

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 the following. (answer to each part must not exceed 150 words). Support your answer with legal provisions and case law. **15×4=60**
- (a) "The Indian Penal Code gives protection to one who does an act in good faith for the benefit of another." Discuss.
- (b) "The Indian Penal Code extends protection to acts done by misfortune under certain circumstances." Discuss.
- (c) "Tort is concerned with the allocation on prevention of losses which are bound to occur in society." Discuss.
- (d) "Before a person can recover for loss which he suffered from another person's act, it must be shown that his case falls within the class of actionable wrongs." Discuss.
2. (a) "Merely doing certain acts that would bring the Government established by law into hatred or contempt is not the decisive ingredient of Sedition." Discuss. Also state the view of Law Commission of India about reforms on this provision. **30**
- (b) 'A', with the intention of bringing "Hashish", a prohibited drug in India, stealthily brought in his bag a cover believing that it contains "hashish" while coming from Bangladesh to India. While trying to sell the same to 'B' a dispute regarding its price arose. B grudgingly informed the police who opened the bag. It was found that it was a harmless snuff powder and not hashish. Discuss the liability of A. **30**
3. (a) "It would be wrong to perceive nudity and sex as essentially obscene, indecent or immoral. Sex and obscenity are not always synonymous." In the light of the above statement elaborate the position of obscenity as an offence in India. **30**
- (b) An army Jawan X who was away from his home for the last two years, requested his senior Y for leave, which Y refused. Annoyed at this, X fired two shots at Y, one shot hitting Y beneath the knee of the right leg as a result of which he fell down. X fired another shot which hit Y at the upper left arm. Y died after ten days. Discuss the liability of X. **30**
4. (a) "The defendant must not only owe the plaintiff a duty of care, he must be in breach of it." In the light of the above statement examine as to how would the court find out as to whether there is a breach of a duty on the part of the defendant or not. Refer to case law. **30**
- (b) "With the enactment and implementation of the Consumer Protection Act, 1986, a new consumer jurisprudence has developed in India." Elaborate. **30**

SECTION 'B'

5. Answer the following. (Answer to each part must not exceed 150 words). Support your answer with legal provisions and decided cases:—

15×4=60

- (a) “Standard form contracts exist in complete disregard to the established principles of freedom of contract and equality of bargaining power of the parties.” Elucidate.
- (b) “There can be no contract of guarantee unless there is someone primarily liable.” Comment.
- (c) “The great element of negotiability is the acquisition of property by your own conduct, not by another’s, that if you take it bonafide and for value nobody can deprive you of it.” Explain.
- (d) “Lok-Adalats in India manifest the purpose and objectives laid down in Alternate Dispute Resolution Schemes.” Discuss.
6. (a) “Ratification is a kind of affirmation of unauthorised acts.” Critically examine. Is there any difference between ‘agency by estoppel’ and ‘agency by ratification’? Discuss. **30**
- (b) A Central Government Medical Research Institute in collaboration with an MNC used a drug on experimental basis on humans for curing cancer. Some of the patients died due to this drug. In order to sue for compensation for such victims and violation of right to privacy, Mr. X, a relative of a deceased patient sought information through the instrumentality of Right to Information Act. The information was refused on the ground that it affects the contracting power of the Central Government with foreign companies and violates trade secrets too. Decide. **30**
7. (a) “Competition Law needs to have necessary provisions and teeth to examine and adjudicate upon anti-competitive practices.” Examine and evaluate this statement in the context of the Competition Act, 2002. **30**
- (b) “The rise of Environmental Crimes in spite of Environmental Legislations is due to absence of adequate punitive methods of sentencing.” Discuss. **30**
8. (a) “Passing of property and delivery of goods are two different concepts.” Explain with the help of provisions of The Sale of Goods Act and case law. **30**
- (b) What is securing of digital signature under the Information Technology Act, 2000? State the duty of disclosure of the Certifying Authority. **30**