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1A

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

May, 2008

LAW - Paper I (Criminal Law and the Law of Evidence)  
(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Answer Question No.1 and any three questions from  
Group A and any two from Group B.

Group - A

1. Distinguish between the expressions in any four of the following :-
  - (a) Kidnapping and abduction
  - (b) Riot and Affray
  - (c) Fabricating false evidence and Forgery
  - (d) Culpable homicide amounting to murder and culpable homicide not amounting to murder
  - (e) Common intention and Common object. 5x4
2. Explain the following terms as used in the I.P.C. (any four):
  - (a) Counterfeit
  - (b) Document
  - (c) Offence
  - (d) Vessel
  - (e) Dishonestly. 5x4
3. (a) When Police may arrest without warrant? - Discuss 10  
(b) Whether arrest can be made on refusal to give name and evidence? 5  
(c) Whether arrest can be made by a Magistrate. 5
4. Can conditional order for removal of nuisance be passed? Who are the authorities empowered in this behalf? - Discuss. 20
5. Discuss the provisions relating to the presumption in certain cases of suicide and Dowry deaths. 20
6. What are the Public Documents? State the modes of proving Public documents? 20

Group - B

7. Discuss the Provisions of the Essential Commodities (Special Provisions) Act, 1981 relating to offences triable by Special Courts. 10
8. Discuss the Provisions as mentioned in the Prevention of Corruption Act, 1988 about presumption where Public Servant accepts gratification other than legal remuneration. 10
9. Discuss the Provisions relating to power to appoint Special Judges and case triable by Special Judges under the Prevention of Corruption Act, 1988. 10

DEPARTMENTAL EXAMINATION FOR OFFICERS OF  
THE WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2008

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Group - A

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

1. Write short notes on any three of the following :
  - (a) Tank fishery.
  - (b) Mines tribunal.
  - (c) Irrigated area.
  - (d) Co-operative common service society.
  - (e) Urban land.
  - (f) Award by collector. 5x3
2. Who is an intermediary under the West Bengal Estates Acquisition Act, 1953? Does the right of non agricultural tenant vest in the state under the Act? Has the amended provision of the West Bengal Land Reforms Act, 1955 made any change in this regard? Discuss. 5+5+5
3. What are the modes of transfer of land by a scheduled tribe under the West Bengal Land Reforms Act, 1955? Can such raiyat transfer land to a person not belonging to a scheduled tribe? 10+5
4. What is the requirement of a declaration of the intended acquisition of land under the Land Acquisition Act, 1894? Discuss with reference to the specific provisions of the Act. 15
5. What are the matters that the court shall take into consideration in determining the amount of compensation in acquisition of land under the Land Acquisition Act, 1894? Can the amount of compensation be lower than the amount awarded by the Collector? 10+5
6. What do you mean by the term 'vacant land' under the Urban Land (Ceiling and Regulation) Act, 1976? Under what circumstances a person may be permitted to hold land in excess of the ceiling limit? 5+10
7. What restrictions have been imposed by the West Bengal Estates Acquisition Act, 1953 on transfer of land by an intermediary after the date of vesting? Discuss with reference to the provisions of the Act. 15

: 2 :

Group - BAnswer Question No. 8 and any two from the rest.

8. Write short notes on any two of the following :
- (a) Certificate debtor.
  - (b) District Election officer.
  - (c) Returning Officer.
  - (d) Panchayat Samiti.
  - (e) Setting aside sali. 5x2
9. State the grounds for declaring election to be void under the Representation of the People Act, 1951. Is there any scope for Judicial determination by High Court in case of any dispute in this regard? 15
10. What is the condition of registration in the electoral roll under the Representation of the People Act, 1950? How the term 'ordinary resident' has been defined in the 1950 Act? 15
11. Enumerate the powers of the Zilla Parishad under the West Bengal Panchayat Act, 1973. Are such powers unrestricted? 15
12. Who may execute certificate under the Bengal Public Demand Recovery Act, 1913? Discuss the modes of execution or a certificate under the Act. 15
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DEPARTMENTAL EXAMINATION FOR OFFICERS OF  
THE WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2008

LAW-PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed - 3 Hours

Full Marks : 100

Pass Marks : 50

Group - A

Answer any two questions.

1. What are the objects behind the enactment of the West Bengal Government Land (Regulation of Transfer) Act, 1993? Discuss the provisions regarding non-application of certain Acts in this respect. 6+10
2. Write a note on 'Special notice' as provided under the Bengal Survey Act, 1875. What are the steps required to be taken by a collector before entering on land under this Act? 6+10
3. Define the term 'Company' under the West Bengal Inland Fisheries Act, 1984. Discuss the legal provisions for conservation and propagation of fishes under this Act. 6+10

Group - B

Answer any two questions.

4. Under what circumstances provided by the Arms Act, 1959, a licence is suspended and revoked and by whom? 10+6
5. Who can search and seize wild animal under the wildlife(Protection) Act, 1972? Discuss the provisions under this Act regarding offences by the companies. 6+10
6. Explain the power of Central Government to take measures to protect and improve environment under the Environment (Protection) Act, 1986. 16

Group - C

Answer Question No. 7 and any one from the rest.

7. Write notes on any four :
  - (a) Bond
  - (b) Member of a Co-operative Society
  - (c) Mesne Profits
  - (d) Contract Carriage
  - (e) Immovable Property. 5x4
8. How a suit is filed by or against the Government? Can a suit be filed against the Government without serving notice? 8+8
9. How is a deceased member's share or interest in a West Bengal Co-operative Society disposed of? 16

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

1A

November, 2007

LAW - Paper I (Criminal Law and the Law of Evidence)  
(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Answer Question No.1 and any three Questions from  
Group A and any two from Group B

Group - A

1. Distinguish between the expressions in any four of the following :-
  - (a) Hurt and Grievous Hurt
  - (b) Summons case and warrant case
  - (c) Robbery and dacoity
  - (d) Inquiry and investigation
  - (e) Wrongful restraint and wrongful confinement.5x4
2. Explain the following terms as used in the I.P.C.(any four) of the following :-
  - (a) Wrongful gain
  - (b) Fraudulently
  - (c) Dishonestly
  - (d) Judge
  - (e) Offence.5x4
3. (a) How is arrest made ?  
(b) Is it a right of a person arrested to be informed of the grounds and of right of bail ?  
(c) Is there any obligation of a person making arrest to inform about the arrest to the nominee or relatives of the arrested person ?  
(d) Can a registered medical practitioner examine the accused person at the request of a police officer ? If so, under what circumstances ?  
5x4
4. Under what circumstances can a person be required to execute a bond for keeping the peace ?  
20
5. (a) What is meant by 'Professional Communication' ?  
(b) State whether the following communications are protected from disclosure.
  - (i) A client says to B, an attorney, "I have committed forgery and I wish you to defend me".  
5
  - (ii) A client says to B, an attorney, "I wish to obtain possession of property by the use of forged deed in which I request you to sue".  
5
6. Explain how far character of a person is relevant
  - (a) In civil cases
  - (b) In criminal cases10+10

Group - B

7. Discuss the provisions relating to powers of Centre to control production, supply, distribution etc. of essential commodities under Essential Commodities Act. 10
  8. When is a public servant said to commit a criminal misconduct ? 10
  9. What are the procedures and powers of Special Judge appointed to try offences under the Prevention of Corruption Act ? 10
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DEPARTMENTAL EXAMINATION FOR OFFICERS OF  
THE WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2007

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)

( WITHOUT BOOKS )

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

GROUP - A

All questions carry equal marks.

Answer Question No.1 and three more questions from the rest.

1. Write short notes on any three of the following :
  - (a) Vesting in the state
  - (b) Intermediary
  - (c) Personal cultivation
  - (d) Compulsory acquisition
  - (e) Land appurtenant to building
  - (f) Alluviated land. 5x3
2. 'Section 6(1) of the Land Acquisition Act empowers the Government to acquire land for the benefit of a company as well, but, nevertheless, such acquisition must be for a public purpose.' - Elucidate. 15
3. (a) Would it be competent for the collector to withhold the payment of compensation on the plea that the acquisition has not been complete?  
 (b) Specify the matters to be taken into consideration for the purpose of computation of the awardable compensation. 15
4. Briefly analyse the provisions of section 57B of the West Bengal Estates Acquisition Act which purport to oust the Civil Court's jurisdiction as regards the entries of the record of rights, revised or finally published.  
 Do you think, the bar, so slapped, is sufficient to absolutely debar an aggrieved raiyat's access to judicial redress against an erratic entry? 15
5. Would the entire estate of an intermediary be liable to vest in the state in case he fails or omits to exercise his choice of retention in the manner and within the time prescribed? 15

Contd...2/..

6. (a) Indicate the extent of legal infirmity imposed on a raiyat who belongs to the Scheduled Tribe so far alienation of land is concerned.
- (b) Would an application for pre-emption lie as regards the following transactions :
- (i) Heba-bil-awaz,
  - (ii) Partition, and
  - (iii) Lease.
- ( A reasoned answer is preferred ) 15
7. (a) Define 'Vacant land' in terms of the Urban Land (Ceiling and Regulation) Act and analyse the modes prescribed for determination of the 'Ceiling limit' of such vacant land.
- (b) Is it obligatory for a person to obtain prior permission from the Competent Authority for the intended sale of a vacant land where the land held is well within the ceiling limit? 15

GROUP - B

Answer Question No.8 and two more questions from the rest.

8. Write short notes on any two of the following : 5x2
- (a) Nyaya Panchayat
  - (b) Samanway Samiti
  - (c) Public demand
  - (d) Delimitation of Parliamentary and Assembly Constituencies
  - (e) Ordinary resident.
9. (a) Indicate the modes prescribed for execution of a certificate under the Bengal Public Demand Recovery Act. Is the certificate Debtor liable to pay interest as well on the basic debt?
- (b) A certificate-holder applies for execution of a certificate simultaneously against the certificate-Debtor's person and his property. Is the Certificate Officer competent to refuse such simultaneous execution? 15
10. On what grounds an application for setting aside a Certificate-sale can justifiably be entertained? 15
11. Give a short account of the Constitution, powers and functions of a 'Panchayat Samity' formed under the West Bengal Panchayat Act, 1973 as a development-oriented institution. 15
12. Enumerate the grounds by reason whereof a member of an Indian Legislature is likely to incur 'disqualification' within the meaning of the Representation of the People Act, 1951.
- Does the Act espouse any mitigating relief for a legislator, thus disqualified, conforming to the related contingency? 15



DEPARTMENTAL EXAMINATION FOR OFFICERS OF  
THE WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2007

LAW-PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Group - A

Answer question No. 1 and any one from the rest.

