

5/11 4th Sem (23 pcr)

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19/21 (Sem-4) ELLW

2015

**ENGLISH 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 language is derived from the Latin word \_\_\_\_\_. (Lingua/Lingea)
  - (b) According to \_\_\_\_\_ "Human language is a result of divine gift". (Aristotle / Plato)
  - (c) The writ of \_\_\_\_\_ provides remedy for a person detained or restrained. (Mandamus / Habeas Corpus)
  - (d) Ignorance of Law is an excuse \_\_\_\_\_. (No/Yes)
  - (e) The law pay regard to \_\_\_\_\_. (Equity / Rights)
  - (f) \_\_\_\_\_ is the author of the prose-piece, "Educating Lawyers for a Changing World". (M.K. Gandhi / Erwin N. Griswold)

Contd.

- (g) A \_\_\_\_\_ means an absolute transfer of the right of ownership. (Sale/Mortgage)
- (h) A \_\_\_\_\_ consonant is articulated with a stricture of complete oral closure. (fricative consonant/plosive consonant)
- (i) Most sounds of most languages in the world are produced with a \_\_\_\_\_ air stream mechanism. (Pulmonic egressive / pulmonic ingressive)
- (j) A person applying for relief against another person in an action, suit, summons or any other form of court proceeding is called a \_\_\_\_\_.  
(Respondent / Plaintiff)

2. Answer the following questions : **(any five)**

5×2=10

- (a) Write a short note on 'the Language of the Supreme Court and High Courts (of India)'.
- (b) What is legal language ?
- (c) What is meant by legal citation ? Give an example.
- (d) What is meant by vowel sounds and consonant sounds ?
- (e) What is meant by word-accent ?
- (f) Explain -- "Ignorantia facti excusat, ignorantia juris non excusat".

- (g) Mention *two* duties of a lawyer to his client.

Answer the following questions : **(any five)**

3. Discuss the meaning and characteristics of legal language. 6+6=12

**Or**

Trace the history and significance of legal language.

4. What is a 'sale'? What are the essentials of a valid sale? 6+6=12

**Or**

What is meant by tortious liability? Distinguish between tort and crime.

5. What is a contract as per the Indian Contract Act, 1872? What are the essentials of a valid contract? 4+8=12

**Or**

Define 'Evidence'. Explain in brief the different kinds of evidence admissible under the Indian Evidence Act, 1872. 4+8=12

6. What is meant by the term 'organs of speech'? Explain the articulation of 'any four' plosive consonants in English. 4+8=12

**Or**

Write short notes on : **(any two)**  $6 \times 2 = 12$

- (i) Nasal sounds
  - (ii) Fricative consonants
  - (iii) Intonation
  - (iv) Phonetic transcription.
7. Examine the significance of the advice given by Felix Frankfurter to the young man interested in going into the field of law. 12

**Or**

Discuss the central idea of the prose piece, "Educating Lawyers for a Changing World".

8. Explain the following legal maxims : **(any three)**  $4 \times 3 = 12$
- (a) 'Affirmanti non neganti incumbit probatio'.
  - (b) 'Ex turpi causa non oritur actio'.
  - (c) 'Nemo debet Bis Puniri pro uno delicto'.
  - (d) 'Ubi jus ibi remedium'.
  - (e) 'Vigilantibus et non dormientibus jura sub veniunt'.
  - (f) 'Salus populi est suprema lex'.