

LAW
(Paper II)

Time Allowed : Three Hours

Maximum Marks : 300

QUESTION PAPER SPECIFIC INSTRUCTIONS

(Please read each of the following instructions carefully before attempting questions)

There are EIGHT questions divided in two Sections.

Candidate has to attempt FIVE questions in all.

Question Nos. 1 and 5 are compulsory and out of the remaining, any THREE are to be attempted choosing at least ONE question from each Section.

The number of marks carried by a question/part is indicated against it.

Wherever any assumptions are made for answering a question, they must be clearly indicated.

Word limit in questions, wherever specified, should be adhered to.

SECTION 'A'

1. Answer any three of the following (answer to each question must not exceed 200 words):
- (a) A, a pickpocket, puts his hand in the pocket of B, a person, who was reclining in the park. Incidentally, the person had a pistol in his pocket and as the pickpocket put his hand in the pocket, it touched the trigger and the pistol went off killing the person. Is A guilty of culpable homicide? Explain when culpable homicide does not amount to murder with the help of illustrations and decided cases. 20
 - (b) X, a girl of 14, is ill-treated by her father and step mother. 'A', the neighbour under the belief that X was 18; takes her away from her parent's house on her request but without the consent of the parents. Is he guilty of any offence? If yes, analyse the nature of the offence and cite relevant cases. 20
 - (c) A promises to B, his student, and induced her to cohabit with him. He has given her a false assurance of marriage and also fraudulently gone through certain ceremonies of marriage making B to believe that she was a lawfully wedded wife of A. Later A refused to recognise her as his wife. What is the offence committed by A? Explain its ingredients. 20
 - (d) There was a leakage of oleum gas from one of the units of Mr. X's Textile Industry, situated in the city of Mumbai, on 4th and 5th October, 1995. It resulted in the death of an advocate practising in a court and all the ill effects of the same to various other persons. Mr. Y, a public spirited individual filed a writ petition, under Art. 32 of the Constitution, before the Supreme Court of India claiming compensation. Decide the liability of the occupier. 20
2. (a) "Intention and the act both must concur to constitute a crime." Explain. 30
- (b) Explain the occupier's liability in respect of structures. 30
3. (a) Explain the law relating to contributory negligence of children. 30
- (b)(i) Distinguish between: Malicious prosecution and False imprisonment 15
- (b)(ii) Maintenance and Champerty 15
4. (a) What are the changes that were brought to the Untouchability Act of 1955? 30
- (b) Critically examine viability of the Dowry Prohibition Act. 30

SECTION 'B'

5. Answer any three of the following (each answer should not exceed 200 words):

	(a)	A minor is liable to pay out of his property for necessities supplied to him. Discuss with the help of decided cases.	20
	(b)	“Public policy was a very unruly horse and when once you get astride it you never know where it will carry you.” (Burrough, J.) Examine relevancy of this statement under the Indian Law.	20
	(c)	A transport company refuses to deliver certain goods to the consignee except upon the payment of illegal charge of carriage. The consignee pays the sum charged in order to obtain the goods. Discuss the rights of the consignee as against the transport company.	20
	(d)(i)	Explain how far the rule of Caveat Emptor has undergone changes especially after passing the Consumer Protection Act.	10
	(d)(ii)	Examine the principle of ‘time is the essence of contract’.	10
6.	(a)	What are the exceptions to the principle that the contractual benefits or obligations are confined to the parties to the contract?	30
	(b)(i)	What is meant by material alteration of a negotiable instrument? What is the legal effect of such material alteration?	15
	(b)(ii)	A dismissed his servant B from service and for his wages gave him a draft in the following words “Mr. X will much oblige Mr. A by paying to Mr. B or order Rs. 200 on his account – A”. Is this draft a bill of exchange?	15
7.	(a)	Explain the circumstances under which a partnership firm is said to be reconstituted.	30
	(b)	X, one Ayurvedic doctor prescribed the medicine of Allopathy which caused the death of a patient. What is his liability? Explain the liability of the doctors under the Consumer Protection Act.	30
8.	(a)(i)	What is forgery? What are the effect of forged indorsement on a negotiable instrument?	15
	(a)(ii)	What is passing of the property where the goods are unascertainable?	15
	(b)	Critically examine the utility of the Monopolies and Restrictive Trade Practices Act, 1969 in the days of liberalisation, globalisation and privatisation.	30