1. Discuss the steps to be taken by the Collector to resolve boundary dispute under the Bengal Survey Act, 1875. Is the order of the Collector appealable?  
If so, to whom appeal would lie? 20
2. Define the term fish. What are the legal provisions for promotion and protection of fish in West Bengal? 4+12
3. Discuss the power of a lessee indicating limitation/restriction if any to transfer Government Land under West Bengal Government Land (Regulation of Transfer) Act, 1993. How the dispute in this regard be resolved? 10+6

Group - B

Answer any two questions.

4. Discuss the a) Composition and b) Functions of Central Co-ordination Committee under Persons with Disabilities (equal opportunities, Protection of rights and full Participation) Act, 1995. 8+8
5. (a) Enumerate the Constitution and duties of wildlife Advisory Board under the wildlife (Protection) Act, 1972.  
(b) Mention the Cases in which hunting of wild animals be Permitted under the wildlife (Protection) Act, 1972. 10+6
6. Mention the offences which are Punishable under the Arms Act, 1959. 16

Group - C

Answer any two questions.

7. Discuss the Provisions relating to settlement of disputes under the West Bengal Co-operative Society Act, 1985. 16
8. State and Explain the doctrine of 'Resjudicata'. 8+8
9. Discuss the functions of a Municipality under the West Bengal Municipality Act, 1993. 16

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

May, 2007

LAW - Paper I (Criminal law and the Law of Evidence)  
(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Answer Question No. 1 and ANY THREE Questions from Group A  
and ANY TWO Questions from Group B.

GROUP - A

1. Distinguish between the expressions in ANY FOUR of the following:
  - (a) Criminal conspiracy and Act done in furtherance of common intention,
  - (b) Tort and Crime,
  - (c) Fabricating false evidence and forgery,
  - (d) Abduction and Kidnapping,
  - (e) Theft and Criminal breach of trust. 5x4
2. Explain the following terms as used in the I.P.C.:
  - (a) Counterfeit,
  - (b) Document,
  - (c) Valuable property,
  - (d) Act and omission. 5x4
3. What is meant by "Seizure Memo"? Explain the provisions of the Cr. P.C. relating to the search of arrested person. 20
4. What is the procedure to be followed when a warrant is to be executed outside the local jurisdiction of the court issuing it? 20
5. "Admissions are not conclusive proof of the matters admitted, but may operate as estoppel". Discuss. 20
6. Define and illustrate secondary evidence. 20

GROUP - B

7. Discuss the provisions of the Essential Commodities Act relating to confiscation of essential commodity. 10
8. Who is a public servant as per Prevention of Corruption Act? Discuss in detail. 10
9. State in detail whether an accused person can be a competent witness for defence according to the Prevention of Corruption Act. 10

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

MAY, 2007

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

GROUP -A

Answer any **six** questions.

1. (a) Who is an intermediary under the West Bengal Estates Acquisition Act, 1953?  
(b) Is raiyat an intermediary?  
(c) Does land of a non-agricultural tenant vest in the State?  
4+3+3
2. (a) What transfer is to be declared as not bonafide within the meaning of section 5A of the West Bengal Estates Acquisition Act, 1953?  
(b) What is the effect when a transfer is declared as not bonafide?  
(c) Which transfers shall be presumed to be not bonafide? Can such presumption be made in respect of a transfer made by a father to his son while the father held 24 acres of agricultural land during the period between May 5, 1953 and the date of transfer?  
3+2+5
3. (a) Who is a bargadar under the West Bengal Land Reforms Act, 1955?  
(b) Can the brother's son of a raiyat be a bargadar under him?  
(c) Is the right of cultivation of land by a bargadar both heritable and transferable?  
(d) Can a person not belonging to a Scheduled Tribe claim to be a bargadar on land belonging to a tribal raiyat?  
4+2+2+2
4. Answer the following questions in terms of the provisions under the West Bengal Land Reforms Act, 1955—  
(a) To whom the land gained by recess of a river or the sea shall go?  
(b) What are the means of partition among the co-sharers of a raiyat?  
(c) What steps the State Government may take to prevent fragmentation of plots of land as a result of partition?  
(d) Is an unregistered partition made by a family governed by Mitakshara School of Hindu Law valid?  
2+2+4+2
5. What do you mean by the following expressions as used under the Urban Land (Ceiling and Regulation) Act, 1976 —  
(a) Land appurtenant.  
(b) "To hold".  
(c) Urban Land.  
(d) Agriculture.  
(e) Vacant land.  
2x5
6. What are the vacant lands to which the ceiling provisions under the Urban Land (Ceiling and Regulation) Act, 1976 do not apply? 10
7. Discuss the expression "public purpose" under the Land Acquisition Act, 1894. 10

8. (a) Does Land Acquisition Act, 1894 contain provisions for acquisition of land for a private company?  
 (b) What are the matters on which there shall be an agreement between a company and the State Government before taking steps for acquisition of land?  
 (c) What is the provision for making such agreement public? 2+6+2
9. (a) What is meant by the following expressions under the West Bengal Public Land (Eviction of Unauthorised occupants) Act, 1962?  
 (i) "Public land", (ii) "Unauthorised occupation".  
 (b) State the procedure for passing an order of eviction of persons in unauthorised occupation of public land. 5+5

GROUP - B

Answer any four questions.

10. Explain the following terms used in the West Bengal Public Demands Recovery Act, 1913 -  
 (a) Certificate-debtor.  
 (b) Certificate-holder.  
 (c) Certificate Officer.  
 (d) Collector.  
 (e) Public Demand. 2x5
11. (a) What are the modes of execution of a certificate?  
 (b) Who may execute a certificate? 6+4
12. (a) On what grounds a member of a Gram Panchayat be removed?  
 (b) What is the procedure for the removal of a Pradhan and Upa-Pradhan? 5+5
13. State the powers, functions and duties of a Sabhapati and Sahakari Sabhapati. 10
14. Write short notes on -  
 (a) Chief Electoral Officer.  
 (b) District Election Officer.  
 (c) Electoral Registration Officer.  
 (d) Assistant Electoral Registration Officer.  
 Under the representation of the People Act, 1950. 2½x4
15. Under the Representation of the People Act, 1951 -  
 (a) Who appoints a Presiding Officer and Polling Officers?  
 (b) Who cannot be appointed as Presiding Officer or Polling Officer?  
 (c) What step is to be taken and by whom when a Polling Officer is absent from the polling station?  
 (d) Can a Presiding Officer be appointed for more than one polling station?  
 (e) Who shall perform the duties of a Presiding Officer if he falls ill?  
 (f) What is the general duty of a Presiding Officer?  
 (g) What are the duties of a Polling Officer?  
 (h) Who nominates an Observer?  
 (i) Can an Observer stop counting of votes?  
 (j) Can an Observer direct the Returning Officer not to declare the result? 1x10

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

MAY, 2007

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

GROUP - A

Answer any two questions.

1. (a) What is the nature and object of the West Bengal Inland Fisheries Act, 1984?  
(b) What steps the State Government shall take for conservation and propagation of 'fish' under the Act? 8+8
2. (a) How can a lessee dispose of Government land to a person other than a relation under the West Bengal Government Land (Regulation of Transfer) Act, 1993?  
(b) Has the civil court jurisdiction to entertain any dispute in the matter? 3+8
3. (a) What steps the Collector shall take under the Bengal Survey Act, 1875 before entering lands for survey?  
(b) State the provisions of the Act for appeals against the order passed by the collector. 8+8

GROUP - B

Answer Question No. 4 and any one from the rest.

4. Write short notes on any four of the following :-  
(i) Explosive substance.  
(ii) Entry.  
(iii) Human rights.  
(iv) Environmental laboratories.  
(v) Uncured trophy.  
(vi) Prohibited ammunition. 5x4
5. (a) Who is empowered under the Wild Life (Protection) Act, 1972 to search and seize the incriminating articles? State the procedure for seizure and sale of such articles.  
(b) Who are the competent persons to lodge complaint under the Act? 4+8+4

P.T.O.

6. Who is a 'Juvenile'? What restrictions the Act has imposed in the matter of inflicting punishment on a Juvenile? 4+12

GROUP - C

Answer any two questions.

7. (a) State the provisions of the Civil Procedure Code regarding attachment before judgement.  
(b) How can an order for such attachment be vacated? 12+4
8. (a) What are the documents registration of which is optional?  
(b) State the effect of non-registration of the compulsorily registrable documents. 12+4
9. Specify the grounds on which sanction of a building plan may be refused under the West Bengal Municipal Act, 1993. What happens if sanction is not accorded within 60 days after the receipt of the building plan by the Board? 12+4
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2-8/5/09

1A

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

November, 2006

LAW - Paper I (Criminal law and the Law of Evidence) (Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer Question No.1 which is compulsory and any three questions from Group A and any two questions from each of Group B and Group C.

Group A

1. Distinguish between the expressions in any four of the following :
  - (a) Bailable and non-bailable offence
  - (b) Summons case and warrant case
  - (c) Wrongful restraint and wrongful confinement
  - (d) Robbery and dacoity
  - (e) Admission and confession. 4x4
2. Write short notes on :
  - (a) Joinder of charges
  - (b) Retracted confession
  - (c) Burden of proof. 4x3
3. (a) What is the procedure for dispersal of an unlawful assembly to be adopted by the executive magistrate ?  
(b) When can the services of the armed forces be requisitioned to disperse such assembly? 8+4
4. (a) When can police arrest without warrant?  
(b) Can a private person arrest any person ? What is the procedure for such arrest ? 8+4
5. (a) What is the right of private defence ? When does the right of private defence of the body extend to the voluntary causing death of the assailant ?  
(b) A is attacked by a mob who attempt to murder him. There were innocent young children mingled with the mob. A opens fire to save himself and thereby kills one of the children mingled with the mob. State the offence, if any, committed by A. 9+3
6. (a) Who is an abettor ? When is a person said to abet the doing of a thing ?  
(b) What offences have been committed in the following cases :
  - (i) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. 9+3
  - (ii) A in order to avoid personal molestation offers a bribe to B, a public servant. 8+4

P.T.O.

