

WEST BENGAL JUDICIAL SERVICE (MAIN) - 2021
OPTIONAL PAPERS

DUJ(O)/II/21

2021

HINDU LAW

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 are 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 Questions on Group-B in the answer book meant for Group-A and vice versa, such answer will not be evaluated.)

Group-A

Answer Question No. 1 which is compulsory and any two from the rest.

1. (a) Write an explanatory note on two main schools of Hindu Law and state the distinctions between them.
(b) Write a brief note on requirements of a valid custom as a source of Hindu law. 15+5=20
2. (a) Explain the general rules of succession and distribution of property between the heirs of a male Hindu dying intestate.
(b) X, a Hindu, dies leaving behind his mother, father, widow, one daughter, one son. How will you divide his self-acquired property among the afore-mentioned heirs under the Hindu Succession Act, 1956? 10+5=15
3. (a) Explain the conditions for valid Hindu marriage under the Hindu Marriage Act, 1955.
(b) Explain the provisions of Hindu Marriage Act, 1955 on void and voidable marriages. 8+7=15
4. Briefly explain the various grounds of divorce under the Hindu Marriage Act, 1955. 15

Group-B

Answer Question No. 5 which is compulsory and any two from the rest.

5. Write short notes on any four: 5×4=20
 - (a) Escheat
 - (b) 'Streedhan' and Women's Estate
 - (c) Effects of Adoption
 - (d) Doctrine of Relation back
 - (e) Custody of children

6. (a) Who are the persons who may be adopted?
(b) Discuss the essential conditions for a valid adoption as provided under the Hindu Adoption and Maintenance Act, 1956. 5+10=15
 7. (a) Discuss the provisions regarding natural guardianship of a Hindu minor and of an adopted son.
(b) What are the powers of such guardian as provided under the Hindu Minority and Guardianship Act, 1956? 6+9=15
 8. Discuss the provisions under the Hindu Adoptions and Maintenance Act, 1956 regarding Maintenance of Wife and Dependents. 15
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2021

MUHAMMEDAN LAW

Time Allowed — 3 Hours

Full Marks — 100

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-A

Answer all questions.

1. Write notes on the following: 4×5=20
 - (a) Origin of Muhammedan Law
 - (b) Is marriage among muslims sacrament?
 - (c) Option of puberty
 - (d) Bequeathable third
 - (e) Matrimonial property under Muslim Law
2. (a) What are the essential features of a valid muslim marriage?
(b) Explain the legal effect of irregular marriage under Muslim Law. 5+5=10
3. (a) Discuss in brief the various sources of Muslim Law.
(b) Write a note on various schools of Muslim Law. 5+5=10
4. (a) Discuss the legal position of triple talaq with special reference to India.
(b) Write a note on “dower”. 5+5=10

Group-B

5. Write notes on the following: 4×5=20
 - (a) Doctrine of “Mushaa”
 - (b) Powers of Mutawalli
 - (c) Maintenance under Muslim Law
 - (d) Principles of inheritance under Muslim Law
 - (e) Extra-judicial divorce under Muslim Law

6. (a) Discuss the legal framework of the Waqf Law in India.
(b) Explain the role of judiciary in maintenance and preservation of Waqf property in India. 5+5=10
7. (a) What do you mean by "Hiba" under Muslim Law?
(b) How can 'Hiba' be revoked and which 'Hiba' is irrevocable? 5+5=10
8. (a) Explain 'Wasiyat' according to Muslim Law.
(b) Who can make 'Wasiyat' under Muslim Law? Do you think 'Wasiyat' can be made in favour of non-Muslim? 5+5=10
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2021

JURISPRUDENCE AND PRINCIPLES OF LEGISLATION

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.

Answer any Five Questions taking at least Two Questions from each group.

All questions carry equal marks.

