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| CSM – 49/21 |
| Law |
| Paper – II |

Time : 3 hours

Full Marks : 300

The figures in the right-hand margin indicate marks.

*Candidates should attempt Q. No. 1 from Section – A and Q. No. 5 from Section – B which are compulsory and any **three** of the remaining questions, selecting at least **one** from each Section.*

SECTION – A

1. Distinguish any **three** of the following with the help of decided cases : 20×3 = 60
- (a) Common intension and Common object
 - (b) **Volenti non fit injuria** and Contributory Negligence
 - (c) Criminal misappropriation and Criminal breach of trust.
 - (d) Public nuisance and Private nuisance

2. (a) Discuss, in detail, the common law principle of '**ignorantia facit doth excusat, ignorantia juris non excusat**'. Explain with the help of decided cases. 30
- (b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life on property but as a result of A's act B loses his limb. Discuss A's liability under Indian law. 30
3. (a) Discuss, in detail, the Indian law with regards to criminal defamation. Do you think such a law is valid keeping in mind the constitutional guarantee of free speech ? 30
- (b) A says that 'I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine'. Do you think such an imputation amounts to defamation under Indian law ? 30
4. (a) What do you understand by the maxim **res ipsa loquitur** ? Discuss with the help of decided cases. 30

- (b) A woman claimed to have undergone the sterilisation operation at AIIMMS Public Hospital, New Delhi for sterilization procedure after birth of her second child. The operation took place in July 2018 and a certificate was also given to her. However, the sterilization operation was not successful and the woman delivered her third child in December 2020. It is also true that she was informed about the pregnancy in May 2020 and she chose to continue with the same. After the birth of her third child she approached the Court with a claim of Rupees 50 lakh as compensation for the medical negligence and as the claim for bringing up the child. The Hospital claimed that there are chances of failure of sterilization operation and she knew the same as evident from her signature on consent form signed and submitted at hospital by her. Do you think she will succeed ?

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SECTION – B

5. Write on any **three** of the following : $20 \times 3 = 60$
- (a) Past Consideration
 - (b) Offer and invitation to treat
 - (c) Wagering agreements
 - (d) Liability to pay for non-gratuitous acts

6. (a) What do you understand by the principle of **nemo dat quod non habet** ? How far this principle has been incorporated in Indian law and what are the exception to its application in India ? 30
- (b) Differentiate between Partnership and Company. 30
7. (a) Write a detailed note on Indian law of contract regarding fraud as a ground that vitiates free consent of the parties. 30
- (b) Distinguish Fraud and Misrepresentation. 30
8. (a) The general presumption that every man is the best judge of his interests is suspended in case of children. Discuss in the light of decided cases. 30
- (b) Discuss, in detail, the steps taken by courts to evolve the principles for protection of individuals against the possibility of exploitation in case of standard form of contracts with the help of decided cases. 30