Group B

7. (a) What do you mean by hearsay evidence ? Are they admissible in evidence ? Explain.  
(b) State the exceptions, if any, to this rule. 8+4
8. (a) Who is a competent witness ? - Discuss.  
(b) Discuss the competency of the following as witness :  
(i) Lunatic  
(ii) Child  
(iii) Dumb person. 6+6
9. (a) What are privileged communications ?  
(b) Whether a wife can be compelled to give evidence against her husband in a civil or criminal case ? 8+4

Group C

10. Discuss the provisions of the National Security Act, 1980 relating to  
(a) Constitution of Advisory Board  
(b) Functions, with procedure, of Advisory Board. 12
11. State briefly the provisions of the Essential Commodities Act, 1955 regulating and prohibiting production, supply and distribution of essential commodities. 12
12. Discuss the provisions of the Prevention of Corruption Act relating to :  
(i) Powers of the Special Judge  
(ii) Penalty that can be imposed on a public servant who takes illegal gratification other than legal remuneration, in respect of an official act. 12



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2006

LAL-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass marks - 60

Group - A

Answer any four questions.

1. Explain the terms as per West Bengal Estates Acquisition Act, 1953 :  
 (i) Homestead;  
 (ii) Incumbrance;  
 (iii) Non-agricultural tenant;  
 (iv) Notified area;  
 (v) Rent; 15
2. (a) What do you mean by the term "raiyat", "irrigated area" and "standard hectare" under the West Bengal Land Reforms Act, 1955. 8  
 (b) What is the ceiling area of land to be allowed to a raiyat under the provisions of the West Bengal Land Reforms Act, 1955 ? 7
3. (a) What are the restrictions on transfer of land by a raiyat under the West Bengal Land Reforms Act, 1955 ? 8  
 (b) What consequences a raiyat is liable to suffer for transfer of land in contravention of such restriction ? 7
4. (a) How the dispute between a bargadar and the person whose land he cultivates is decided in respect of (i) division or delivery of the produce, (ii) recovery of produce under section 16A and termination of cultivation by the bargadar under the West Bengal Land Reforms Act, 1955. 13  
 (b) Is the right of a bargadar transferable ? 2
5. What are the provisions for dealing with the transfer of lands made not in a bonafide way by an intermediary in between May 5, 1953 and the date of vesting under West Bengal Estates Acquisition Act, 1953 ? 15
6. What is the effect of notification vesting estates and rights of intermediaries duly published under section 4 of the West Bengal Estates Acquisition Act ? 15

Group - B

Answer Question No.7 and any one from the rest.

7. (a) What kinds of money are regarded as public demand under the Public Demand Recovery Act, 1913 ? 10  
 (b) State effect of service of notice of certificate issued under Public Demand Recovery Act, 1913. 10
8. (a) Has the Gram Panchayat any power to levy fees ? If so, under what heads ? 10  
 (b) State the form and procedure in case of dispute relating to validity of election held under the West Bengal Panchayat Act, 1973. 10

9. (a) What are the disqualification for registration of name in an electoral roll ? 10
- (b) If a candidate whose nomination has been found valid, if he dies before poll, what procedure will be followed under the Representation of the People Act, 1951 ? 10

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2006

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 60

Group - A

Answer any two :-

1. Discuss the power of the State Government to requisition land. 16
2. Define the term 'public purpose'. How is land acquired under West Bengal Land Development and Planning Act., 1948 disposed of ? 4+12
3. What is done when the return under the Cess Act 1880 is found to be not correct or untrue and when no return at all is made ? 8+8

Group - B

Answer question no.6 and any one from the rest :-

4. What is meant by 'prohibited arms' ? When granting of arm-licence is refused ? 4+12
5. What is the penalty for damage caused to land or crop by cattle in West Bengal? Under what circumstances is cattle impounded? 6+10
6. Write notes on (any four)
  - (i) Passport
  - (ii) Internees
  - (iii) Probation officers
  - (iv) Hunting
  - (v) Special category explosive substance
  - (vi) Forest produce. 5x4

Group - C

Answer any two :-

7. Which documents are required to be compulsorily registered ? Mention three types of documents registration of which is optional. 10+6
8. What is the effect of repeal ? 16
9. Can the court order immediate execution of decree on the basis of oral application ? What is the procedure for execution of decree on receiving application ? 4+12

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

MAY, 2006

Law - Paper I (Criminal Law and the Law of Evidence)

(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 60

Answer Question No.1 and three more questions from Group A and any two questions from each of the other two groups, namely Group B and Group C

GROUP - A

1. Distinguish between the expression in any four of the following pairs :
  - (a) Cognizable and non-cognizable offences,
  - (b) Discharge and acquittal,
  - (c) Wrongful gain and wrongful loss,
  - (d) Fact in issue and relevant fact,
  - (e) May presume and shall presume. 4x4
2. Write short notes on
  - (a) Accomplice
  - (b) Admission
  - (c) Re-examination. 4x3
3. What is first information report? Discuss its object and evidentiary value. 12
4.
  - (a) Enumerate the circumstances under which a police officer can arrest without a warrant in a non-cognizable case?
  - (b) How long can the police keep an offender in custody under their own power?
  - (c) When can arrest be made by a magistrate? 6+3+3
5.
  - (a) Define criminal trespass and discuss the essential ingredients of this offence?
  - (b) A with the intention of murdering B, enters B's house on a dark night and mistaking a log of wood for B, shoots at it and runs away. What offence, if any, has A committed? 8+4
6.
  - (a) Discuss the broad guidelines as to when an offence is murder and when it is culpable homicide not amounting to murder.
  - (b) A who has been suspecting illicit relations between his wife and B, surprises B under compromising circumstances with her. He thereupon kills B.  
Is A guilty of any offence? 8+4

P.T.O.



GROUP - B

7. (a) What is dying declaration? What are the essential conditions on which it is admitted in evidence?  
(b) Is such a declaration admissible in evidence if made to a police officer? 9+3
8. (a) What is a document?  
Define Primary and Secondary evidence.  
(b) When is a party entitled to give secondary evidence of the document without calling on the party in possession of the same to produce it? 8+4
9. (a) State and illustrate the rule of estoppel as enacted in the Indian Evidence Act, 1872.  
(b) How far and under what circumstances are the tenants permitted to deny the title of their landlords? 8+4

GROUP - C

10. Discuss the provisions of the National Security Act, 1980 relating to the circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of the Advisory Boards. 12
  11. Discuss the provisions of the Essential Commodities Act, 1955 relating to confiscation of essential commodity. 12
  12. (a) What is meant by criminal misconduct under the Prevention of Corruption Act?  
(b) Is previous sanction necessary for taking cognizance of the acts of a public servant, according to this Act? 6+6
-

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

MAY, 2006

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 60

G R O U P - A

Answer any four questions

1. Explain the following terms as per West Bengal Estate Acquisition Act, 1953.
  - (a) Notified area,
  - (b) Non-agricultural tenant,
  - (c) Collector,
  - (d) Rent,
  - (e) Religious purpose. 15
2. What procedure is laid down in the West Bengal Estates Acquisition Act, 1953 for preparation of Record of rights? 8  
How can a mistake in such record of rights be corrected? 7
3. Explain in terms of the definition as given in West Bengal Land Reforms Act :
  - (a) Personal cultivation;
  - (b) Incumbrance;
  - (c) Prescribed authority;
  - (d) Agricultural year;
  - (e) Land. 15
4. Under what circumstances can a person terminate cultivation of his own land by a bargadar under West Bengal Land Reforms Act, 1955? 15
5. What are restrictions imposed by the West Bengal Land Reforms Act, 1955 on the power of alienation of his holding by a raiyat belonging to a Scheduled Tribe? 15
6. What are the purposes for which tenancies can be held by a non-agricultural tenant? 15

G R O U P - B

Answer Question No.7 and any one from the rest.

7. (a) When a certificate under the Public Demand Recovery Act, 1913 may be executed? 10  
(b) State the method of the disposal of the proceeds of execution under the Public Demand Recovery Act, 1913. 10

- : 2 : -

8. (a) Has the Gram Panchayat any power to levy fees? If so, under what heads? 10
- (b) State the form and procedure in case of dispute relating to validity of election held under the West Bengal Panchayat Act, 1972. 10
9. (a) What are the conditions for registration of names in the Electoral Roll as per provision of the Representation of the People Act, 1950? 10
- (b) What are the electoral offences under the Representation of the People Act, 1951? Discuss in short. 10
-

3

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

M A Y, 2006

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 60

G R O U P - A

Answer any two : -

1. Define the term 'fish'. What are the legal provisions for protection of fish in West Bengal? 4+12
2. Who can make order to recover damages for unauthorised occupation of any land and how? 4+12
3. What is the mode of payment of road cess and public works cess by holder of Estate? 16

G R O U P - B

Answer Question No.4 and any one from the rest : -

4. Write notes on (any four) : - 5x4
  - (i) Explosive substance
  - (ii) Pound Keeper's duties
  - (iii) Arms
  - (iv) Protected forests
  - (v) Trophy
  - (vi) Intoxicating drugs.
5. What is excisable article? Under what circumstances licence for sale of any intoxicant may be cancelled or suspended? 4+12
6. Discuss the provisions relating to prohibition of sale or transfer of fire-arms, not bearing identification marks. 16

G R O U P - C

Answer any two : -

7. State and explain the doctrine of Resjudicata. 16
  8. Discuss the principle of 'power to appoint includes power to dismiss'. What is the meaning of service by post? 10+6
  9. What is the duty of the Registering Officer before registration? Is photograph of the person seeking registration necessary? 12+4
-

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

November, 2005

LAW - Paper I (Criminal Law and the Law of Evidence) (Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer Question No.1 and three more questions from Group A and  
any two questions from the each of the groups; namely  
Group B and Group C.

