

LAW
(Paper II)

Time Allowed : Three Hours

Maximum Marks : 250

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.

Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

SECTION 'A'

1. Answer the following in about 150 words each. Support your answers with legal provisions and judicial pronouncements: **10×5=50**
- (a) What is meant by right of private defence? What are the general principles which form the basis of right of private defence?
- (b) Discuss various stages of crime. How is the stage of attempt punishable under the Indian Penal Code?
- (c) "The maxim is 'volenti non fit injuria' and not 'scienti non fit injuria'." Explain.
- (d) "A tort is a specie of civil wrong." Examine this definition and add other features to make it comprehensive.
- (e) "Prevention of Corruption Act, 1988 is an important legislation to safeguard democracy in India." Discuss.
2. (a) What are the constituent elements of crime? Elaborately discuss mens rea with relevant case law. **20**
- (b) 'A' assaulted his wife by kicking her repeatedly on non-vital parts of her body. She fell down and became unconscious. In order to create an appearance that she had committed suicide he took up the unconscious body and thinking it to be a dead body hung it up by a rope. The post mortem examination showed that death was due to hanging. With the help of decided cases determine the culpability of A. **20**
- (c) "The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act." Explain and illustrate. **10**
3. (a) "Criminal breach of trust and cheating are two distinct offences generally involving dishonest intention but mutually exclusive and different in basic concept." Explain with the help of decided cases. **20**
- (b) "Distinction between death caused by rash or negligent act under section 304-A and culpable homicide not amounting to murder under section 304 of the Indian Penal Code is fine, but if overlooked, can result in grave injustice." Discuss. **20**
- (c) "The age of a child must be considered in deciding whether it has been guilty of contributory negligence." Discuss and refer to case law. **10**

4. (a) “Although the decision of the Supreme Court in *Kasturi Lal v. State of U.P.* has not been overruled as such, yet for all practical purposes its force has been considerably reduced.” Elucidate. 20
- (b) W, wife of A was diagnosed to be suffering from toxic Epidermal Necrolysis. Doctor D was consulted who prescribed a long acting Cortico steroid ‘Depomedrol’ injection at a dose of 80 mg twice daily. Despite administration of this medicine her condition deteriorated rapidly and she died within a week. On expert opinion, it was found that the line of treatment followed by D is not supported by any school of medical thought and is in sheer ignorance of basic hazard relating to use of steroids. A files a complaint in Consumer Forum claiming Rupees 75 lakhs as damages for death of his wife W. D objects to the jurisdiction of the Consumer Forum and also pleads lack of negligence on his part. Decide. 20
- (c) “It is not necessary that in all cases of tort of defamation there must be a loss of reputation of the plaintiff.” Explain and illustrate. 10

SECTION 'B'

5. Answer the following (answer to each part must not exceed 150 words). Support your answer with relevant legal provisions and decided cases: 10×5=50
- (a) If a contract is broken, the law will endeavour so far as money can do it, to place the injured party in the same position as if the contract had been performed. Explain the above statement and discuss the principle court follows for assessment of damages.
- (b) “The procedure and qualifications for appointment of chairperson and members of Cyber Appellate Tribunal have been introduced to keep up the standards of Justice.” Comment.
- (c) Arbitration, as an alternate method of adjudication is acceptable to parties largely irrespective of the fact that access to court by the parties has been curbed drastically under the Arbitration and Conciliation Act, 1996. Explain.
- (d) The actual concept of partnership from ‘people sharing the profit’ to ‘mutual responsibility’ was the outcome of the decision in *Cox V. Hickman* case. Elaborate.
- (e) “The liability of sub-agent towards principal is not direct, except in case of fraud and wilful wrong.” Explain giving reasons.
6. (a) X and Co. in its prospectus represented that A, B and C would be the directors of the company. This was true and on the basis of this P and Q applied for shares. However, before the allotment took place, there were changes in directors. Is the allotment of P and Q subject to their choice or it stands cancelled due to change in directors? Discuss. 10
- (b) A, stands as a surety for the good conduct of B, who is employed in a Bank on a monthly salary of Rs. 1,600. Three months after when the financial position of the bank deteriorated B, agreed to accept a monthly salary of Rs. 1,500. Two months after, it is discovered that B has been misappropriating cash all through. What is the liability of A as surety under the Indian Law? 20
- (c) Judiciary in India is impartial, hence can not be influenced by internal or external factors. In the light of this discuss how far media transgresses its limit and attempts to influence the judicial process. 20
7. (a) “Copyright is the right of the artist, author, producer of a film who have created a work by use of their artistic skills.” Examine infringement of copyright particularly relating to video piracy and the remedies available under the law. 20
- (b) The doctrine of “Public Trust” as propounded by Supreme Court has worked as an instrument for protection of Environment in India. Discuss. 15
- (c) Explain the scope of rule of “Caveat Emptor” in the expanding law of consumer protection. 15

8. (a) “Right not to compete” is a right meant for promoting business through small groups called firms. Explain. **20**
- (b) “By and large Lok-Adalats have failed in achieving the objects for which they were created.” Comment. And also suggest some measures to make this institution more effective. **10**
- (c) Cyber-terrorism is a well organised transborder criminal act, hence a combined domestic law supported by a Global law may help to address the problem. Discuss. **20**