

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):
20×3=60
- (a) “Nothing is an offence which is done by a person who is bound by law to do it.” Discuss.
- (b) “Mere medical insanity is not a valid defence under the Indian Penal Code but legal insanity is.” Discuss.
- (c) “Whenever there is a breach of duty there is a cause of action in tort.” Discuss.
- (d) “Where damages cannot be precisely calculated in terms of money, the court may take into account the motives and conduct of the defendant, and where these aggravate the plaintiffs injury the damages will be correspondingly increased.” Discuss.
2. (a) “The law of criminal conspiracy insists on an agreement between two or more persons whereas in abetment by conspiracy a mere engagement between them may be sufficient.” Discuss. **30**
- (b) ‘A’ intentionally attacks ‘B’. While doing so ‘A’ does not know that ‘B’ is suffering from an enlarged appendix. The blow falls on the appendix as a result of which the appendix bursts and ‘B’ dies. Discuss A’s liability. **30**
3. (a) “In the tort of negligence the question as to whether the defendant has acted as a reasonable man or not depends on many factors.” Discuss. **30**
- (b) The defendant establishes a flour mill in the heart of a city adjacent to the plaintiff’s house in a residential area. Running of the mill causes vibrations to the house and unpleasant noise. The plaintiff sues the defendant and claims damages and injunction. The defendant argues that he has a freedom to establish his own trade and business and that his flour mill is also beneficial to a large number of residents in the area. Decide. **30**
4. (a) “Whether a public servant is guilty of criminal misconduct under the Prevention of Corruption Act, 1988 or not is not an easy question for the courts to determine.” Discuss. **30**
- (b) Explain the meaning of ‘consumer’ and ‘service’ under the Consumer Protection Act, 1986. **30**

SECTION 'B'

5. Answer any three of the following (answer to each question must not exceed 200 words):
20×3=60
- (a) “The test of contractual intention is objective, not subjective.” Discuss.

- (b) “An act done at the promisor’s desire furnishes a good consideration for his promise even though it is of no significance or personal benefit to him.” Discuss.
- (c) “There are definite rules for ascertaining the intention of the parties as to time when the property in the specific goods is to pass to the buyer.” Discuss.
- (d) “Once a bearer instrument is always a bearer instrument.” Discuss.
6. (a) “An agency coupled with interest cannot be terminated in the absence of an express contract.” Discuss. Also discuss as to when is an agency irrevocable. **30**
- (b) ‘A’ sold 100 bales of cotton to ‘B’ for a sum of Rs. 50,000. ‘A’ had not received the payment of the price but he sent the railway receipt to ‘B’ without reserving his right of disposal. ‘B’ immediately endorsed the railway receipt to ‘C’, a bonafide purchaser for value. ‘B’ became insolvent before the goods could reach their destination. ‘A’ exercised his rights of stoppage of goods in transit. Discuss the title of ‘C’ over the goods. **30**
7. (a) Distinguish between partnership by estoppel and partnership by holding out. Discuss the chief ingredients of Section 28 of the Indian Partnership Act. **30**
- (b) The defendant husband and his wife lived in a suite of a hotel where he was the manager and the wife acted as manageress. They had no domestic establishment of their own. The wife incurred with a tradesman a debt for clothes, payment of which was demanded from the husband. Discuss the liability of the husband to pay off the debt. **30**
8. (a) Discuss the circumstances in which a bill of exchange is said to be dishonoured. What are the consequences of such dishonour? **30**
- (b) Define and explain “international commercial agreement” and “arbitration agreement” under the Arbitration and Conciliation Act, 1996. **30**