Group A

1. Distinguish between the expressions in any four of the following :
  - (a) Relevant fact and fact in issue.
  - (b) Compoundable and non-compoundable offence
  - (c) Admission and confession
  - (e) Acquittal and discharge
  - (f) Robbery and dacoity. 4x4
2. Write short notes on :
  - (a) Leading question
  - (b) Proved, disproved and not proved
  - (c) Conclusive proof. 4x3
3. (a) What is criminal conspiracy ? What are its essential ingredients ? 6
  - (b) A and B conspire to poison Z. A in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. State what offences are committed by A & B. 3+3
4. (a) When can police arrest without warrant ? 8
  - (b) Can a private person arrest any person ? What is the procedure for such arrest ? 4
5. Discuss the powers of the Magistrate to issue temporary orders in urgent cases of nuisance or apprehended danger. 12
6. (a) What is criminal breach of trust ? 4
  - (b) A, being executor to the will of a deceased person dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. State what offence has committed by A and give reasons. 8

Group B

7. What do you mean by hearsay evidence ? Are they admissible in evidence ? Are there any exception to the rule ? 12
8. (a) Define estoppel. 8
  - (b) A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that at the time of sale, he had no title. Can he be allowed to prove his want of title ? 4

9. Explain the concept 'burden of proof'. Does the onus to prove shift depending on varied contingencies ? 6

Explain with reasons on whom the burden of proof lies in the following cases :

- (i) A accused of murder alleges that by grave and sudden provocation, he was deprived of the power of self control. 3
- (ii) Burden of proving death of a person known to have been alive within 30 years. 3

#### Group C

10. (a) Name the authorities empowered to issue an order of detention against a person under National Security Act, 1980. Indicate the grounds on which detention may be ordered. 6
- (b) Specify the circumstances that empowers the detaining authority to confirm the detention of a detainee and also the maximum period for which detention may continue ? Does it admit of any further extension ? 6
11. Discuss the provisions as to seizure and confiscation of an essential commodity by an order made under section 3(2)(f) of Essential Commodities Act. 12
12. What do you mean by criminal misconduct under the Prevention Corruption Act ? Is previous sanction necessary for taking cognizance of a public servant ? 12

XXXXXXXXXX



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2005

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Group - A

Answer any four questions.

1. Describe the rights of the parties aggrieved by entries in finally published record of rights as provided in the West Bengal Estate Acquisition Act, 1953. 15
2. Define "Tank Fishery." Do you think that with the vesting of estate and right of an intermediary in the state, his/her rights in tank fishery would also vest in the State? 15
3. What are the restrictions imposed by the West Bengal Land Reforms Act, 1955, on the power of alienation of his holding by a raiyat belonging to a Schedule Tribe ? 15
4. What are the essential items to be incorporated to maintain the record of right upto date as per provision of the West Bengal Land Reforms Act, 1955 ? 15
5. What are the purposes for which tenancies can be held by a non-agricultural tenant ? 15
6. (a) Is there any ceiling limit on future acquisition by inheritance bequest or by sale in execution of decrees. if so, what are the duties of the owner of the property ? 8
- (b) Who is the competent person to get the benefit under the West Bengal Acquisition of Homestead land for Agricultural Labourers, Artisans and Fishermen Act, 1975 and what is the quantum of land to be conferred ? 7

Group - B

Answer Question No.7 and any one from the rest.

7. (a) When a certificate under the Public Demand Recovery Act, 1913 may be executed ? 10
- (b) State the method of the disposal of the proceeds of execution under the Public Demand Recovery Act, 1913. 10
8. (a) Write a short note on power and duties of Gram Panchayet as enunciated in the West Bengal Gram Panchayet Act, 1973. 10
- (b) Under what circumstance, a member of Panchayet Samity is disqualified ? 10
9. (a) What are the conditions for registration of names in the Electoral Roll as per provision of the Representation of the People Act, 1950 ? 10
- (b) What are the electoral offences under the Representation of the People Act, 1951 ? Discuss in short. 10

3

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2005

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

Group - A

Answer any two questions.

1. How is the awardable compensation for an acquired land determined under the Land Acquisition Act?  
Specify the contingency that may require redetermination of such award. 16
2. (a) Discuss the procedures laid down in the West Bengal Land (Requisition and Acquisition) Act to govern the requisition or acquisition of land. Does the failure to serve prior notice of the intended requisition or acquisition on the owner or occupier of such land tend to vitiate the resultant requisition/acquisition proceeding?  
(b) Define 'subsidiary ferry'. Are such ferries also subject to the rules formulated for the control and superintendence of the public ferry? 16
3. Identify the 'cess-free land', as dealt with in the cess Act, bearing a reference to the Schedule 'G' appended thereto. 16

Group - B

Answer any two questions.

4. Write short notes on any four of the following :  
(a) Intoxicant and exisable article.  
(b) Internee.  
(c) Juvenile delinquent.  
(d) Dereservation of forest.  
(e) National park.  
(f) Uncontrollable child. 4x4
5. Specify the 'prohibited arms' and 'prohibited amunition' within the meaning of the Arms Act. Are the following articles liable to be designated as the prohibited ones?  
(a) axe, (b) clasp knife, (c) spear and (d) lathi. 16
6. (a) A Magistrate passes an order sentencing the accused under three counts of penal provisions. Simultaneously, it extends to him the benefit of probation.  
Is the order in conformity with the tenets of the Probation of the Offenders Act?  
(b) Indicate the course the appointing authority should adopt where no Scheduled Caste/Schedule Tribe candidate with requisite qualification is available for recruitment against a vacancy marked off as reserved as per the prescribed roster. 16

P. T. O.

- : ( 2 ) : -

Group - C

Answer Question No. 7 and any one from the rest.

7. Write short notes on any four of the following :

- (a) Revival of repealed Enactment;
- (b) Rural Employment Cess;
- (c) Execution of a decree passed in a suit for restitution of conjugal right;
- (d) Non-registration of a compulsorily registrable document;
- (e) Service by post;
- (f) Citation of Enactments.

5x4

8. Enumerate the facts to be set forth in an instrument for sale of the immovable property to facilitate proper determination of the stamp duty chargeable under the Indian Stamp Act. Does an omission to state such facts in the instrument constitute an offence under the Act?

Would the quantum of such duty have been different if it was executed and registered in West Bengal after the W.B. Amending Act of 1990 came into operation?

16

9. Analyse the provisions of the Code of Civil Procedure that deal with the matter as to restoration to its file of a suit dismissed for the Plaintiff's default.

Does the code provide for any similar relief for a defendant where the suit has been decreed against him exparte for the defendant's default?

16

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

May, 2005

LAW - Paper I (Criminal Law and the Law of Evidence)(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

Answer Question No.1 and three more questions from Group A  
and any two questions from each of the other two  
groups, namely Group B and Group C.

Group-A

1. Distinguish between the expressions in any four of the following :
  - (a) Cognizable offence and Non-cognizable offence
  - (b) Enquiry and Trial
  - (c) Complaint and first information report
  - (d) Gaining wrongfully and losing wrongfully
  - (e) May presume and shall presume. 16
2. Write short notes on -
  - (a) Accomplice
  - (b) Cross-examination
  - (c) Joinder of Charges. 12
3. When conditional order for removal of nuisance can be passed ? 12
4. Under what circumstances can a person be required to execute a bond for keeping the peace on conviction ? Does appeal lie against the order passed u/s. 106 of the Criminal Procedure Code ? 12
5. (a) What do you mean by culpable homicide not amounting to murder ? 8
  - (b) Z attempts to horsewhip A not in such a manner as to cause grievous hurt to A, A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. Please state whether A has committed murder or culpable homicide. 4
6. (a) How far is the plea of mistake a good defence to criminal liability under the Indian Penal Code ? 6
  - (b) State whether any offence has been committed by A :-
    - (i) A, soldier, fires on a mob by the order of his superior officer, in conformity with the commands of law.
    - (ii) A, an Officer of the Court of Justice being ordered by that Court to arrest Y, and after due enquiry, believing Z to be Y, arrests Z. 3+3=6

Group-B

7. (a) What do you mean by professional communication ? 6  
(b) (i) A client says to B, an attorney, "I have committed forgery and I wish you to defend me". Is the communication protected from disclosure ? 3  
(ii) A, client says to B, an attorney, — "I wish you to obtain possession of property by the use of a forged deed on which I request you to sue" — Is it protected from disclosure ? 3
8. (a) Who are the persons competent to testify ? 6  
(b) Can a dumb witness be competent to give evidence ? 3  
(c) Is a lunatic competent to testify ? 3
9. Explain how far character is relevant -  
(a) in civil cases ,  
(b) in criminal cases. 6+6

Group-C

10. Summarise the provisions of Section 3 of the Essential Commodities Act, 1955 to regulate and prohibit production, supply and distribution of essential commodities. 12
11. Discuss the provisions of National Security Act, 1980 relating to -  
(a) Constitution of Advisory Board,  
(b) Procedure of Advisory Board. 6+6
12. (a) Analyse the ingredients of the offence of 'criminal misconduct' provided in Section 13 of the Prevention of Corruption Act, 1988. 8  
(b) Can the accused person charged with an offence punishable under the Prevention of Corruption Act, 1988 be a competent witness for his defence and give evidence in disproof of charges made against him ? 4

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DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2005

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Group - A

Answer Question No.1 and any four of the following questions.

