

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. Critically examine any THREE of the following statements with reasons and examples in not more than 200 words in each case:

3×20=60

- (a) A corporation aggregate cannot be fastened with criminal liability.
- (b) The defence of irresistible impulse has frequently been rejected in charges of murder.
- (c) It is not at all in doubt that the proof of existence of guilty intent is an essential element in a crime under common law.
- (d) The offence of riot is not committed unless all the five elements are present.

2. Explain whether any offence is committed in the following instances and under what circumstances? Give reasons. Do not write more than 100 words in each case. Answer any SIX questions:

6×10=60

- (a) X husband of W, cohabits with Z.
- (b) A cheque issued by X on his Bank having knowledge about insufficient funds in his account.
- (c) X burns a share certificate of Z due to which she suffered mental agony in addition to financial loss.
- (d) X shakes his fist at Z so as to cause reasonable apprehension in the mind of Z that she would be hit.
- (e) X has sexual intercourse with his wife without her consent.
- (f) X finds a valuable ring on the street and immediately sells the same for using the money to buy a computer.
- (g) X sells the estate of which he is not the owner and executes a conveyance deed in favour of the purchaser.
- (h) X takes Y a girl of 13 years of age without her knowledge to Mumbai to send her to Dubai to handover for marriage to a Sekh over there and dispatches her to Dubai for the above purpose.

3. (a) Distinguish the following two incidents and point out regarding wrong, if any, which has been committed in these incidents. Distinguish in the context of the nature and composition of these wrongs: (i) The Municipality permitted a political party to hold a meeting in a

30

public park blocking a busy road. X wanted to go to Y's house crossing the road but was not allowed. There was no other way to go to Y's house. (ii) A customer was suspected of having committed a theft in the departmental store by the staff. She was detained by the Manager for 2 days in a Store-room.

- (b) Distinguish the wrong committed in the following two incidents and also give decisions: (i) X circulated a handbill to his neighbours alleging that Y became the Chairman of the Village Panchayat by paying money to the members of the Panchayat. (ii) X goes on informing his community members in many families that Ms Y is not chaste as many people have seen her in the company of different people at various places. 30

4. (a) 'Prevention of Corruption Act, 1988 has many lacunae leading to undesirable consequences, which call for immediate requisite amendment to the Act.' – Critically examine the above statement and suggest reasons for such amendment, if any. 30

- (b) To know whether a person occupies the position of an agent or not, the law has to go by his functions and the substance of the transaction and not the parties terminology. 30

SECTION 'B'

5. Answer any THREE of the following in not more than 200 words each:

3×20=60

- (a) Law relating to coercion and undue influence has a feature in each which is uncommon to the legal system as a whole. Explain with illustrations.

- (b) Legal framework of offer and acceptance does not favour protection of consumers interests. Critically examine with illustrations.

- (c) There is a very limited application of law relating to agreement in restraint of trade in India. Critically examine the statement and suggest the area of limitations.

- (d) Even where the party seeking recession is not in a position to restore to the defendant his status quo ante, the courts may allow by doing what is practically just in the circumstances.

6. (a) How do you distinguish the nature and features of the following transactions? (i) A agrees to buy a motor-cycle from M/s Eastern Traders on terms that on delivery of the motor-cycle to A, A will pay the price in instalments along with interest for the motor-cycle in 24 monthly instalments. (ii) M/s Eastern Traders agrees to give possession of a motorcycle to A on terms that A would pay down Rs. 5,000 and thereafter Rupees Three Thousand every month for 12 months. After the payment of all instalments only the vehicle would be registered in the name of A. 30

- (b) There is a possibility that a minor admitted to the benefit of partnership may not know long after his attaining majority that he is admitted to the benefits of partnership. Hence the principle of equity may adversely affect the interest of the minor. Critically examine the statements and justify with reasons. 30

7. (a) What conditions an instrument must possess to become negotiable? How do you distinguish negotiability from endorsement? Explain with illustrations. 30

- (b) What is unfair trade practices? Explain why the following transactions are or are not unfair trade practice(s): (i) selling renovated goods as original; (ii) exaggerating usefulness of a product; (iii) suggesting a trade name for the product, which belong to another. 30

8. (a) Discuss the rights and obligations of undisclosed principal and his agent vis-a-vis the other party to the contract. 30

- (b) 'The Arbitration and Conciliation Act, 1996 contains provisions for effective use of Arbitration as an alternate model of justice.' – Do you agree? Explain your answer with suitable illustrations. 30