

302010

COMBINED COMPETITIVE EXAMINATION (MAIN)

LAW

Paper-II

Time : 3 Hours

Full Marks : 200

- Note :** (1) The figures in the right-hand margin indicate full marks for the questions.
(2) Attempt five questions in all.
(3) Question No. 1 is compulsory.

1. Answer any *ten* questions from the following : 4×10=40
- (a) What are the essential ingredients of sale under the Sale of Goods Act, 1930?
 - (b) What is the effect of nonregistration of a firm?
 - (c) Distinguish between offer and invitation to treat.
 - (d) Describe various remedies available to an aggrieved party in root.
 - (e) Explain with illustrations the maxim '*Dammum sine injuria*'.
 - (f) "Robbery is either theft or extortion." Elucidate this statement.
 - (g) Distinguish between battery and assaults.
 - (h) Define malicious prosecution and distinguish it from false imprisonment.
 - (i) Discuss the maxim '*actus non facit reum, nisi mens sit rea*'. What are the exceptions to it?
 - (j) Bring out the point of distinction between criminal misappropriation, criminal breach of trust and cheating.
 - (k) Explain, in brief, the rule of *Caveat Emptor* and its exceptions, if any.
 - (l) Give definition of Tort. Is it Law of Tort or Law of Torts?

2. Answer any *eight* questions from the following :

5×8=40

- (a) "Communication of defamatory matter by the wife to husband and vice-versa is no publication." Explain this statement in the light of decided cases.
- (b) What do you mean by fraud? How is fraud different from misrepresentation?
- (c) What are the rights and obligations of retiring partner?
- (d) Explain the meaning of defects in goods and deficiency in service under the Consumer Protection Act, 1986.
- (e) "All contracts are agreements but all agreements are not contracts." Discuss.
- (f) "In negligence liability for harm arise only if the harm is foreseeable." Discuss.
- (g) X voluntarily caused grievous hurt to Y. Y refused to take treatment and died. Decide X's liability.
- (h) A boatman gets hold of gold or ornaments from the body of a person who had drowned. A police constable takes away the same after entering the same in the records and dishonestly keeps them with him. Explain the criminal liability of the constable.
- (i) Under what conditions may the defense of insanity be pleaded on behalf of an accused?
- (j) "Offence does not happen all of a sudden, it passes through some stages." Critically examine this statement.

3. Answer any *five* questions from the following :

8×5=40

- (a) Define and distinguish between condition and warranty in a sale of contract. What are implied conditions in every sale of contract? When is the condition reduced to the status of warranty?
- (b) What do you mean by ratification? What are the essentials of a valid ratification of a contract?
- (c) "The doctrine of sovereign immunity has no relevance in the present-day context when the concept of sovereignty itself has undergone drastic change." Critically examine this statement in the light of decided cases.
- (d) "You must take reasonable care to avoid acts of omission which you can reasonably foresee would be likely to injure your neighbour." Critically examine the statement of Lord Atkin in the light of various decided cases.
- (e) When are drunkenness and unsoundness of mind grounds for exemption from criminal liability?

- (f) What do you understand by right of private defense? What are the general principles which form the basis of right to private defense?
- (g) X, a minor girl, leaves her parent's house because of ill treatment and started living with Y, her boyfriend. Can he (Y) be prosecuted for the offence for kidnapping?
4. Answer any **four** questions from the following : 10×4=40
- (a) Discuss different kinds of offence against marriage as provided under the Indian Penal Code.
- (b) Distinguish between the following :
- (i) Robbery and Dacoity
- (ii) Theft and Mischief
- (c) "The object of bringing Section 138 of the Negotiable Instrument Act, 1881 on statute is to include faith in the efficacy of banking operation and credibility in transacting business on negotiable instruments." Discuss. Support your argument with the help of decided cases.
- (d) Critically analyse the law relating to damages as contained in Section 73 of the Indian Contract Act, 1872. Explain the law laid down in the case of *Hadley v. Baxendale*.
- (e) "When a person consents to the infliction of some harm upon himself, he has no remedy for that tort." Discuss. In the light of this statement explain the maxim '*volenti non fit injuria*'.
5. Answer any **two** questions from the following : 20×2=40
- (a) Discuss the role of strict liability in tort. What is the difference between strict liability and absolute liability? Support your answer with the help of relevant decided cases on the subject.
- (b) Define consideration. State the essentials of valid consideration. What are the exceptions to the rule 'no consideration no contract'? Refer your answer with the help of decided cases.
- (c) Explain the essential ingredients of grave and sudden provocation as a partial defense to the charge of murder under the Indian Penal Code, 1860. Support your answer with the help of leading cases on the subject.
6. Answer any **four** questions from the following : 10×4=40
- (a) Discuss briefly the law relating to communication of offer, acceptance and revocation. Is there any limit of time after which offer and acceptance cannot be revoked?
- (b) State the laws applicable to the passing of property from a seller to a buyer in a contract for the sale of goods.

- (c) Distinguish among malfeasance, misfeasance and nonfeasance.
- (d) How far do you agree that offence of attempt to suicide be abolished? Critically examine in the light of various cases.
- (e) Discuss, in brief, the rarest of the rare case theory while inflicting capital punishment. Support your answer with the help of cases.
7. Answer any *two* questions from the following : 20×2=40
- (a) Examine the constitutional validity of Article 124A of the Indian Penal Code in the light of Kedar Nath Singh's cases.
- (b) "The right of stoppage of goods in transit is the rule of natural justice and is recognized in the Sale of Goods Act." Explain. How is right of stoppage in transit different from right to lien?
- (c) Explain the concept of 'Holder' and 'Holder in Due Course' prescribed in the Negotiable Instruments Act. What rights are available to him as such holder?
8. Discuss the salient features of the Protection of Civil Rights Act, 1955. Are there any deficiencies in this Act? 40
9. "The law of consumer protection has come to meet the long felt necessity of protection to the common men from the wrongs for which the remedy under ordinary law for various reasons has become illusory." Critically examine this statement in the light of proposed Amendment Bill under the Consumer Protection Law. 40
10. Define cheques and explain its essential ingredients. What are the consequences of dishonour of cheque? 40