

CSM—43/22

LAW

PAPER—II

Time : 3 Hours

Full Marks : 250

*The figures in the right-hand margin indicate marks.
Candidates should attempt **any 10 (ten)** questions of
GROUP—A with word limit of 250 words and should
attempt **any 5 (five)** questions from **GROUP—B**
with word limit of 300 words.*

GROUP—A

Answer **any 10 (ten)** questions in about 250 words each. Each question carries **15** marks : 15×10=150

1. (a) What is the difference between the term 'Likely to cause death' and 'ordinary course of nature to cause death'? Explain in the light of relevant legal provisions and case law.
(b) X, intending to kill Y, shoots at him but the shot misses him and accidentally shoots Z, whom he never intended to injure. Z dies on the spot. Discuss the guilt of A.
2. (a) Explain the Principle of Contributory Negligence with illustrations.
(b) What are the defenses available in a case of contributory negligence?
3. (a) What is a 'dowry death'? State briefly the law relating to dowry death with the help of some illustrative cases.
(b) What is the difference between Sections 498-A and 304-B of the Indian Penal Code?
4. (a) Discuss the principles of law laid down in *Rylands vs. Fletcher* and *M. C. Mehta vs. Union of India*, AIR 1987 SC 965. State the applicability of these principles in the present scenario.
(b) Explain the doctrine of *res ipsa loquitur*.

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5. (a) The Prevention of Corruption Act, 1988 (PC Act 1988) was amended by The Prevention of Corruption (Amendment) Act, 2018. Explain by pointing out the major changes.
- (b) Under what circumstances is a contract without consideration valid?
6. (a) What are the main features of Consumer Protection Act, 2019? Also discuss the Consumers Rights guaranteed under Consumer Protection Act, 2019.
- (b) Whether a promise to pay time barred debt is valid and if so under what conditions?
7. (a) What do you understand by the expression *Caveat Emptor*? What exceptions have been admitted to the scope of this principle?
- (b) Define sale of goods and distinguish it from hire purchase.
8. (a) Explain the maxim *Delegates non potest delegare* (a delegate cannot further delegate). Discuss the implications of this maxim in relation to Agency and state the exceptions to the rule.
- (b) Distinguish between void and illegal agreements.
9. Differentiate between the following terms with the help of illustrations :
- (a) Extortion and Intimidation
- (b) Criminal force and Assault
10. (a) How and when can a person take the unsoundness of mind as a defense against criminal liability? What is the difference between medical and legal insanity?
- (b) Discuss the criminal law relating to 'necessity' as a ground of excuse from criminal liability.
11. (a) Explain the maxims *injuria sine damno* and *damnum sine injuria* citing relevant case law.
- (b) How are damages awarded under a contract different from those awarded for committing a tort?
12. Write notes on the following :
- (a) Doctrine of Quantum Meruit
- (b) Quasi Contracts

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GROUP—B

Answer *any 5 (five)* questions in about 300 words each. Each question carries **20** marks :

20×5=100

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- 13.** (a) Explain the law relating to constructive liability. Distinguish between the words 'common intention' and 'common object' as they are used under Section 34 and Section 149 of IPC. Refer to relevant case law on the point.
- (b) X instigates Y to murder Z, but Y refuses to do so. Has X committed any offence? If so, what?
- (c) A and B commit the murder of C but there was no prearranged plan between them in this regard. Can A and B be convicted for the murder of C under Sections 302/34, IPC? Give reasons and mention case law, if any, on the point.
- 14.** (a) Explain the essential elements of robbery. When does robbery become dacoity? What offence is committed when the offender, while committing the above offence, causes the death of any person?
- (b) Elucidate the 'Marital Rape' law that has been extensively amended through the Criminal Law (Amendment) Act, 2013.
- 15.** (a) There is a distinction between Tort and Crime but there are various wrongs which find place both under Criminal Law and Law of Torts. Comment.
- (b) Distinguish between tortious and contractual liability?
- 16.** (a) What conditions are necessary for converting a proposal into a promise, a promise into an agreement and an agreement into a contract? Illustrate your answer.
- (b) X teaches her parrot to recite an offer and sends the parrot to Y. The parrot repeats the recitation before Y, who says yes to the offer. Is this a valid offer and acceptance giving rise to an agreement? Give reasons.
- 17.** (a) Define attempt. How are attempts to commit offences made punishable under the Indian Penal Code in cases where no express provision is made for the punishment for such an attempt?
- (b) X threw acid on the face of Y, a young girl. Discuss the liability of X under IPC.

18. (a) Discuss the competency of a minor and legal representative of a deceased person to become party to a negotiable instrument under the Negotiable Instruments Act, 1881.
- (b) Under the Indian Contract Act, 1872, minors' contract is void. Explain it with exceptions.

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