

IAS Mains Law Science 1993

Paper II

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. What are the difficulties that arise in the application of the rule the acceptance must be absolute, and must correspond with the terms of the offer?
 - b. Outline the nature of undue influence in the law of contract.
 - c. Are there any exceptions in the partnership law to the rule that contracts in restraint of trade are void?
 - d. When does a discount sale announced by a trader amount to an unfair trade practice under the

MRT. P. Act?

2. Answer the following questions
 - a. Can an outgoing partner claim a share in the profits of the firm? If yes, under what circumstances?
 - b. A, B and C were partner of a firm in which A was a dormant partner. He retired from the partnership without given public notice and his place was taken by D. Subsequently F becomes a creditor of the firm. Can F proceed to recover his debt from A, B, C and D?
3. Answer the following questions
 - a. What is ratification and what are its essentials?
 - b. B creating an impression that he is a creditworthy person purchased a car from A by handing over a cheque for the price of the car, having taken possession of the car he sold it to C. The cheque was dishonoured. A seeks to recover the car from C. Will he succeed?
4. Answer the following questions
 - a. What constitutes material alteration of a negotiable instrument and what are its effects?
 - b. A cheque payable to A or his order is endorsed by B forging the signature of A, The drawee bank pays the amount. What is the legal position of the bank? If the forged signature were that of the drawer would the legal position of the bank change?

Section B

5. Answer any three of the following (each answer should be in about 200 words):
 - a. Can less than five persons be charged, tried and convicted for the offence of unlawful assembly?
 - b. Amplify the view that our penal law does not recognise insanity that affects our emotions which prompt our actions, and the will by which our actions are performed.
 - c. When do the courts award exemplary damages in an action for tort?
 - d. Examine that statement that what is lawful in one may become unlawful when done by

6. Answer the following questions

- a. The law relating to murder recognises the principles that anger is a passion to which good and bad men are subject, and mere human frailty and infirmity ought not to be punished equally with ferocity or their evil feeling. Elucidate.
- b. In spite of recent amendment in the law, the definition of rape with Indian Penal Code leaves, certain loopholes making it difficult to secure convictions. Critically evaluate this statement.

7. Answer the following questions

- a. The fact must support the implication from occupiers conduct that he has permitted entry, not merely tolerated it, for knowledge is not tantamount to consent. Discuss with reference to the liability of the occupier towards a licensee. Is it in any way different towards a trespasser? Explain.
- b. Employees of the telecommunications department opened a manhole in a street near a childrens park and in the evening left the open manhole covered by a canvas tent unattended and surrounded by warning paraffin lamps. The plaintiff, a boy aged eight, attracted by lamps and the tent entered into the tent. While peeping into the manhole lie stumbled over a lamp.

The lamp fell into the manhole and in a violent explosion has followed plaintiff sustained burn injuries. In an action in tort, the department pleads remoteness of damage. Decide.

8. Answer the following questions

- a. State the powers of Food Inspectors and the procedure which they are required to follow in exercising their powers under the Prevention of Food Adulteration Act, 1954.
- b. A hotel refuses to serve food to certain classes of persons unless they sit in a separate place earmarked for them

Discuss the liability of the hotel owner, if any, under the Protection of Civil Rights Act, 1955.