

1(CCE-M)6

LAW-II

[13]

Time Allowed -3 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 there of 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 no's 1 and 5 which are compulsory and any **three** 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 (X) on blank pages of answer Sheet.
- 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.
- (xiv) In no circumstances help of scribe will be allowed .

**SECTION-I**

1. Attempt any **Three** out of the following . (3×20=60)
  - a) Discuss the principle of 'Mens Rea' under criminal law. What are the exceptions to this principle ?
  - b) 'All murder is culpable homicide but not vice versa.' Explain it under Indian penal code 1860 with the help of decided cases .

- c) What are the requirements for the claim of damages against malicious prosecution? Distinguish between false imprisonment and malicious prosecution under law of torts.
- d) Explain the cruelty to married women under the Indian penal code 1860. Is it different from provisions of the Dowry prohibition Act, 1961?
2. a) Explain 'kidnapping from Lawful Guardianship'. Distinguish between kidnapping and abduction under the Indian penal code 1860. (30)
- b) Describe the term 'Damages' under law of torts. Discuss the tests relating to the 'Remoteness of Damage' laid down in decided cases. (30)
3. a) What are the essential ingredients for the offence of 'Theft'? Outline the distinctions between theft and extortion with the help of illustrations. (30)
- b) Describe the 'Strict Liability' rule along with its exceptions with help of decided cases under law of torts. (30)
4. a) An aggressor cannot claim the right of private defense in criminal law. Explain this statement with the help of decided cases. (20)
- b) Define the term 'Adulterated' under the prevention of Food Adulteration Act 1954. How far the scope of term 'Food' has been extended under this Act? (20)
- c) Critically analyse the essential features of the protection of civil Rights Act, 1955. (20)

## SECTION-II

5. Attempt any **THREE** out of the following. (3×20=60)
- a) What are essentials of a valid offer? Explain the rule regarding communication of offer and acceptance under the law of contract.
- b) When a minor can be admitted to the benefits of partnership? Explain the rights and liabilities of such a minor under the partnership Act, 1932.
- c) What are the remedies available to an aggrieved party on the breach of contract? How the '*Quantum Meruit*' is given as remedies under the law of contract?
- d) What are the essentials for the relationship of agency? Outline the distinctions between an agent and a servant.
6. a) What do you mean by 'Discharge of a contract'? What are various modes by which a contract may be discharged? (30)
- b) Define 'Cheque' as negotiable instrument. When this negotiable instrument is considered as dishonored under the Negotiable Instruments Act, 1881? (30)

7. a) Describe the maxim '*Nemo dat quod non habet*' What are the exceptions in this regard under the Sale of Goods Act, 1930? (30)
- b) Define 'Service' under the consumer protection Act, 1986 . What are the differences between 'contract of service' and 'contract for service' under this Act? (30)
8. a) What is 'Partnership Firm'? Explain the various modes provided for dissolution of partnership firm under the partnership Act, 1932 . (20)
- b) Explain the relationship between banker and customer under Banking Regulation Act, 1949. Could the bank be held 'Trustee' of the customer for the services provided? (20)
- c) Define the term 'Sale ' under the sale of Goods Act, 1930 . Distinguish between 'sale' and 'Agreement to Sale' with illustrations . (20)
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