

# Law

## Paper -II

Time allowed : Three hours

Maximum Marks: 300

*The figures in the margin indicate full marks for the questions.*

Answer Question Nos. 1 and 5 which are compulsory and **three** of remaining questions, selecting at least **one** from each section.

### SECTION-A

1. Answer any **Three** of the following (answer to each question must not exceed 200 words): 20x3=60
  - a. Explain the essential elements of "common intention" and distinguish it from "common object" as given in the Indian Penal Code.
  - b. Write a detailed but critical note on the General Principle and Conditions of liability in torts.
  - c. Examine the validity of a contract in the following case with the help of decided cases and related provisions:  
'A' wrote to 'B' offering to purchase his car for a particular price and also added that in the event of B not replying him 'A' would consider the proposal to have been accepted. 'B' does not reply.
  - d. Define tort of defamation, discuss its essentials and briefly explain the defences to the tort of defamation.
  
2.
  - a. "The right of private defence is not available for retaliation but for averting an impending danger not created by him." Discuss and also state under what circumstances, a man can go to the extent of killing in exercise of his rights of private defence. 30
  - b. What is meant by '*Mens Real*' Explain the dictum "*Actus Non Fucit Reum Nisi Mens Sit Rea*". How far a motive is necessary for determining a crime? Are there any exceptions to the dictum of '*Mens Rea*'? Explain fully, refer to decided cases. 30

3. a. "The distinction between 'murder' and 'culpable homicide not amounting to murder' is very fine but real." Elucidate. 30
- b. "Crime is a revolt against the whole society and an attack on the civilization of the day." Elucidate and discuss the essential elements of crime. 30
4. a. 'A' a land lord and the owner of a shop, is running a *Sophisticated Cosmetic Hair Dressing Saloon*. He gives on rent the said shop to 'B' for the said business along with all tools, machinery, air-conditioners, telephone, furniture and other equipments with a clear stipulation that 'B' shall do the said business only and under the said particular name and style. Examine validity with the help of decided cases and relevant provisions. 30
- b. Explain joint and several tortfeasors and state the distinction between joint, several and independent tortfeasors. 30

### SECTION - B

5. Answer any **three** of the following (answer to each question must not exceed 200 words): 20x3=60
  - a. What are the essential elements of a contract? Explain and also distinguish between void and illegal agreements.
  - b. "Acceptance of proposal must be absolute and unqualified" Explain.
  - c. Explain the essentials of the tort of negligence. It is often said that negligence may be the state of mind of a tortfeasor or a way of committing tort which is essentially different from the tort of negligence." Elucidate.
  - d. What are the different stages involved in the commission of a crime? How would you distinguish them '*inter-se*'?
6. Explain any **two** of the following and also clearly bring out the distinction between them: 30x2=60
  - a. Contingent contract and wagering contract.
  - b. Coercion and undue influence.
  - c. Implied contract and Quasi contract.

7. a. "A stranger to a contract can neither sue nor be sued in contract"  
Comment. Refer to decided cases known to you. 30
- b. "An agreement without consideration is void." Explain. What are the exceptions to the above? When is a gratuitous promise enforceable under law? Discuss. 30
8. a. Write an explanatory note on the salient features of the following in not exceeding 150 words: 15x2=30
- i. Consumer Protection Act, 1986.
- ii. Arbitration and Conciliation Act, 1996.
- b. Discuss fully the remedies, their types and general principles for award of the remedies in a tortious litigation. Refer to decided cases known to you. 30

# Law

## Paper -I

**Time allowed : Three hours**

**Maximum Marks: 300**

*The figures in the margin indicate full marks for the questions.*

Answer Question Nos. **1** and **5** and any **three** of the remaining questions, selecting at least **one** from each Section.

