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21(4) ENG 4-1

2019

**ENG. LITERATURE : LEGAL
WRITING, LEGAL TERMS AND
MAXIMS**

Paper : 4-1

Full Marks : 80

Time : Three hours

**The figures in the margin indicate
full marks for the questions.**

1. Fill in the blanks : 1×10=10

(a) The term 'Tort' is derived from the
_____ word 'Tortum'.

- (i) Latin
- (ii) Greek
- (iii) English
- (iv) French

Contd.

(b) _____ means a summary of law points prepared and written for the purpose of argument.

- (i) Brief
- (ii) Affidavit
- (iii) Report
- (iv) Case citation

(c) _____ is the author of the prose piece 'In the Court'.

- (i) Urban A. Lavery
- (ii) Anton Chekov
- (iii) Felix Frankfurter
- (iv) Arthur T. Vanderbilt

(d) _____ is a soft appendage hanging down from the back end of the velum.

- (i) The Uvula
- (ii) The Hard Palate
- (iii) The Tongue
- (iv) The Teeth

(e) 'Caveat Emptor' means —

- (i) By virtue of one's office
- (ii) In good faith
- (iii) Let the buyer beware
- (iv) Let the seller beware.

(d) What is a diphthong ?

(e) What are the stages of Crime ?

(f) What do you mean by the word 'Stress' ?

(g) What is a dying declaration ?

(h) Mention *two* essential elements of a Tort.

Answer the following questions :

3. Define legal language. Discuss its scope and problems. 12

Or

Write an explanatory note on 'Airstream Mechanism'. 12

4. Write a comprehensive note on the prose piece 'Advice to young man interested in going into law'. 12

Or

Explain the various types of punishment. 12

5. What is 'Sale' ? Discuss the essentials of a valid sale. 12

Or

What do you mean by 'Evidence'? Explain the various types of evidence. 12

6. Explain the following maxims : (any three) 4×3=12

- (a) *Ex turpi causa non oritur actio.*
- (b) *Lex est norma recti.*
- (c) *Nemo debet bis puniri pro uno delicto.*
- (d) *Qui prior est tempore, potior est jure.*
- (e) *Ubi jus ibi remedium.*

Or

Explain the maxims with its limitations : (any two) 6+6=12

- (a) *Salus populi est suprema lex.*
- (b) *Vigilantibus et non dorminentibus jura subveniunt.*
- (c) *Jus respicit aequitatem.*

7. What is the nature of advice given by Felix Frankfurter to the young man interested in going into law? Explain its significance in your own words. 4+8=12

Or

Attempt a summary of the prosepiece "The Mind and faith of Justice Holmes". 12

(f) "The burden of proof is on him who affirms, not on him, who denies"—refers to the following maxim :

- (i) *Affirmati non neganti incumbit probatio*
- (ii) *Aequitas est quasi aequalitus*
- (iii) *Abundans cautela non nocet*
- (iv) *Actus reus non facit reum nisi mens sit rea.*

(g) In a _____ offence, a police officer may arrest without warrant.

- (i) Cognizable
- (ii) Non-cognizable
- (iii) Both (i) and (ii)
- (iv) None of the above

(h) An extra-judicial confession is admissible in evidence under sec _____ of the Evidence Act.

- (i) 32
- (ii) 65
- (iii) 21
- (iv) 126

(i) Which of the following is a characteristic fault of the literary style of lawyer ?

- (i) Punctuation
- (ii) Syntax
- (iii) Prolixity
- (iv) None of the above.

(j) _____ is a written statement, affirmed usually before a Commission of Oath.

- (i) Notice
- (ii) Brief
- (iii) F.I.R
- (iv) Affidavit

2. Answer the following questions : **(any five)**
2×5=10

- (a) Explain two problems of legal language in India.
- (b) Define 'Suit'
- (c) What is meant by bailable and non-bailable offence ?

Or

Justify the title of the prose piece, "A Plea for the Severest Penalty Upon his Conviction for Sedition".