1. Write short notes on (Any five) :
  - (a) Raiyat (West Bengal Land Reforms Act, 1955)
  - (b) Land (West Bengal Land Reforms Act, 1955)
  - (c) Incumbrance (West Bengal Estates Acquisition Act, 1953)
  - (d) Non agricultural land (West Bengal Non-Agricultural Tenancy Act, 1949)
  - (e) Urban Land  $\sqrt{\text{Urban Land (Ceiling and Regulation) Act, 1976}}$
  - (f) Dwelling Unit  $\sqrt{\text{Urban Land (Ceiling and Regulation) Act, 1976}}$
  - (g) Home-stead (West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975)  
4x5=20
2. (a) What do you understand by "vesting of estate" under the West Bengal Estate Acquisition Act? What are the effect of such vesting? 6
  - (b) Rambabu, an intermediary on 6th May, 1953 transferred 10 acres of agricultural land standing in his name in Nadia to his sister's son. He has also retained 25 acres of agricultural land in Midnapore. Is the transfer of land valid? Discuss. 6
3. (a) Who is an intermediary? Can the State Government be an intermediary within the meaning of the West Bengal Estate Acquisition Act? 6
  - (b) State whether a Raiyat can claim to be an intermediary under the provision of the West Bengal Estate Acquisition Act, 1953. 6
4. (a) What are the grounds for termination of cultivation by bargadar? 6
  - (b) What is the maximum area of land prescribed in respect of which a bargadar is entitled to cultivate including the land owned by the bargadar as well as land cultivated by him as a bargadar? 6
5. (a) Describe in details the ceiling area of land which a Raiyat is entitled to own under the West Bengal Land Reforms Act. 6
  - (b) What is the unit of a family for the purpose of determining ceiling? 6



- 2 -

6. What are the purposes for which tenancies can be held by a non agricultural tenant? 12
7. What will be the status of the occupier in whose favour land has been vested as per provisions of West Bengal Act XLVIII of 1975 - West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975. 12

Group - B

Answer any two questions.

8. (a) What kinds of money are regarded as public demand under the Public Demand Recovery Act, 1913? 8
- (b) State effect of service of notice of certificate issued under Public Demand Recovery Act, 1913. 8
9. (a) Has the Gram Panchayat any power to levy fees? If so under what heads? 8
- (b) State the form and procedure in case of dispute relating to validity of election held under the West Bengal Panchayat Act, 1973. 8
10. (a) What are the disqualifications for registration of name in an electoral Roll? 8
- (b) If a candidate whose nomination has been found valid, if he dies before poll, what procedure will be followed under the Representation of the People Act, 1951? 8
-

**DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)**

**May, 2005**

**LAW—PAPER III (GENERAL LAW)  
(With Books)**

*Time Allowed—3 Hours*

*Full Marks—100*

*Pass Marks—60*

**Group 'A'**

*Answer any two questions.*

1. (a) Enumerate the statutory formalities to be observed for acquisition of land for a public purpose under the Land Acquisition Act, 1894.

(b) Would it be competent for the concerned collector to withhold the payment of compensation duly awardable on account of the land acquired under the Act on the plea that such acquisition is not complete? 9+9

2. (a) Distinguish between 'requisition' and 'acquisition', as contemplated in the West Bengal Land (Requisition and Acquisition) Act, 1948 and spell out the respective purposes for which such requisition or acquisition of land may be made.

(b) Define 'ferry' and indicate the measures prescribed under the Bengal Ferries Act, 1885 to regulate the public ferry service and to ensure the convenience and safety of the persons availing of such service. 9+9

3. (a) How is a rent-free estate to be valued for the purpose of imposing cesses thereon under the Cess Act, 1880?

(b) Identify the steps the collector should take to resolve a boundary dispute under the Bengal Survey Act, 1875. Is the order passed by the collector in this behalf appealable? If so, to whom such appeal would lie? 9+9

**Group 'B'**

*Answer any two questions.*

4. Write short notes on *any four* of the following: 4×4

- (a) Exemption from the applicability of the Foreigners' Act;
- (b) Determination of nationality of a foreigner;
- (c) Reserved forest;
- (d) Sanctuary;
- (e) Escaped child;
- (f) Probation on good conduct.

5. (a) The concerned authority rejects an application for a licence to possess a fire-arm on the ground that the applicant does not hold sufficient property.

Is the rejection on such ground tenable in law, as engrafted in the Arms Act?

(b) Discuss the salient features of the principles laid down in the West Bengal Scheduled Caste and Scheduled Tribe (Reservation of Vacancies and Posts) Act.

Does the Act apply as well to employment in all services and promotions? 8+8

**Please Turn Over**

6. Explain the following expressions with reference to the juvenile offenders, as envisaged in the West Bengal Children Act:

(a) Reception Home, (b) Reformatory School, (c) After-care Organisation, and (d) Borstal School. 4×4

**Group 'C'**

Answer *any two* questions.

7. Write short notes on *any four* of the following:

4×4

- (a) Document supported by an affidavit;
- (b) Done in good faith;
- (c) Rural indebtedness;
- (d) Execution and registration of an instrument;
- (e) Inspection and discovery;
- (f) Conveyance.

8. (a) Specify the mode to be adopted to determine the chargeable stamp-duty where the value of the subject-matter of the transaction is not readily ascertainable.

(b) What would be the determinant to assess the chargeability had it been an instance of execution of a single instrument comprising several distinct matters? 8+8

9. Analyse the circumstances necessitating the appointment of a Receiver in respect of the subject-matter of a ligation and underscore his duties. How would the Court appointing such Receiver enforce the performance of the duties entrusted to him in case he fails or neglects to discharge his responsibility?

Is the Court competent to appoint the collector a Receiver in a particular contingency?

16

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

1A

November, 2004

LAW - Paper I (Criminal Law and the Law of Evidence) (Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer Question No.1 and three more questions from Group A and  
any two questions from each of the groups; namely  
Group B and Group C.

Group-A

1. Distinguish between the expressions in any four of the following: 16
  - (a) Bailable offence and Non-bailable offence
  - (b) Dishonestly and fraudulently
  - (c) Relevant fact and fact in issue
  - (d) Compoundable and Non-compoundable offences
  - (e) Complaint and First Information Report.
2. Write short notes on :
  - (a) Document (under Indian Penal Code) 12
  - (b) Evidence (under Indian Evidence Act.)
  - (c) Dowry Death.
3. (a) What is anticipatory bail ? When can it be granted ? 6x2  
(b) When can bail be granted in a non-bailable offence ? Can a minor be refused bail ?
4. Which class of Court is competent to try the following offences and at what places such trial may be held ?
  - (a) One gold ring was stolen at Barasat and one Shekhar received and retained it at Malda knowing it to be stolen. 3
  - (b) A, citizen of India has committed murder at Italy. 3
  - (c) A has thrown away a passenger from the train running between Asansol and Howrah. 3
  - (d) An offence has been committed partly in the local area, and partly in another. 3
5. (a) . What are the ingredients of the offence of rape ? 8  
(b) A has committed sexual intercourse with a woman B several times on a false promise of marrying her, but later he refused to marry B. State whether A has committed rape. 4
6. (a) Define Abetment. 8  
(b) A instigates B to murder C. B refuses to do so. Is A guilty of abetting B to commit murder ? 2  
(c) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. State whether A is guilty of abetting the burning of the house and abetting the theft. 2

P.T.O.

Group-B

Answer any two questions from this Group.

7. (a) What is meant by 'burden of proof'? 6  
(b) Explain with reasons on whom the burden of proof lies in the following cases :-  
(i) A wishes to prove a dying declaration by B. 3  
(ii) The good faith of a sale by a client, to an attorney is in question in a suit brought by the client. 3
8. Explain - "oral evidence must be direct". 12
9. (a) What is Secondary Evidence ? 8  
(b) State whether the following are admissible as Secondary Evidences :  
(i) The statement of the witness who have not themselves read the document. 2  
(ii) Newspaper report. 2

Group-C

Answer any two questions from this Group.

10. Discuss the provisions of the Essential Commodities Act relating to confiscation of essential commodity. 12
11. What is criminal misconduct under the Prevention of Corruption Act ? Is previous sanction necessary for taking cognizance of an offence of a public servant ? 12
12. Discuss the provisions of National Security Act, 1980 relating to the circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of the Advisory Boards. 12

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2004

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

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

1. Write notes on : (Any four)
  - (a) Occupier (West Bengal Acquisition of Homestead Land for Agricultural Labourers and Artisans etc. Act, 1975)
  - (b) Family (Urban Land Ceiling & Regulation Act, 1976)
  - (c) Public Demand (Bengal Public Demand Recovery Act)
  - (d) Returning Officer (Representation of People Act, 1951).
  - (e) Non-Agricultural Tenant (West Bengal Non-Agricultural Tenancy Act, 1949)
  - (f) Bargadar (West Bengal Land Reforms Act, 1955). 5x4=20
2. Who is an intermediary as defined by the W.B. Estate Acquisition Act, 1953? Has an intermediary right to file objection against the Assessment Roll? How such objection, if filed, is disposed off? 5+6+5
3. Under what circumstances, the holding of a raiyat shall vest in the state under W.B. Land Reforms Act, 1955? Is the holding of a raiyat heritable and transferable? 12+4
4. Who is under-tenant under W.B. Non-Agricultural Tenancy Act, 1949? Under what circumstance an under-tenant can be evicted? 4+12
5. Define Electoral Registration Officers under The Representation of People Act, 1951. How is a District Election Officer appointed? What are his powers? 5+3+8
6. Who is a certificate officer? What should he do when the certificate debtor is minor or of unsound mind? Can a certificate officer amend certificate already signed? 4+8+4
7. What is the amount to be paid as compensation for land acquired under Section 4 of the W.B. Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fisherman Act, 1975? What is the penalty for unlawful eviction as provided under the Act? 10+6



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

3

November, 2004

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

Four marks for neatness.

Group - A

Answer any two questions.

1. (a) Discuss the provisions regarding issuance of notice to the persons interested under Land Acquisition Act, 1894.  
(b) Discuss the provisions regarding inquiry to be made and award to be given by the Collector under Land Acquisition Act, 1894. 8+8
2. Define :- Under Cess Act, 1880  
(a) Annual value of any land.  
(b) Cess-free land.  
(c) Class of land.  
(d) Estate.  
(e) Holder of an estate.  
(f) Despatch.  
(g) collector.  
(h) Zilla Parishad. 16
3. (a) Discuss the provisions regarding penalty for taking unauthorised tolls and concealment of lease under the Bengal Ferries Act, 1885. 16  
(b) Discuss the power of the Magistrate of the district to make rules in regard to public ferries under the Bengal Ferries Act, 1885. 8+8

Group - B

Answer any two questions.

