and not by status. Explain 15
(b) Enumerate the rights and liabilities of a minor admitted to the benefits of partnership. 10
8. (a) Explain the rights and liability of partner in a partnership firm. 15





LINKING LAWS

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HJS | PJS | GJS | OJS | JJS | WBSJ | HPJS

- (b) is registration of partnership necessary ? Also, explain its implications. 10
9. (a) What is limited liability of a partner in a partnership firm ? Also explain legal implications in this regard. 15
- (b) 'A and 'B' are the partners in a firm. 'A' is the managing partner who managed the firm for 3 years and misappropriated the funds. 'B' wanted to file a suit regarding settlement of accounts. Advise 'B'. 10

Section-D

10. (a) Define negotiable instrument. What are the different kinds of negotiable instrument ? Make a comparison among all of them. 15
- (b) Explain when 'holder' becomes 'holder in due course'. Also mention the rights available to holder in due course. 10
11. (a) Explain the meaning of material alteration. Also explain the liability of paying banker while accepting materially altered instruments. 15
- (b) What is payment in due course ? Mention the essential of payment in due course. 10
12. (a) Explain the meaning of endorsement. Also mention the effects of endorsement. 15
- (b) 'A issued a cheque for B for discharging his obligation towards payment for the goods he purchased from B. B submitted the cheque to the bank for payment and the cheque was returned by mentioning insufficiency of funds in the account. Explain the legal liability of A under the Negotiable Instruments Act. 10

Jurisprudence And Constitution of India

Time : 3 hours

Full Marks : 150

The questions are of equal value.
Answer six questions, selecting three from
Section - A and three from Section - B.





Section - A

1. "The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India." Explain. Also state the distinction, if any, between equality before law and equal protection of the laws.
2. How are legislative powers divided between Union and States ? In what circumstances is Parliament empowered to legislate on a state subject included in the State list?
3. What are the restrictions on the Power of President or Governor to dismiss a Government Servant under Article 311 of the Constitution ? Discuss.
4. Discuss the circumstances in which the Proclamation of Emergency may be made. What will be its effects upon the Centre-State relations ? Discuss.
5. "No person shall be deprived of his life or personal liberty. except according to procedure established by law." Discuss..
6. "Basic-structure theory is a judicial innovation, it has not been mentioned in the text of the Constitution." Comment. Discuss the concept of basic-structure with the help of decided cases.
7. Section - B It is said that rights are legally protected interests. Discuss. Are there such things as natural rights ? Explain.
8. Explain Pound's Theory of Social Engineering with the help of illustrations.
9. State the shortcomings in the definition of law given by Austin. How far Hart has been able to remove them in his own definition of law ? Discuss..
10. Distinguish between Law and Morals. Discuss the view of jurists of natural law school and positivist school about relation between law and morals.
11. Explain the characteristics of ownership and also discuss its different kinds.
12. Briefly discuss the various theories of legal personality. What is the position of an unborn child in this regard ?

