

IAS Mains Law Science 2005

Paper II

Section-A

1. Answer any three of the following (answer to each question must not exceed 200 words). Support your answer with legal provisions and decided cases: $20 \times 3 = 60$

- Under what conditions may the defence of insanity be pleaded on behalf of an accused?
- Discuss, "attempt to commit suicide," referring to the decisions of the Supreme Court on the Constitutional validity of Section 309 of the Indian Penal Code.
- What is meant by innuendo? What are the facts, the Plaintiff must prove or establish in order to sustain a plea of innuendo?
- Which one of the following two expressions is correct any why?

Law of Torst or Law of Tort.

2. Answer the following questions

- Discuss the importance of mens rea in criminal law. Also explain the role of mens rea in statutory offences with the help of relevant case law. 30
- X strikes Y with a stick. Y is by this provocation excited to violent rage. Z, a bystander intending to take advantage of Ys rage and to cause him kill X, puts a knife into Ys hand for that purpose. Y kills X with that knife.

What offence is committed by Y and Z? Explain and discuss with reasons.

3. Answer the following questions

- The liability of joint tort-feasors is joint and several In the light of this statement discuss who are joint tort-feasors and their liability with the help of illustrations and case law. 30
- "In tort of malicious prosecution the plaintiff must prove among other things, that the defendant was the person who was actively instrumental in putting the law in force." Discuss. 30

4. Answer the following questions

- When is a public servants said to have committed an offence of criminal misconduct as defined in the Prevention of Corruption Act, 1988? Discuss referring to some decided cases. 30
- "The evil of dowry system has been a matter of serious concern to everyone in view of its ever increasing and disturbing proportion." Discuss and critically analyse whether the Dowry Prohibition Act, 1961 can cope with this social menace. 30

Section-B

5. Answer any three of the following (answer to each question must not exceed 200 words each): $20 \times 3 = 60$

- "All contracts are agreements but all agreements are not contracts." Explain.

- b. "A contracts without consideration is void but there are some contracts, which even though made without consideration, are valid." Discuss.
- c. Enumerate and explain briefly those relations in the Indian Contract Act which resemble those created by a contract.
- d. "The authority of an agent means his capacity to bind the principal." Discuss.

6. Answer the following questions

- a. "The Indian Partnership Act has effectively ensured the registration of firms without making it compulsory." Comment. 30
- b. A, B, C and D are partners in a firm which has not been registered. A is wrongfully expelled from the firm by the other partners. Can he successfully bring a suit against the other partners for damages for wrongful expulsion and declaration that he continues to be a member of the firm? What remedies if any are open to A? 30

7. Answer the following questions

- a. Define and distinguish between a Condition and a Warranty. Under what circumstances can a breach of condition be treated as a breach of warranty? 30
- b. A sells his motor car to B, one cylinder of which is slightly cracked to A's knowledge. B examined the car but failed to detect the defect at the time of purchasing the car. Later on, the defect comes to the knowledge of B, Can he rescind the sale and get back the price paid by him? 30

8. Answer the following questions

- a. "In most cases reference to arbitration shuts out the jurisdiction of the courts, except as provided in the Act, and since criminal courts cannot be deprived of their jurisdiction to try criminals, no criminal matter can be referred to arbitration." Comment 30
- b. "In any event, adaptability and access to expertise are hallmarks of arbitration." Discuss the advantages of arbitration over litigation. 30