4. Discuss the power of the Court to release certain offenders after admonition under the Probation of Offenders Act, 1958. 16
5. (a) Discuss the provisions relating to power to cancel or suspend Licence, Permit or Pass under the Bengal Excise Act, 1909.  
(b) Discuss the provisions relating to withdraw of licence etc. under the Bengal Excise Act, 1909. 8+8
6. (a) Discuss the provisions regarding punishment for causing explosion likely to endanger life or property under the Explosive Substance Act, 1908.  
(b) Discuss the provisions regarding punishment for attempt to cause explosion or for making or keeping explosive with intent to endanger life or property under Explosive Substance Act, 1908. 8+8

P.T.O.

Group - C

Answer any two questions.

7. Discuss the provisions regarding allowance for spoiled stamps under the Indian Stamp Act, 1899. 16
8. Discuss the provisions relating to settlement of disputes under the West Bengal Co-operative Societies Act, 1983. 16
9. (a) Discuss the provisions relating to withdrawal and compromise of suits under the Code of Civil Procedure.  
(b) Discuss the provisions relating to Res judicata under the Code of Civil Procedure. 8+8

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

May, 2004

LAW - Paper I (Criminal Law and the Law of Evidence) (Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer Question No.1 and three more questions from Group A and any two questions from each of the other two groups, namely Group B and Group C.

Group-A

1. Distinguish between the expressions in any four of the following pairs :
  - (a) Cognizable and non-cognizable offences
  - (b) Summons case and warrant case
  - (c) May presume and shall presume
  - (d) Wrongful gain and wrongful loss
  - (e) Wrongful restraint and wrongful confinement. 16
2. Write short notes on :
  - (a) Admission
  - (b) Joinder of charges
  - (c) Complaint. 12
3.
  - (a) What is the procedure for dispersal of an unlawful assembly to be adopted by the executive magistrate? 8
  - (b) When can the services of the armed forces be requisitioned to disperse such assembly? 4
4.
  - (a) What are the methods prescribed in the code of criminal procedure for prevention of cognizable offences? 8
  - (b) Under what circumstances can security for good behaviour be demanded by a Magistrate from suspected persons? 4
5.
  - (a) Distinguish between culpable homicide amounting to murder and culpable homicide not amounting to murder. 4
  - (b) State what offences have been committed by the accused in the following cases :-
    - (i) A shoots Z with the intention of killing him. Z dies in consequence. 4
    - (ii) Y gives grave and sudden provocation to A, A on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill, who is near him, but out of sight kills Z. 4
6.
  - (a) What is meant by Criminal breach of Trust under the Indian Penal Code? 8
  - (b) A being executor to the will of the deceased person dishonestly disobeys the law which directs him to divide the effects according to the will and appropriate them to his own use. State what offence A, has committed. 4

Group-B

7. Explain how far character is relevant  
(a) In civil cases  
(b) In criminal cases. 6 + 6
8. (a) Define estoppel under Indian Evidence Act. 8  
(b) A intentionally and falsely leads B to believe that certain land belonging to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A and A seeks to set aside the sale on the ground that at the time of the sale he had no title. Can he be allowed to prove his want of title? 4
9. (a) What is a leading question? 4  
(b) Can leading questions be asked in an examination-in-chief if objected to by the adverse party? 4  
(c) When can the leading questions be asked? 4

Group-C

10. Discuss the provisions of the National Security Act, 1980 relating to  
(a) Constitution of Advisory Board  
(b) Functions of Advisory Board. 12
11. Summarise the provisions of Section 3 of the Essential Commodities Act, 1985 to regulate and prohibit production, supply and distribution of essential commodities. 12
12. Discuss the provisions of the Prevention of Corruption Act, 1988 relating to (i) Power of the Special Judge to try summarily,  
(ii) Penalty to be imposed on public servant who takes illegal gratification other than legal remuneration in respect of an official act. 12

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST  
BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2004

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks: 100

Pass Marks-60

Answer Question No.1 and any five of the following questions.

1. Write notes on ( Any four ) : 5X4 =20
  - a) Homestead (W.B.Acquisition of Homestead Land for Agricultural Labourers, Artisans etc. Act,1975).
  - b) Person( Urban Land Ceiling & Regulation Act, 1976).
  - c) Certificate debtor(Bengal Public Demand Recovery Act,1913).
  - d) Gram ( W. B. Panchayat Act, 1973 ).
  - e) Raiyat ( W. B. Land Reforms Act, 1955 ).
  - f) Elector ( Representation of People Act, 1951 ).
2. How shall the rights of an intermediary in land vest in the State as provided under W.B. Estate Acquisition Act,1953 ?  
Mention two kinds of property which can be retained by an intermediary. 12+4 =16
3. Discuss the right of a co-sharer or a contiguous tenant and bargadar to purchase the holding of a raiyat as provided under the W.B. Land Reforms Act.  
Under what circumstances, this right cannot be exercised ? 10+6 =16
4. Define the term 'Improvement' under W.B. Non-Agricultural Tenancy Act, 1949.  
Discuss the rights of a tenant and his landlord to make improvements in tenancy. 4+12 =16
5. Discuss the provisions as laid down in the Representation of People Act, 1951 for registration of Political Parties. 16
6. What are the powers of a Panchayat Samiti ?  
Under what circumstances, the State Government can appoint members in Gram Panchayat ? 10+6 =16
7. What is the date of commencement of the Urban Land Ceiling and Regulation Act, 1976 ?  
What should a person do when he holds vacant land in excess of ceiling limit ? 4+12 =16

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3

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2004

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

All questions carry equal marks.

Four marks for neatness.

Group A

Answer any two questions.

1. (a) Discuss the provisions regarding the publication of preliminary notification and powers of officers thereupon under Land Acquisition Act, 1894.  
(b) Discuss the provisions regarding hearing of objections under Land Acquisition Act, 1894. 8+8
2. Discuss the provisions regarding mode of assessment for Orissa and Midnapore under the Cess Act, 1880. 16
3. (a) Discuss the power to make rules regarding public ferries under the Bengal Ferries Act, 1885.  
(b) Discuss the provisions regarding the penalty for breach of provisions as to table of tolls and penalty for plying within public ferry course without licence under the Bengal Ferries Act, 1885. 8+8

Group B

Answer any two questions.

4. (a) How are the Probation Officers appointed ?  
(b) What are the duties of the Probation Officers under the Probation of Offenders Act, 1958 ? 8+8
5. (a) Discuss the relevant provisions as to power to enter and inspect and power to test and seize measures etc. under the Bengal Excise Act, 1909.  
(b) Discuss the relevant provisions as to power to arrest without warrant, to seize articles liable to confiscation and to make searches under the Bengal Excise Act, 1909. 8+8
6. (a) Discuss the provisions regarding licence for acquisition and possession of firearms and ammunition under Arms Act, 1959.  
(b) Discuss the provisions regarding licence for import and export of arms under Arms Act, 1959. 8+8

Group C

Answer any two questions.

7. Discuss the provisions relating to arrest before judgement and attachment before judgement under Civil Procedure Code. 16
8. Whether instruments not duly stamped are inadmissible in evidence under the Indian Stamp Act, 1899 - Discuss. 16
9. Discuss the provisions relating to annual general meeting under the West Bengal Co-operative Societies Act, 1963. 16



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE WEST BENGAL  
CIVIL SERVICE (EXECUTIVE)

May, 2003

LAW - Paper I (Criminal Law and the Law of Evidence) (Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer Question No.1 and three more questions from Group A and  
any Two questions from each of the other Two Groups, namely/  
Group B and Group C.

Group A

1. Distinguish between the expressions in any four of the following pairs : 16
  - (a) Inquiry and Trial
  - (b) Cognizable and Non-cognizable offences
  - (c) Investigation and Inquiry
  - (d) Culpable homicide and Murder
  - (e) May presume and shall presume.
2. Write short notes on : 12
  - (a) Admission
  - (b) Cross-examination
  - (c) Secondary evidence.
3. State when a person accused of committing a non-cognizable offence can be arrested and also state whether he is entitled to be released on bail. 12
4. (a) What is criminal conspiracy ? What are its essential ingredients ? 6
  - (b) What are the offences committed in the following cases and by whom ? 6
    - (i) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence..
    - (ii) A offers a bribe to B, public servant, as a reward for showing A some favour in the exercise of B's official function. B accepts the bribe.
5. What are the offences relating to which a person is bound to give information to the Magistrate or Police officer ? Discuss. 12
6. (a) A, a Police officer, made a false entry in the special diary relating to case which was being investigated by him, but the document in which the alleged false entry was made was not one which was admissible in evidence. Can the Police officer, in the circumstances, be convicted for fabricated false evidence? Give reason for your answer. 6
  - (b) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believes it to be so. But that signature, in fact, is not the handwriting of Z. State whether A has given false evidence in the present case. 6

P.T.O.

Group B

7. What do you mean by Hearsay Evidence ? Are there any exceptions to the rule governing its admissibility ? 12
8. (a) State the exceptions to the general rule that the burden of proof lies on the party who asserts the affirmative in substance of the question in dispute. 6
- (b) Explain with reasons on whom the burden of proof lies in the following cases - 6
- (i) A, accused of murder, alleges that by reason of unsoundness of mind he did not know the nature of the act.
- (ii) Burden of proof as to relationship in the cases of partners, landlord or tenant, principal and agent.
- (iii) Burden of proof as to ownership.
9. (a) What is 'dying declaration' ? Explain clearly. 6
- (b) What evidentiary value does it possess ? 6

Group C

10. Discuss the provisions of the Prevention of Corruption Act, 1988 relating to - 12
- (a) Power of the Special Judge to try summarily.
- (b) Penalty to be imposed on public servant who takes gratification other than legal remuneration in respect of an official act.
11. State the provisions of the Essential Commodities Act, 1955 relating to - 12
- (a) Constitution of Special Courts.
- (b) Offences triable by Special Courts.
12. Discuss the provisions of the National Security Act, 1980 relating to - 12
- (a) Constitution of Advisory Board.
- (b) Functions of Advisory Board.

