

Law

Paper-II

Time Allowed: Three Hours

Maximum Marks: 300

- Note:* 1. The figures in the margin indicate full marks for the questions.
2. Candidate should answer questions No. 1 and 5 which are compulsory and any **three** of the remaining questions, selecting at least **one** from each section.

SECTION – A

1. Answer any **three** of the following in about **200** words each:

20×3=60

- (a) What is *Mens Rea*? What are the situations in which *Mens Rea* may not be required?
- (b) What is M'Naghten Rule? Examine insanity as a defence against the commission of a crime in India.
- (c) Describe the difference between rule of strict liability and absolute liability for a wrongful act under law of Torts. Which of these rules is adopted by the Indian Supreme Court?
- (d) What are the essential ingredients of Negligence under law of Torts?
2. (a) Examine the scope of *Common Intention* as mentioned under Section 34 of the Indian Penal Code. Make a distinction between Section 34 and Section 149 of the Indian Penal Code. 30

- (b) *Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempt to excite hatred, contempt or disaffection, do not constitute an offence under Section 124A of the Indian Penal Code* – critically examine the scope of the above section. 30
3. (a) A sees a ring belonging to Z lying on the dining table in the Z's house. Not venturing to misappropriate immediately for fear of search or detection. A hides the ring in a place where it is highly improbable that it will ever be found by Z, with an intention of taking the ring from the hiding place and selling it when the loss is forgotten. What is the offence committed by A and at which stage. 30
- (b) What is the Doctrine of Common Employment under law of torts? How far is it an exception for the master's legality for a tort committed by a servant? 30
4. (a) The Plaintiff sued 6 defendants treating them as joint tortfeasors and claimed as damages for Rs. 6 lakhs for committing a tortuous act by them against him. One of the defendants entered into compromise with the plaintiff and paid away his share of the damages. The remaining defendants put up an argument that releasing one of the joint tortfeasors amounts to releasing every other from the liability to pay damages. Examine the claim and decide. 30
- (b) What are the essentials required to prove the tort of nuisance? What are the circumstances under which a private person can sue for public nuisance? 30

SECTION – B

5. Answer any **three** of the following in about **200** words each: 20×3=60
- (a) *The law of contracts is not the whole law of agreements, nor is it the whole law of obligations* - Elucidate.
- (b) A started cleaning of the premises of B without being asked by B to do so and he simply watches on the cleaning work and did not stop A. Is B bound to pay A any amount.
- (c) Make a distinction between a sale and an agreement to sell; and between sale and hire purchase.
- (d) Define a negotiable instrument. What are its characteristics?

6. (a) What are the rules governing the performance of reciprocal promises? 30
- (b) What are the modes of discharge of a contract by implied consent? 30
7. (a) A agreed to undertake repairs of B's Flat for Rs. 100,000/- which is payable on completion of the work as per specifications. A completed the work, but it was found that certain work was not as per the specifications prescribed by B. B refuses to pay amount to A. Examine whether A is entitled for any amount for the work done. 30
- (b) What are the two important rules of agency? What is the test to determine agency? 30
8. (a) Briefly explain the salient features of the changes made by the Arbitration and Conciliation (Amendment) Act, 2015 to the Act of 1996. 30
- (b) Explain the Test of Partnership. Examine the effects of non-registration of Partnership. 30