

CC/M/EXAM.

2020

LAW

PAPER—II

Time : 3 hours]

[Full Marks : 250

Note : 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.

SECTION—A

1. Answer any **five** of the following questions :

10×5=50

- (a) Describe the different kinds of punishment prescribed under the Indian Penal Code. Explain their aims and importance.
- (b) "In all robbery there is theft or extortion". Discuss.
- (c) Discuss the law relating to grave and sudden provocation as enunciated in the Indian Penal Code and interpreted by the courts in India.
- (d) Discuss the development of law of sedition in India. Is *mens rea* a necessary ingredient of this offence?
- (e) Distinguish between 'culpable homicide amounting to murder' and 'culpable homicide not amounting to murder'.
- (f) Define wrongful restraint and distinguish it from 'wrongful confinement'.
- (g) Write a note on kidnapping. Distinguish between kidnapping and abduction.

2. Answer the following questions :

- (a) A tort is a civil wrong for which the remedy is action in common law for unliquidated damages and which is not exclusively a breach of contract or breach of trust or other equitable obligation. Explain the nature and definition of tort. 20
- (b) What is contract of sale? Distinguish between sale and agreement to sale. 15
- (c) What is act of God and *Volenti non fit injuria*? Explain with the help of leading cases. 15

3. Answer the following questions :

- (a) Define 'Consumer' under the Consumer Protection Act, 1986. Briefly explain the jurisdiction and powers of Consumer Forums in the Act. 20
- (b) If a person injures the reputation of another, he does so at his own risk, as in the case of an interference with the property. What are the essentials of defamation and its defenses under the law of tort? Cite relevant cases. 15
- (c) Analyze the importance of the landmark judgment *Donoghue v Stevenson* in the development of law of negligence in law of tort. 15

4. Answer the following questions :

- (a) State the nature of public nuisance and private nuisance and its difference. What are the defenses available under the tort law? 20
- (b) Discuss the validity of e-contract under the Indian Contract Act, 1872 and Information Technology Act, 2000. What are Shrink wrap agreements and Click wrap agreements? 15
- (c) Describe the salient features of the Amended Indian Arbitration and Conciliation Act, 1996. 15

SECTION—B

5. Answer *any five* of the following questions :

10×5=50

- (a) What are the subject matters of Copyright? Define 'Original' in terms of Copyright law. Can idea be protected under the Copyright?
- (b) Discuss the basic criteria of patentability under the Patent Act, 1970. What are not patentable inventions?
- (c) Enumerate the objectives and purposes of Environment Protection Act, 1986. What are the shortcomings in the Act?
- (d) Cybercrime is a serious problem in the digital era. What is the meaning of cybercrime? Describe the specific provisions of the Information Technology Act, 2000 dealing with cyber offences against person.
- (e) Whether the press or media has crossed its legitimate boundaries in the guise of freedom of press? Critically analyze in the context of growing narrative of media trial and its impact.
- (f) Discuss the essential features of Right to Information Act, 2005. What are the shortcomings in the Act and reforms needed?
- (g) What is consideration? Mention the circumstances when there can be a valid contract without consideration.

6. Answer the following questions :

- (a) The plaintiff's mill got shut due to the breakage of the crankshaft. To get a new part, this broken crankshaft was to be sent to Leyland. The defendants were the carriers and they promised to take it to Leyland. They were asked to do so immediately as the mill had stopped. Due to certain circumstances, the delivery got delayed and the plaintiff's mill could not run for a longer period. The plaintiff brought an action for damages against the defendants. Decide as per relevant cases and legal provisions. 20
- (b) Explain the doctrine of frustration. Give illustrations. 15
- (c) "A contract with a minor is void *ab initio*". Discuss. 15

7. Answer the following questions :

- (a) The defendant hired contractors to build a reservoir over his land for providing water to his mill. While digging, the contractors failed to observe some old disused shafts under the site of the reservoir that lead to plaintiff's mine on the adjoining land. When water was filled in the reservoir, the water flooded the mine through the shafts. The plaintiff sued the defendant. The defendant pleaded that there was no intention and since he did not know about the shafts, he was not negligent even though the contractors were. Decide and explain the legal principles involved. 20
- (b) What are the different ways in which negotiable instrument can be dishonoured? What are the remedies to its holder? 15
- (c) Explain delivery of goods and discuss various modes of delivery of goods. 15

8. Answer the following questions :

- (a) What are compulsory dissolution and dissolution of a firm by court? 20
- (b) State the provision of the Water Pollution Act laying down the restrictions on new or altered outlets for the discharge of industrial waste into a stream. 15
- (c) What are the main factors giving rise to air pollution? 15

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