

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* from the following :

4×10=40

- (a) How do you distinguish between tort and crime?
- (b) Explain the terms 'wrongful gain' and 'wrongful loss'.
- (c) How is 'good faith' a good defence in an action under the Indian Penal Code?
- (d) What are different kinds of punishment under the Indian Penal Code?
- (e) What are the general conditions of liability in tort?
- (f) Mention the conditions which in general negated liability in tort.
- (g) In what cases a master is liable for his servant's torts? Justify in connection with the maxim *respondeat superior*.
- (h) Define contract and discuss the essential elements of valid contract.
- (i) Discuss the grounds for voidable contract.
- (j) Explain the necessary ingredients for a partnership.
- (k) Define 'promissory note' and enumerate the essential features of a valid promissory note.
- (l) Distinguish between 'sale' and 'contract to sell'.

2. Answer any *eight* from the following : 5×8=40

- (a) What do you understand by mistake of law? How far is this protection available under the Indian Penal Code, 1860?
- (b) A nine-year-old child, stole a necklace worth ₹ 1 lakh and sold it to B, a major, for ₹ 5000. A and B are put on trial, the former on a charge of theft and the latter for receiving stolen property. How would you decide the case?
- (c) What is the right of private defence? When does the private defense extend to cause death?
- (d) Who is an abettor and when a person said to abet the doing of a thing?
- (e) State the exceptions to the rule in *Ryland vs. Fletcher*.
- (f) Briefly discuss *ubi jus ibi remedium*.
- (g) Distinguish between void agreement and illegal agreement.
- (h) Discuss the obligation of parties to perform the contract.
- (i) State the mode of dissolution of a firm by court.
- (j) Discuss the unique features of the Consumer Protection Act, 1986 and describe its objects.

3. Answer any *five* from the following : 8×5=40

- (a) Write a note on *mens rea* as a necessary element in criminal liability.
- (b) Explain the offence of criminal conspiracy. How is it punishable?
- (c) What is necessary to constitute the offence of waging war against the Government of India?
- (d) Discuss the essential of nuisance citing illustrations.
- (e) Discuss malicious prosecution with the example of case laws.
- (f) Discuss the principle *nemo dat quod non habet* under the Sale of Goods Act, 1930.
- (g) Define agency and discuss its essentials.

4. Answer any *four* from the following :

10×4=40

- (a) Distinguish between 'common intention' and 'common object' as embodied in Sections 34 and 149 of the Indian Penal Code, 1860.
- (b) Explain briefly and illustrate the law dealing with the acceptance of illegal gratification by public servants as laid down in the Indian Penal Code.
- (c) "The ideas of negligence and duty are strictly correlative." Explain.
- (d) Discuss the law relating to 'doctrine of frustration'.
- (e) What do you mean by 'holder' and 'holder in due course' under the Negotiable Instrument Act, 1881?

5. Answer any *two* from the following :

20×2=40

- (a) When does culpable homicide amount to murder? Also distinguish between culpable homicide and murder.
- (b) "Liability for libel does not depend on the intention of the defamer but on the fact of defamation." Comment.
- (c) What is quasi-contract? Discuss its ingredients. Also distinguish between a contract and a quasi-contract.

6. Answer any *four* from the following :

10×4=40

- (a) What are the tangible guidelines in respect of awarding the death sentence under Section 302 of the Indian Penal Code?
- (b) A causes injury to Z, which results in his death. It was never intended by A to cause his death, nor in normal conditions it would have caused Z's death. What offence has A committed? Distinguish between hurt and grievous hurt.
- (c) Discuss the law relating to 'buyer beware' under the Sale of Goods Act, 1930.
- (d) Discuss the right of unpaid seller against the goods.
- (e) What do you mean by void contract? Give examples. Also distinguish between a valid contract and a void contract.

7. Answer any *two* from the following : 20×2=40
- (a) Define and illustrate theft and distinguish between theft and extortion.
 - (b) Distinguish trespass to goods from conversion and detinue. Illustrate your answer.
 - (c) What is complaint under the Consumer Protection Act? Who can file a complaint? Where to file a complaint and how do you file a complaint?
8. Enumerate the obligations of a banker in respect of its customer and also discuss the relationship of a banker with regard to some special classes of customers such as (a) minor, (b) lunatics, (c) illiterate, (d) pardanashin woman. 40
9. Define dowry. Discuss the penalty prescribed for giving dowry or taking dowry and demanding dowry and also discuss the provisions of dowry to be for the benefit of the wife or heirs. 40
10. Discuss the scope and object of the Monopolies and Restrictive Trade Practices Act, 1969. 20+20=40
