

IAS Mains Law Science 1996

Paper II

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. Examine as to whether a person who causes death of a pregnant woman is guilty of committing one homicide or two.
 - b. Whereas in criminal conspiracy an agreement between two or more persons is needed, in abetment by conspiracy an engagement between them is enough. Examine.
 - c. Duties in tort exist by virtue of the law itself, and are not dependent upon the consent of the persons subjected to them. Examine.
 - d. Examine how and when a duty of care arises, breach of which on the part of the defendant makes him liable in an action for negligence. What is the liability, if any for negligent misstatement which causes financial loss to the plaintiff?
2. Answer the following questions
 - a. When is a man said to commit the offence of rape?
 - b. Examine the criminal liability of A in the following:
 - i. A, with a known background of sleep-walking, got up from sleep one night, walked to the garage while asleep and drove away in his car in that condition for quite some distance. He halted the car at his brother-in-laws place, entered the room where his brother-in-law was asleep and gave a hard blow to him, thereby severely injuring him. In a prosecution for attempt to commit murder A's lawyer pleads non insane automatism, on the basis of which he seeks an acquittal. Decide. Do you think that this case should be dealt with under section 84 of the Indian Penal Code?
 - ii. A buys milk from B knowing that it contains water, in order to have B prosecuted for selling adulterated milk. What offence has A committed?
3. Answer the following questions
 - a. Discuss the legal principles, in the background of the recent changes in the law, applicable to the determination of liability for injury caused by hazardous substances and also the nature of the said liability. Refer to relevant case law.
 - b. Examine the tortious liability of A in the following:
 - i. A pretends to lock the plaintiff in a room by purporting to turn the key of the door from outside and taking it away. The fact is that the door, though shut, is not locked. The plaintiff remains in the room for two hours under the belief that he has been locked inside:
 - ii. Branches of trees grown on B's land overhang on the side of A. His neighbour A repeatedly requests B to cut off these overhanging branches so that A is able to enjoy sunlight. B does not pay heed to these requests. A goes on to the side of B and cuts off those branches
4. Answer the following questions

- a. Discuss in detail the various provisions under section 7 of the Protection of Civil Rights Act, 1955 with respect to punishment for other offences arising out of untouchability.
- b. Discuss in detail the very wide powers given to the food inspectors by the Prevention of Food Adulteration Act, 1954.

Section B

5. Answer any three of the following (each answer should be n about 200 words):

- a. A contract consists of the actionable promise or promises. Examine.
- b. Liberty to trade is not an aspect which the law would permit a person to barter. Examine.
- c. An agent is person employed to do any act for another in dealing with third parties. Examine.
- d. Risk follows the owner is an established rule in sale of goods. Examine.

6. Answer the following questions

- a. A quasi-contract arises out of judicial principles and not out of a contractual agreement between two persons. Examine.
- b. The tenant and the sub-tenant of a certain premises agree between themselves that the subtenant would pay the tenants rent directly to the landlord. After paying the said rent for a certain period, the sub-tenant refuses to make further payments. The land-lord sues the subtenant.

The sub-tenant argues that there was no contract between him and the landlord.

Decide.

7. Answer the following questions

- a. Examine the circumstances under which a firm may be dissolved on just and equitable grounds. Refer to various judicial pronouncements in this regard.
- b. A sold a television by auction. It was knocked down in favour of B, who was allowed to take it on the condition that he would give a cheque for the price and the ownership would pass only when the cheque was cleared. The cheque given by B was not cleared, but in the meanwhile B sold the television to C. Discuss the validity of the title to C.

8. Answer the following questions

- a. The greatest element of negotiability is the acquisition of property by your own conduct, not by anothers, that if you can take it bonafide and for value, nobody can deprive you of it. Examine.
- b. Explain the scope and content of the expression contract of personal service in the exclusionary part of section 2 (1) (o) of the Consumer Protection Act, 1986. What is the distinction between contract of service and contract for services? In which category would you place the contract between a doctor and his patient? Is the service rendered by a doctor under such a contract covered by the exclusionary part of the definition of service in section 2 (1) (o) of the Act? Refer to case law.