Group-A

1. (a) "Law may be defined as the body of principles recognised and applied by the state in the administration of Justice."— Critically examine the nature of law as defined by Salmond.
(b) What is the merit of the theory of law as propounded by Austin? 12+8=20
2. (a) What are the ends of Criminal Justice? Substantiate your answer with various theories of Criminal Justice.
(b) What according to you should be the ideal form of Criminal Justice? 15+5=20
3. (a) What do you mean by the term 'Legislation'? Distinguish between Supreme Legislation and Subordinate Legislation.
(b) Why legislation is superior to other sources of law? 12+8=20
4. "International Law is the body of principles and rules which civilised states consider as binding upon them in their mutual relations."— Discuss the nature of international law. Can it be said that international law is the vanishing point of Jurisprudence? 15+5=20

Group-B

5. (a) What are the characteristics of 'Natural person' and 'Juristic person'?
(b) State the legal status of the following:
 (i) Dead man
 (ii) An idol 10+(5+5)=20
6. "Salmond refers to seven kinds of legal rights by reference to their objects."— State the classification of rights according to their objects. 20
7. (a) What are the requisites of valid custom?
(b) Distinguish between custom and prescription. 12+8=20

8. Write short notes on:

5×4=20

- (a) Mixed question of Law and Fact
 - (b) Rights in *re propria* and rights in *re alina*
 - (c) Obiter Dictum
 - (d) Duplicate possession
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2021

PRINCIPLES OF EQUITY INCLUDING LAW OF TRUST AND SPECIFIC RELIEF

Time Allowed — 3 Hours

Full Marks — 100

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

The figures in the margin indicate marks for each question.

Group-A

1. Answer the following questions: 4×5=20
 - (a) State the twelve maxims of Equity.
 - (b) Why equitable remedies are called 'Equitable'?
 - (c) What are the chief differences between the principles of Common Law and Equity?
 - (d) Briefly discuss story's classifications of Equity Jurisdiction.
 - (e) What do you understand by the term Taking? Explain.
2.
 - (a) Discuss the effects of the Judicature Acts of 1873 and 1875.
 - (b) Distinguish between Laches and Acquiescence.
 - (c) When delay will be total to a claim for equitable relief? 5+5+5=15
3.
 - (a) What are the rules of three certainties? Discuss.
 - (b) Discuss the positive and negative duties of a Trustee.
 - (c) Explain the doctrine of Cypres with its limitations. 5+5+5=15

Group-B

4.
 - (a) 'Redeem up and Foreclose down' — Discuss the doctrine with reference to English and Indian Law.
 - (b) What does the 'Clogging the Equity' imply? Discuss with case references.
 - (c) Discuss the important points of difference between a legal & an equitable mortgage. 10+5+5=20
5.
 - (a) Discuss the principles on which the Court grants specific performance.
 - (b) Discuss the conditions necessary for the application of the doctrine of equitable estoppel.
 - (c) Distinguish between specific performance and injunction. 5+5+5=15
6. Write notes on any three of the following: 5×3=15
 - (a) Consolidation
 - (b) The doctrine of Notice
 - (c) Election
 - (d) Perpetual Injunction

2021

PARTNERSHIP ACT

Time Allowed — 3 Hours

Full Marks — 100

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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 *all* questions.

1. "As a company can become a Partner in the firm, there can be a partnership between two firms"—offer your view against the statement as per Partnership Act. 20
2. (a) State the need for registration of a firm.
(b) In the absence of a contract to the contrary how the mutual relations of partners are determined? Explain.
(c) State the circumstances in which the firm is automatically dissolved. 5+5+5=15
3. (a) What are the needs for the determination of partnership property?
(b) What things are included in partnership property?
(c) What are rights and duties of partners after change in the Constitution of a firm? 5+5+5=15

Group-B

Answer *question no. 4 and any two* from the rest.