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2003

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

1. Write short notes on any four of the following : 5X4=20
  - (a) Intermediary (West Bengal Estates Acquisition Act, 1953)
  - (b) Bargadar (West Bengal Land Reforms Act, 1955)
  - (c) Collector (The Bengal Public Demands Recovery Act, 1913)
  - (d) Mouza (The West Bengal Panchayat Act, 1973)
  - (e) Artisan (The West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975)
  - (f) Election (Representation of the People Act, 1951).
2. A person is convicted and sentenced to suffer imprisonment for one year for contravention of any law providing for the Prevention of hoarding and profiteering. A preferred appeal against such conviction and sentence before superior Court. The superior Court stayed the execution of sentence. A is declared disqualified for being chosen as and for being a member of the Parliament (Lok Sabha) by appropriate authority. Is the declaration by the appropriate authority just, proper, correct or legal? Explain with reasons. 10
3. What are the grounds for termination of cultivation by bargadar? Is there any limitation on eviction of a bargadar by the person owning the land even the person owning the land requires the land for bringing it under personal cultivation for bonafide reason. 5+5=10
4. (a) What is the cut off date for acquisition of land in possession of an occupier?  
 (b) What is the extent of land which can be acquired?  
 (c) What amount shall be paid to owner of the land in the event of acquisition of land?  
 (d) What status an occupier acquires in the event an occupier in whose favour any land vests?  
 (The West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fisherman Act, 1975). 5X4=20
5. (a) What are the modes of execution of a certificate?  
 (b) What property is liable to attachment and sale?  
 (c) What is the procedure relating to attachment of a Civil Court decree?  
 (d) How long such attachment continues?  
 (The Bengal Public Demands Recovery Act, 1913). 5X4=20
6. What are the obligatory duties of a Gram Panchayat? (West Bengal Panchayat Act, 1973) 10
7. Under which circumstances a Revenue Officer can set aside improper transfer by a raiyat belonging to Scheduled Tribe? State the practice and procedure to be followed by the Revenue Officer. 10

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2003

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

All questions carry equal marks.

Four marks for neatness.

Group A

Answer any two questions.

1. Discuss the provisions relating to payment of compensation under the West Bengal Land (Requisition and Acquisition) Act, 1948. 16
2. (a) Discuss the power to make rules in regard to public ferries under Bengal Ferries Act, 1885.
- (b) Discuss the provisions relating to penalty for breach of provisions as to table of tolls and for taking unauthorised tolls under the Bengal Ferries Act, 1885. 8+8
3. (a) State the matters to be neglected in determining compensation to be awarded for land to be acquired under Land Acquisition Act, 1894.
- (b) "Award under Land Acquisition Act, 1894 is deemed a decree of a court"-Discuss. 8+8

Group B

Answer any two questions.

4. (a) Define 'explosive substance' under Explosive Substance Act, 1908.
- (b) Discuss the provisions relating to punishment for :-  
(i) Attempt to Cause Explosion.  
(ii) Making or possessing explosive under suspicious circumstances.  
(iii) Causing explosion likely to endanger life or property under the Explosive Substance Act, 1908. 4+4x3
5. (a) State the things which are liable to confiscation under the provisions of the Bengal Excise Act, 1908.
- (b) State the power of the Excise Officer to enter, inspect and seize under the provisions of the Bengal Excise Act, 1908. 8+8
6. (a) Define opium under the Opium Act, 1878.
- (b) Discuss the power to seize opium :-  
(i) In open place.  
(ii) Kept unlawfully in any enclosed place. 4+6x2

P.T.O.

- 2 -

Group C

Answer any two questions.

7. Discuss the provisions relating to settlement of disputes under the West Bengal Co-operative Societies Act, 1983. 16
8. Write notes on the following :-
- (i) British India
  - (ii) Central Government
  - (iii) Effect of Repeal
  - (iv) Purpose of the General Clauses Act. 4x4
9. (a) What questions can be determined by the court executing the decree ?
- (b) Discuss the provisions when sale to become absolute or be set aside in execution proceeding under the Code of Civil Procedure. 8+8

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2002

LAW—PAPER I (CRIMINAL LAW AND THE LAW OF EVIDENCE)  
(WITHOUT BOOKS)

Time Allowed—3 Hours

Full Marks—100

Pass Marks—60

**Group A**

Answer *Question No. 1* and *three* more questions from this group.

1. Distinguish between the expressions turned in *any four* of the following entries: 16
  - (a) Fact-in-issue and Relevant fact;
  - (b) Cognizable offence and Non-cognizable offence;
  - (c) Acquittal and Discharge;
  - (d) Wrongful gain and Wrongful loss;
  - (e) Culpable homicide and Murder.
  
2. Write short notes on: 12
  - (a) Hostile witness;
  - (b) Joinder of charges;
  - (c) Commutation of sentence;
  - (d) Doli incapax.
  
3. (a) Indicate the duty cast upon the nearest Magistrate when he receives intimation as to an incident involving suicide by a woman within seven years of her marriage. What course he is to adopt in terms of the Code of Criminal Procedure if he finds that the body of the woman has already been buried?  
 (b) Specify the places where the following offences are to be tried:
  - (i) A minor girl is kidnapped at Bolepur and recovered from a house at Kanpur;
  - (ii) While performing a journey by train from Mumbai to Howrah, A was murdered somewhere enroute and his body was found lying in a pool of blood with multiple incised wounds when the train arrived at Howrah. 12
  
4. (a) Does the law permit a person, not arrested nor named in the First Information Report, to approach a criminal court for bail on the ground of apprehended arrest? If so, precisely discuss the relevant provision of the Code of Criminal Procedure.  
 (b) Identify the circumstances when a conviction is rendered inappellable. 12
  
5. (a) Define 'abetment'. Is it distinguishable from 'criminal conspiracy'? Underscore their distinctive features.  
 (b) X, with the intention to murder Z, makes over his loaded revolver to a six-year-old boy, Y, and instigates the boy to press the trigger aiming at Z to prove his marksmanship. Y does so and thereby kills Z. What offences have X and Y committed in the instant case? 12

Please Turn Over



6. (a) Certain stolen goods are recovered from a house admittedly owned by A. Does the fact, by itself, constitute any penal offence?—Give a reasoned answer.

(b) A Revenue Officer, is entrusted with public money and, according to the conditions of his service, is bound to deposit all the public money he holds with a certain treasury. A does not deposit the entire amount of money and dishonestly misappropriates a part of such money.

What offence A has committed thereby?

12

### Group B

Answer *any two* questions from this group.

7. Distinguish between 'admission' and 'confession'. Is the confession made before a police officer during investigation leading to the recovery of an incriminating object from a pond, admissible in evidence?

12

8. (a) Elucidate the proposition 'oral evidence must be direct'. Is there any exception to this general rule?

(b) The question is whether C's death is caused by poisoning with a certain poison.

The expert opines that C exhibits such symptoms which are normally evident on the victims of identical poison. Is the opinion relevant?

12

9. (a) A, a witness, affirms that on a certain day he saw B at Ahmedabad. A is asked by the cross-examining lawyer whether he himself was not at Calcutta on that day. He denies it.

Evidence is offered to show that he was, in fact, at Calcutta that day. Is this evidence admissible? Is A liable to be prosecuted for giving false evidence in case his denial is proved to be false?

(b) A died of injuries inflicted on her by B in a transaction in course of which she was ravished. A made a statement to a police officer detailing the events constituting the transaction which was treated as the first information report. Is the statement acceptable in evidence as her dying declaration following her consequent death?

12

### Group C

Answer *any two* questions from this group.

10. (a) Does a single and isolated instance of taking illegal gratification constitute the offence of criminal misconduct within the meaning of section 13 of the Prevention of Corruption Act? If not, what offence does it make up to? Give reasons to substantiate your answer.

(b) A, a police officer is investigating a criminal case involving B. At the instance of A, B pays the tainted money to C, a shop-keeper, who, in turn, makes it over to A. The tainted money is recovered, on B's complaint, from A's possession. B admittedly solicited A's favour.

A pleads innocence and contends that he is a mere victim of an organised false trap but leads no evidence.

Identify the offences committed by A and B.

12

11. Summarise the powers conferred upon the Central Government under section 3 of the Essential Commodities, 1955 to regulate and prohibit production, supply and distribution of essential commodities. Is the Central Government competent to delegate such powers or some of them in favour of any other government, authority or officer? If so, analyse the related provision.

12

12. (a) Name the authorities empowered to issue an order of detention against a person under the National Security Act, 1980. Indicate the grounds on which such detention may be ordered and the formalities to be observed for a valid detention.

(b) Specify the circumstance that empowers the detaining authority to confirm the detention of a detainee and also the maximum period for which such detention may continue. Does it admit of any further extension?

