

IAS Mains Law Science 1992

Paper II

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. An offer cannot be accepted after it has been terminated or negatived. Explain when an offer ceases to be capable to acceptance.
 - b. If there has been a substantial though not exact and literal performance by the promisor, the promisee cannot treat himself as discharged. Explain. What is remedy in such a case regarding the deficiency in performance?
 - c. Under what circumstances is it permissible for a principal to revoke the authority given to an agent? From what date does the revocation operate?
 - d. What is the purpose served by crossing a cheque? What is effect of adding not negotiable to crossing?
2. Answer the following questions
 - a. Discuss how far the performance of something which the promisee is already under a legal obligation to perform can form consideration for a promise.
 - b. The Government has notified an order under an appropriate statute that no one shall buy or sell a particular explosive substance except under a licence obtained from the authority specified. A has obtained a licence to buy, but B, who has no licence to sell, represents to A that he has licence to sell and induces him to enter into a contract for the sale of a certain quantity of the explosive. A pays a part of the price. A learns that B has no licence to sell and has no chance of obtaining in within a reasonable time. Can A sue to recover the advance paid? If B delivers the commodity as promised, can he recover the balance of the price from

A, when it is clear to the court that the sale is prohibited?
3. Answer the following questions
 - a. Under a contract of sale of goods, what are the rights and duties of the seller and buyer regarding the delivery and acceptance of the goods agreed to be sold?
 - b. X, a company which manufactures a certain type of goods, has 4 units of new and sophisticated machinery to manufacture the goods. Such units are not easily available in the market. Y, another company which is just formed and is expected to go into production two years hence, enters into a contract with X to buy 2 of those units. Later Y company gets merged in the manufacture and sale of the particular type of goods. Z can immediately start production using the new units. X refuses to sell the units to Z. Can Z sue for specific performance of the contract?
4. Answer the following questions
 - a. What are services as defined by the Consumer Protection Act, 1986? Do medical services provided in a nursing home come within the scope of the Act? Under what conditions does a complaint lie under the Act in respect of services?
 - b. P and Q who are married, agree to separate and P, the husband, promises Q to pay Rs.

is the position if the agreement is that should any contingency arises at any time in future for them to separate, P will pay in that manner?

Section B

5. Answer any three of the following (each answer should be in about 300 words):

- a. Explain how far the minority of the accused person may be pleaded as ground of defence in a criminal prosecution.
- b. What is meant by stolen property? When is receiving stolen property an offence?
- c. When can a defendant plead voluntary assumption of risk by the plaintiff as a ground of defence in an action in tort?
- d. What is meant by innuendo? What are the facts which the plaintiff must prove or establish in order to sustain a plea of innuendo?

6. Answer the following questions

- a. Assuming that the accused person had no intention to cause the death of the deceased, but had only intention to cause bodily injury, explain when the accused may be held guilty of murder, culpable homicide not amounting murder, or only voluntarily causing grievous hurt.
- b. P, aged 17 years, the daughter of Q, develops friendship with a young man living in a neighbouring house. She wants to marry him. On learning this, Q takes her and entrusts her to S, a relative living in a different part of the same city. Shortly thereafter, P goes out of S's house and calls Ron on the telephone. R joins her and both go to a temple and go through a ceremony of marriage. Then both go from place to place for some days as husband and wife until the police arrest them on a complaint of kidnapping given by Q. R is prosecuted for the offence of kidnapping with intent to compel P to marry. Can R be held guilty of the offence?

7. Answer the following questions

- a. Explain the elements of the tort of private nuisance.
- b. A, the owner of a house, allows the branches of a tree in his compound to overhang the adjoining highway. B, a driver of the city bus corporation, drives a bus negligently very close to the overhanging branches so that the branches injured a passenger in the bus through a window, and he loses his eyes. From whom can the passenger recover damages for the loss of amenity, from B, the city bus corporation, or A, or from all the three?

8. Answer the following questions

- a. If an offence is committed by a company under the Prevention of Food Adulteration Act, 1954, in course of manufacturing a particular food for sale. Who are the persons liable to be prosecuted?
- b. I alleges that A, a Government servant, sought a bribe from him. I writes to X's superior complaining against X. He follows it up by sending copies of the complaint to some

Members of Parliament and representatives of the press. X denies the truth of the allegations

Can X sue I for defamation? On what grounds?