

1(CCE.M)2

Law—II

(13)

Time : Three Hours]

[Maximum Marks : 300

**INSTRUCTIONS**

- (i) Answers must be written in English.
- (ii) The number of marks carried by each question is indicated at the end of the question.
- (iii) The answer to each question or part thereof should begin on a fresh page.
- (iv) Your answer should be precise and coherent.
- (v) The part/parts of the same question must be answered together and should not be interposed between answers to other questions.
- (vi) Candidates should attempt question nos. **1** and **5** which are compulsory and any **three** more out of the remaining questions, selecting at least **one** question from each Section.
- (vii) If you encounter any typographical error, please read it as it appears in the text-book.
- (viii) Candidates are in their own interest advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.
- (ix) No continuation sheets shall be provided to any candidate under any circumstances.
- (x) Candidates shall put a cross (×) on blank pages of Answer Script.

- (b) A is admitted in a lunatic asylum. During intervals of sound mind A enters into an agreement with B to sell his horse for Rs. 2 Lacs. Is this a valid contract ? Give reasons in support of your answer.
  - (c) Discuss the validity of partnership agreement between A, B, C and D where one of clause is "that A shall not indemnify the firm for any loss caused to it by wilful neglect in the conduct of the business of the firm".
  - (d) "I acknowledge myself to be indebted to B in Rs. 3 Lacs to be paid on demand for value received". What is the nature of this instrument ?
  - (e) A was served 'chicken soup' in a flight by Indian Airlines. A, while purchasing ticket, had mentioned that he was strictly vegetarian. Can A file a consumer complaint for the hurt caused to his religious feelings ? 4×15=60
6. (a) What conditions are necessary for converting a proposal into a promise ; a promise into an agreement and an agreement into a contract ? Give suitable illustrations. 30
- (b) Write in detail the aims and objectives of the Monopolies and Restrictive Trade Practices Act, 1969. How far have these objectives been achieved ? Discuss. 30
7. (a) Write a note on Banker-Customer relationship.
- (b) Write a note on Government Control over private companies.
- (c) How far the Consumer Protection Act, 1986 has been able to safeguard the interests of consumers in India ? Discuss. 3×20=60
8. (a) Define and distinguish between sale of goods and hire purchase.
- (b) Write note on Agency by ratification.
- (c) Define fraud and distinguish it from misrepresentation. Can silence amount to fraud ? 3×20=60

- (xi) No blank page be left in between answer to various questions.
- (xii) No programmable Calculator is allowed.
- (xiii) No stencil (with different markings) is allowed.

### SECTION–A

1. Attempt any **five** parts :
  - (a) A, a resident of Jammu commits an offence in England. He is arrested at Bombay when he came to India. Can he be prosecuted under Ranbir Penal code for the offence he committed in England ?
  - (b) A attacks B with a sharp edged weapon aiming at the head of B. B wards off the attack by putting his hand in front of his head and thus B's hand is cut off as a result of that attack. Discuss the liability of A.
  - (c) A, a police officer, orders Z, a constable to fire at a mob which was peaceful and non-violent. Z fires in consequence of the orders under the honest belief that he is bound to obey the orders of his superior, otherwise he will lose his job. X, a member of that mob is killed and Y, another member is severely injured. Discuss the liability of Z and A, if any.
  - (d) Secretary, Public Service Commission suspended A, a regular peon of his office because of A's continuous absence from office without intimation to the office. When he received the suspension letter, A became furious & left the office. After two hours, he comes to office in drunken form, abused Secretary and damaged his personal car parked outside. What offence A has committed ?
  - (e) A and B are in love and want to marry each other. Opposed by parents, they decided to commit suicide. A has a revolver. It is decided that A will first shoot B and then shoot himself.

A, after shooting B decides not to kill himself. B survives the shooting. Before B is fully recovered, A marries C. Discuss the liability of A and B.

- (f) Write a note on 'Demand of dowry as a matrimonial offence'.  
5×12=60

2. "An idiot is like the one who is not considered present despite being present there as he is already punished by his madness. Hence he is exempted from criminal liability for his acts". In the light of the above statement, discuss the defence of mental derangement to a criminal charge. Point out the difference, if any, for insanity as seen by medical science and law. 60
3. (a) Explain and distinguish common intention from common object. Can common intention be found at the spur of the moment of committing an offence ? Discuss. 30
- (b) "A man's reputation is the estimate in which others hold him and not the opinion which he has of himself". Explain the statement referring to the ingredients of the tort of defamation. 30
4. Define and distinguish between any **three** of the following :-
  - (a) Liability based upon and Strict liability.
  - (b) Composite and Contributory Negligence.
  - (c) False imprisonment and malicious prosecution.
  - (d) Public Nuisance and Private Nuisance. 3×20=60

### SECTION–B

5. Attempt any **four** parts out of the following :-
  - (a) A was due to perform a contract on 1st Jan 2011. But on 25th Dec 2010, he repudiated his obligations. On 1st Jan 2011, the contract became illegal because of change of law. B files a suit against A on 5th Jan 2011 for a breach of the contract. Will he succeed ?