

IAS Mains Law Science 2006

Paper II

Section A

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

- a. An abetment of an offence being a complete offence by itself, an attempt of abetment of an offence is also an offence. Examine.
- b. Compensation to the victims of crime in India is the vanishing point of criminal jurisprudence. Comment.
- c. What are liquidated damages and when are they awarded?
- d. In tort the plaintiff wins his case only when he proves as to what particular tort the defendant has committed against him. Examine.

2. Answer the following questions

- a. To constitute the offence of conspiracy there must be an agreement of two more persons to do an act which is illegal or which is to be done by illegal means for one cannot conspire with oneself. Discuss (30).
- b. An assistant sub-inspector A and a head constable B barged into the house of C, a businessman where he was playing cards along with his six friends. A and B directed the card players to take out their wallets, threatening to take them to the police station

Apprehending registration of a case under the Gambling Act, all of them parted with Rs. 10, 500/- in all. What offence have A and B committed (30)?

3. Answer the following questions

- a. Discuss the rule of strict liability with the help of relevant case law. Is there any difference between strict liability and absolute liability (30)?
- b. A, the owner of a mill, was getting water for his mill from a stream which was naturally flowing near the mill of A & B, the owner of another mill, dug an extensive well which hindered the flow of water to A's mill. Is B liable for a tort? Give reasons to support your answer (30).

4. Answer the following questions

- a. The Supreme Court of India in a recent judgement pronounced, Doctors cannot be held criminally liable under Section 304 A of the Indian Penal Code unless they are grossly rash or negligent in performing their duties. Is the judgement in favour of doctors or is it against the poor and illiterate patients in our country? Give your views with reasons (30).
- b. What are the Civil Rights as defined by the Protection of Civil Rights Act, 1955. Enumerate the offences prescribed under the Act (30).

Section B

5. Answer any THREE of the following (Answer to each question must not exceed 200 words): (20 × 3 = 60)

- a. Insufficiency of consideration is immaterial but an agreement without consideration is void. Comment.
- b. Distinguish an offer from a quotation or an invitation to an offer with the help of illustrations.
- c. Is a party rightfully rescinding the contract entitled to compensation? Explain with the help of examples.
- d. Any material alteration of a negotiable instrument renders the same void. Discuss.

6. Answer the following questions

- a. Agency in law connotes an authority or capacity in one person to create legal relations between a person occupying the position of principal and third parties. Critically discuss the concept of agency. Explain the duties of an agent to principal (30).
- b. X, a wholesale cloth dealer, appoints Y as his agent for the sale of cloth on the basis of 5% commission on the sale made by him. Y had an agreement with his principal X that he could retain part of the same amount of goods to adjust the commission due to him. X terminates the agency of Y. Y refuses to hand over the cloth in his possession to X, and claims that he is vested with authority coupled with interest and that agency cannot be terminated. Decide (30).

7. Answer the following questions

- a. What are the circumstances under which a party to a contract can plead impossibility as an excuse from performing his contractual obligation (30)?
- b. Answer the questions
 - i. Though a minor cannot be a partner in a firm, but he may be admitted to the benefits of the partnership. Explain the rights and liabilities of a minor in the light of this statement (15).
 - ii. There are two partners in a firm. One of them dies. Will it result in dissolution of the firm (15)?

8. Answer the following questions

- a. If you contract to sell peas, you cannot oblige a party to take beans. If the description of the article tendered is different in any respect it is not the article bargained for, and the other party is not bound to take it. Comment (30).
- b. Answer the questions
 - i. State the procedure laid down in the Arbitration and Conciliation Act, 1996 for conciliation in the family disputes (15).
 - ii. Discuss the essentials of hire-purchase agreement (15).