### SECTION-A

1. Answer any **three** of the following (each answer should be in about 200 words). 20 x 3=60
  - a. Why fundamental rights are called fundamental rights and how these rights differ from constitutional and other legal rights. Discuss and support your answer with case law.
  - b. Discuss the position of President citing relevant provisions of Constitution of India and the role of former President, Giani Zail Singh regarding the Indian Post Office (Amendment) Bill.
  - c. Identify and discuss the relevant provisions of Constitution of India relating to distribution of legislative powers between the Union and the States.
  - d. Identifying the essentials of "essential legislative function" discuss the law relating to control of delegate legislation. Discuss and support your answer with case law.
2. a. "In the aftermath of *Basic Structure* and *Habeas Corpus* cases, the practice of appointing the senior most Judge as the Chief Justice was not followed and the boys who wrote the best essays in these cases were awarded the first prize each." In the light of this statement discuss the interpretation, as given by the Supreme Court, of the words "Chief Justice of India shall always be consulted" in case of appointment of a Judge of the Supreme Court. 30
  - b. Explaining the meaning of "civil servant" and "civil post" in the light of case law discuss the law relating to "need of an inquiry or of giving

notice or of providing an opportunity of hearing" for removal or dismissal or reduction in rank of a civil servant as enunciated by the Supreme Court. 30

3. a. Which High Courts in India are the Letters Patent Courts and how the jurisdiction of these Courts differs from other High Courts. In what circumstances the Supreme Court of India can interfere with the concurrent findings of facts while exercising appellate jurisdiction. Discuss and support your answer with case law. 30
- b. "The power to amend the Constitution does not flow from the provisions of Article 368." Discuss the statement in the light of case law and clearly identify the reasons why this Article says, "Constitution shall *stand* amended" and does not say that the Constitution shall *sit* amended. 30
4. a. Tracing the history of "Judicial Review" since *Dr. Bonham's* case identify and explain the grounds of judicial review of administrative action clearly identifying the grounds on which administrative actions cannot be reviewed by the Court. Discuss and support your answer with case law. 30
- b. Tracing the history of Parliamentary Privileges identify and discuss the reasons of its necessity and jurisprudence of Parliamentary Privileges as evolved by the Supreme Court of India. 30

#### SECTION - B

5. Answer any **three** of the following (each answer should be in about 200 words). 20 x 3=60
  - a. Identifying the *grund norm* of International Legal System as viewed by Hans Kelsen discuss the reasons why Kelsen says that International Law is not only a law but is also superior to Municipal Law
  - b. Explaining the "Inverted Consensus" model of WTO regime distinguish it from the "Consensus" model of ICJ with suitable examples. Which of these two models, in your opinion, is more effective for dispute settlement and why.
  - c. "The Court requires a high standard of proof of the issue of *opinio juris*" Explain the statement in the light of *Lotus*, *North Sea Continental Shelf*, and *Nicaragua v. US*.



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- d. Identifying the basis of classification of international treaties discuss the generally accepted norms relating to 'reservation' of a State to a treaty.
6. a. Explaining the versions of "dualism" in the context of the doctrines of "Transformation" and "Incorporation" discuss the approach of Supreme Court of India in dealing with the conflict between International Law and Municipal Law. 30
- b. Discuss the legality of use of forcible measures to occlude alleged sources of terrorism by individual States without the consent of the territorial sovereign and/or the United Nations. Whether such a method of occlusion can be used to permanently occupy the territory of alleged source of terrorism? Discuss in the light of recent events. 30
7. a. Discussing the concept of "Territorial Jurisdiction" under International Law explain the meaning of "high seas" both in the traditional sense and in the sense of the Convention on the Law of Sea, 1982. Identifying the four "freedoms of high seas" examine the decision in *Fisheries* case. 30
- b. Clearly locating the *locus* of individuals in International Law discuss the concept of "human right to development." Also explain the role of the United Nations in protection and promotion of human rights. 30
8. a. Discuss the legal criteria of "Statehood" and distinguish "Statehood" from "States in *Status Nascendi*" identifying the problems in readily upholding the distinction between *status nascendi* and statehood. Support your answer with examples. 30
- b. Discuss the concept of *Jus Cogens* and its significance in dealing with the problems of incidents of illegality in the affairs of Nations. Support your answer with examples. 30