12

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2002

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

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

1. Write short notes on any four of the following :
  - (a) Acquisition (West Bengal Estates Act, 1953)  
(Note below Section 1).
  - (b) Sabhadhipati (Section 143 & Section 146)  
(The West Bengal Panchayat Act, 1973)
  - (c) "Calcutta" [ Section 2(a) 1) of the Bengal Public Demands  
Recovery Act, 1913]
  - (d) Occupier and Status of the Occupier (West Bengal  
Acquisition of Homestead Land for Agricultural  
Labours, Artisans and Fishermen Act, 1975)
  - (e) Returning officer with reference to his general duty under  
Section 21 & Section 24 of Act 43 of 1951
  - (f) Raiyats (West Bengal Land Reforms Act, 1955). 5x4
2. What are the areas left outside the extent of the operation of  
the West Bengal Estates Acquisition Act, 1953 ? Is there any bar  
to the jurisdiction of Civil Court in respect of certain matters?  
[Section 1(2) and Section 57(B) West Bengal Estates Acquisition  
Act, 1953] 10+10
3. Relate the provision for conversion of Agricultural Land into  
Non-agricultural tenancies as enumerated in the West Bengal Non-  
Agricultural Tenancy Act, 1949.  
What do you mean by the term "Improvement" under the aforesaid  
Act of 1949 ? 12+8
4. Briefly elucidate your idea on the following concepts :
  - (a) "Certificate holder",
  - (b) "Movable Property",
  - (c) "Certificate Debtor",
  - (d) "Collector"  
(The Bengal Public Demands Recovery Act, 1913) 4x5
5. How does a Gram Panchayat acquire land for itself (Section 44) ?  
How is the Gram Panchayat Fund Constituted (Section 45) ?  
(West Bengal Gram Panchayat Act, 1973) 10+10
6. What are the provisions under the Urban Land (Ceiling and  
Regulation) Act, 1976 for the Regulation of Transfer and use of  
Urban Property ? 20
7. What do you mean by the following terms :
  - (a) Diluviated Lands,
  - (b) Accretion,
  - (c) Ceiling area,
  - (d) Irrigated area  
(West Bengal Land Reforms Act, 1955) 4x5

8. How is a person disqualified for registration in an Electoral Roll (Section 16) ?

What are the conditions of Registration (Section 19) ?

The Representation of People Act, 1950 (Act 43 of 1950). 10+10

9. Give at least three instances of "Corrupt Practices". (Section 123)

How are candidates disqualified in becoming a member of Parliament ? (Section 7 and 8A) [The Representation of People Act 1951 (Act 43 of 1951)]

X, Y & Z are the three constituencies. R, S & T are intending to become members of Parliament.

M, N, O & P are voters or citizens. M belongs to X. Can M also cast his vote at Z after voting at X ?

R contests as candidate at Y. Can R also contest against S at X and against T at Z ?

M is a Professor of Mathematics. N is a renowned Scientist. O is a world famous Musician. P is a Nobel Laureate in Literature. R, S and T are merely politicians. 8+8+4

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

November, 2002

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

All questions carry equal marks.

Four marks for neatness.

Group A

Answer any two questions.

1. Discuss the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 relating to order for eviction of unauthorised occupants from public land.
2. Discuss the circumstances under which the Collector can take possession of any land by exercising his special powers in cases of urgency as per Land Acquisition Act, 1894.
3. State when the power of the State Government to requisition land can be exercised under the West Bengal Land (Requisition and Acquisition) Act, 1948.

Group B

Answer any two questions.

4. Discuss the provisions of the West Bengal Children Act, 1959 relating to bail and custody of children pending inquiry.
5. (a) State the categories of persons who are appointed as members of the Wild Life Advisory Board under the Wild Life (Protection) Act, 1972.  
(b) State the duties of Wild Life Advisory Board.
6. Discuss the provisions of the West Bengal Private Forests Act, 1948 relating to forest loans.

Group C

Answer any two questions.

7. Define the following :-  
(a) Judgement debtor (b) Mesne profits (c) Public officer.
8. Do the following documents require to be registered ? Give reasons for the answer :-  
(a) Authority to adopt when conferred by a non-testamentary instrument.  
(b) A wakfnama  
(c) Decree of the Calcutta High Court directing one party to make over possession to the other of immovable property valued at Rs.10000/-.  
(d) Adoption deed.

(e) Agreement to sell immovable property by payment of Rs.1000/- by way of earnest money.

(f) A will whereby immovable property of the value of more than Rs.100/- is bequeathed.

(g) Lease of immovable property.

(h) A deed of gift of immovable property worth Rs.100/-.

9. Discuss the provisions of the West Bengal Rural Employment and Production Act, 1976 relating to

(a) Rural employment cess.

(b) Surcharge on land revenue.



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2002

LAW - Paper I (Criminal Law and the Law of Evidence)  
(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer question no. 1 and three more questions from Group-A and any two questions from each of the other two groups.

Group - A

1. Distinguish between the expressions turned in any four of the following pairs :

- (a) 'May presume' and 'shall presume';
- (b) 'Investigation' and 'inquiry';
- (c) 'Complaint' and 'first information report';
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4. (a) Enumerate the sentences of varied description that may be awarded to guilty offenders under the Code of Criminal Procedure.

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5. (a) Discuss the law relating to right of private defence as regards body and property. Does the right even extend to causing of death?
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#### Group - B.

7. (a) Explain the concept 'burden of proof'. Does the onus to prove shift depending on varied contingencies?
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Group - C.

10. (a) Specify the mode of appointment of Special Judge under the Prevention of Corruption Act for the trial of the offences thereunder and his jurisdiction and powers.
- (b) Is the Special Judge, trying an offence under the Prevention of Corruption Act, empowered to take cognizance of another offence punishable under the Indian Penal Code, allegedly committed by the same accused in course of the same transaction?
- 12
11. (a) Analyse the ingredients of the offence 'criminal misconduct', as provided in section 13 of the Prevention of Corruption Act.
- (b) A Special Judge takes cognizance of an offence committed by a dismissed public servant under section 7 of the Prevention of Corruption Act. The defence takes the plea of absence of sanction in terms of section 19 of the Act.
- Is the plea acceptable? Would it make any difference if such dismissal is subsequently set aside by a competent court of law?
- 12
12. (a) Discuss the provisions as to seizure and confiscation of an essential commodity for contravention of an order made under sec. 3(2)(f) of the Essential Commodities Act.
- (b) Has the court of law any jurisdiction to interfere with such acts of the authorised executive?
- 12
13. Analyse the composition and functions of the 'Advisory Board' constituted under the National Security Act. Is the recommendation of the Advisory Board binding on the detaining authority?
- 12

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3

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2002

LAW - PAPER III (GENERAL LAW) (WITH BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks-60

All questions carry equal marks.  
Group-A

Answer any two questions.

1. (a) State the action to be taken by the collector under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 on receiving the information that certain public land is in the unauthorised occupation of any person or persons.  
(b) Discuss the power of the Collector to enforce delivery of possession by evicting unauthorised occupant under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.
2. Explain the matters to be taken into consideration by the Court in determining the amount of compensation to be awarded for land acquired under the Land Acquisition Act, 1894.
3. Discuss the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 relating to release of land from requisition.

Group-B

Answer any two questions .

4. State the provisions of the West Bengal Children Act, 1959 relating to contribution of parent or guardian for maintenance of their child sent to the reformatory school under order of the Court.
5. Discuss the provisions of the Wild Life (Protection) Act, 1972 relating to declaration of National Park.
6. Discuss the provisions of the West Bengal Private Forests Act, 1948 relating to Amalgamation of two or more vested forests under one working plan.

Group-C

Answer any two questions.

7. State the provisions of the Civil Procedure Code, 1908 relating to Modes of paying money under decree.
8. State giving reasons, whether the following documents require registration :
  - (a) A grant of immovable property by Government
  - (b) A certificate of sale granted to the purchaser of immovable property sold for Rs.500/- by public auction by a Civil Court
  - (c) A mortgage by deposit of title deeds to secure payment of Rs.300/-

P.T.O.

- (d) A consent decree purporting to create a lease of immovable property
  - (e) An agreement to grant a lease of immovable property
  - (f) A deed of relinquishment of land by a tenant to his landlord in consideration of the landlord waiving his rights to arrears of rent accrued due
  - (g) Equitable mortgage
  - (h) A deed of surrender by a Hindu widow of her widow's estate.
9. (a) Define the following as per West Bengal Rural Indebtedness Relief Act, 1975 :
- (i) Debt (ii) Debtor (iii) Marginal farmer
  - (iv) Small farmer
- (b) Discuss the provisions of the West Bengal Rural Indebtedness Relief Act, 1975 relating to stay of suits against a debtor.
-

Group - C.

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DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2002

LAW-PAPER II (LAND LAWS AND GENERAL LAWS)  
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

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

1. Write short notes on any four of the following : 5x4
  - (a) Homestead (West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975)
  - (b) Estate (West Bengal Estates Acquisition Act, 1953) along with concepts like "Khas Mahal" and "Lakhiraj"
  - (c) Mouza (West Bengal Panchayat Act, 1973)
  - (d) Public Demands (The Bengal Public Demands Recovery Act, 1913)
  - (e) Chief Electoral Officer (The Representation of People Act, 1950)
  - (f) Fresh Poll (The Representation of People Act, 1951).
2. Are Raiyats entitled to retain sub-soil rights ? What Raiyats must not do in respect of their respective holding ? What may happen in case of infringement ? 20
3. Enumerate the lands in relation to which the intermediary can retain his ownership right even after the passing of the West Bengal Estates Acquisition Act, 1953. Does, after vesting, the relationship of co-sharers subsist for exercise of pre-emption ? 12+8
4. What kind of land is exempted from the operation of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisan and Fishermen Act, 1975 ? What is the maximum extent of land to be acquired ? What is the amount for payment of compensation ? 8+6+6
5. What do you mean by terms like "Master Plan" and "Urban Agglomeration" ? What should a person holding vacant land in excess of ceiling limit, do to file statement, particularly when such land belong to the jurisdiction of more than one Competent Authority ? 6+6+8
6. How are the proceeds of assets on execution of a certificate to be disposed of ? What will the Certificate officer do in case of the purchaser being resisted or obstructed, after the execution sale of the immovable property ? 10+10
7. What are the Powers, Functions and Duties of Zilla Parishad ? Discuss. 20
8. How is a person disqualified for registration in an Electoral Roll ? What are the conditions of Registration ? 10+10
9. Discuss the provisions as to transfer of non-agricultural land as per the West Bengal Non-agricultural Tenancy Act, 1949. 20



DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE  
WEST BENGAL CIVIL SERVICE (EXECUTIVE)

May, 2002

LAW - Paper I (Criminal Law and the Law of Evidence)  
(Without Books)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks - 60

Answer question no. 1 and three more questions from  
Group-A and any two questions from each of the other  
two groups.

Group - A

1. Distinguish between the expressions turned in any four of the following pairs :

- (a) 'May presume' and 'shall presume';
- (b) 'Investigation' and 'inquiry';
- (c) 'Complaint' and 'first information report';
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