

# IAS Mains Law Science 1998

## Paper II

### Section A

1. Answer any three of the following (answer to each question must not exceed 200 words):

- a. The appellant along with the other three named accused were charged under Sec 120 – B (criminal conspiracy) read with Sec 471 and Sec 420 IPC for conspiring to use forged documents and thereby induced the Controller of Imports to grant import licences. The magistrate acquitted all accused persons on all charges. The High Court on appeal reversed the acquittal of the appellant and convicted him for the substantive offence as well as conspiracy to commit such offence under Sec 120 – B of the Indian Penal Code. Do you advise the appellant to appeal to the Supreme Court? Give reasons.
- b. In all robbery there is either theft or extortion. Comment.
- c. On what grounds can a person committing any harm on a consenting individual be not punished? Is there any limit to the harm or can it be a harm to any extent?
- d. What test has the Supreme Court prescribed to understand the rarest of the rare cases while inflicting capital punishment? Can one argue that capital punishment in any case is against human right jurisprudence?

2. Answer the following questions

- a. H files a petition for divorce against W. The court allows the divorce petition ex-parte. H marries Z after waiting for the period of appeal and the appeal being not preferred within the time. W, makes an appeal after the stipulated appeal period. The appeal court allows the appeal. Can H be tried for bigamy? Give reasons.
- b. When will sexual intercourse by a man with wife be rape?
- c. What changes are incorporated in the law dealing with the offence of rape in the recent past?

3. Answer the following questions

- a. How do you distinguish the following? What reasons can be attributed for the difference?
  - i. A solicitor, acting on behalf of his client, dictated a letter to the plaintiff stating therein that the (plaintiff) bears immoral character. The letter then was posted to the plaintiff.
  - ii. X told Z that Y is suffering from AIDS through the statement is not true.
- b. Distinguish the wrong committed in the following:
  - i. The defendant told the plaintiff to leave the premises in occupation of the plaintiff. When the plaintiff refused, the defendant collected some of his workmen who mustered round the plaintiff, tucking up their sleeves and aprons and threatened to break the plaintiff's neck if he did not leave. The plaintiff then left the place.
  - ii. A took B by the collar and pushed him down the hill.

- a. How do you distinguish between wrongful imprisonment and wrongful restraint? Explain with illustrations.
- b. Recent amendment to the Monopolies and Restrictive Trade Practices Act, 1969 has left the

Act with only regulating restrictive trade practices. Justify the statement. Critically explain the provisions amended.

## Section B

5. Answer any three of the following questions in about 200 words each:

- a. Hire purchase does not have any legal regulation in India. Critically examine the statement.
- b. How do you distinguish void agreement and void contract? Does void contract have similar legal implications to voidable contract?
- c. What do you mean by force majeure clause in a contract? What implications does the clause have in view of the provision for supervening impossibility?
- d. What is the legal validity of a negotiable instrument where the promisor of the note simply signs a stamp paper for a promissory note of Rs. 5, 000 but he did not write anything except merely signing on a blank stamp paper?

6. Answer the following questions

- a. A managing partner of a partnership firm asks for your legal advice on why or why not the firm be registered. Give your opinion with reasons.
- b. What forms of the acid test for a partnership firm? Explain with illustrations.

7. Answer the following questions

- a. One of the requirements for formation of a valid contract is free consent. Why then, in some case of absence of free consent, does it make the contract voidable, not a void agreement? Explain with illustrations.
- b. Critically explain the revolution of Banker-Customer relations in the common law countries.

What type of relations would you suggest to suit the modern banking transactions?

8. Do you find any areas of conflict between the Indian Sale of Goods Act and the Consumer Protection

Act? Critically review the areas and suggest how they would like to resolve the conflict.