4. (a) Spell out the provisions of the Indian Partnership Act, with regard to non-partnership interest.
(b) A and B two Partners carrying on a trading business in partnership under the name and style of Fortune Traders. After sometime B retired from the business, but A continues to carry on the same business under the same name. Whether the business carried on by A alone is said to be carried on in partnership as the same name is being used? Give reasons.
(c) A is the sole proprietor of a firm. He admits B as a partner on the following terms:
 - (i) B is not to bring any capital,
 - (ii) B is not to be responsible for any loss,
 - (iii) B is to receive ₹ 3 Lakhs per annum in lieu of profit,
 - (iv) B is not to enter any contract on behalf of the firm.
 Discuss the legal position of B. 10+5+5=20

5. (a) What is a partnership deed? State its contents.
- (b) A, B and C started a cloth business in Hati Bagan market on 1st January, 2018, for a period of Five Years. The business resulted in a loss of ₹ 10,000 in the first year, ₹ 15,000 in the second year and ₹ 18,000 in the third year. B and C wish to dissolve the firm while A wants to continue the business. Advise B and C. 10+5=15
6. (a) Write a short note on agreement in restraint of trade in the event of dissolution of the firm.
- (b) A firm of grocers dissolved partnership and sold the goodwill of their business to X, Y and Z, who are now carrying on the same business at the same address. Subsequently, the old partners P, Q and R again entered into partnership as grocers, set up a competing business next door to X, Y and Z, and solicited customers of their old firm. Advise X, Y and Z. 10+5=15
7. (a) Discuss the settling of account of a partner upon dissolution of a firm when he becomes insolvent.
- (b) Discuss the settling of account of a partner who have both firm debts and private debts.
- (c) A, B and C are three partners in a firm. Their capital contributions are A – ₹ 20,000, B – ₹ 5,000 and C – ₹ 1,000. They share profits and losses equally. Upon dissolution it is found that realisable assets are ₹ 30,000 and debts payable are ₹ 10,000. Thus after paying the debts, assets available for partners are worth only ₹ 20,000 and as such there is a capital deficiency of ₹ 6,000.
- Determine the amount which each partner must contribute in this situation as prescribed under Partnership Act. 5+5+5=15
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2021

LAW OF LIMITATION AND LAW OF PRESCRIPTION

Time Allowed — 3 Hours

Full Marks — 100

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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.)

The figures in the margin indicate marks for each question.

Group-A

Answer question no. 1 and any two from the rest.

1. (a) "Law of Limitation bars remedy but does not extinguish right"— Explain.
(b) Distinguish between limitation and prescription. 10+10=20
2. Describe the general principles for extension of time or prescribed period under section 5 of the Limitation Act, 1963. 20
3. Discuss the effect of acknowledgement, payment and substituting or adding new plaintiff or defendant under Limitation Act, 1963 (Sections 18–22). 20
4. Explain the rules relating to interpretation of Limitation Act, 1963. 20

Group-B

Answer any two questions.

5. Discuss the doctrine of disability under sections 6 to 9 of the Limitation Act, 1963. 20
6. Explain the following terms: 5×4=20
 - (a) Plaintiff and Defendant
 - (b) Bond
 - (c) Bar of Limitation
 - (d) Applicant and Application
7. (a) Discuss the rule of acquisition of easement by prescription under section 25 of the Limitation Act, 1963.
(b) Write a note on extinguishment of Right to Property. 10+10=20

2021

THE INDIAN CONSTITUTION AND CONSTITUTIONAL LAW

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.

Answer any five questions choosing at least two questions from Group-A and two questions from Group-B.

Group-A

1. (a) Describe salient features of the Indian Constitution.
(b) Is the constitution of India federal? 15+5=20
2. (a) "The preamble is the key to open the mind of the makers."— Discuss with reference to relevant case laws.
(b) Can preamble be amended under Act, 368 of the Constitution of India? 15+5=20
3. (a) How is freedom of speech and expression guaranteed by the Constitution of India?
(b) Is it subject to any restriction? Discuss with reference to relevant case laws. 15+5=20

Group-B

4. Discuss the powers and functions of the Governor of a State. 20
5. Describe the fundamental duties of a citizen of India as enshrined in the Constitution of India. 20
6. (a) Describe the directive principles of state policy as enshrined in Part-IV of the Constitution of India.
(b) Discuss the difference between fundamental rights and directive principles of state policy with reference to relevant case laws. 15+5=20

7. Write short notes on the following:

5×4=20

- (a) Equal justice and free legal aid
 - (b) Alternative Dispute Resolution System
 - (c) Writ of Habeas Corpus
 - (d) Comptroller and Auditor General of India
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