

# IAS Mains Law Science 1990

## Paper II

### Section A

1. Answer any three of the following (each answer should be in about 200 words):
  - a. What are unliquidated damages? When are they awarded?
  - b. Under what conditions may an action in tort be maintained for a breach of a statutory duty?
  - c. What is the distinction between Conspiracy and abetment by conspiracy? When is an abettor liable to the same extent as the principal offender?
  - d. Under what conditions may the defence of insanity be pleaded on behalf of an accused?
2. Answer the following questions
  - a. What is the liability of the manufacturer of defective goods for personal injuries suffered by a consumer? Has the Consumer Protection Act, 1986, altered the law in any way?
  - b. X, received from B, a bookseller, a parcel of books. X did not order for them. He did not want to buy them, nor incur the postage to return them by post. He wrote to B to arrange for taking them back soon as he did not want to buy them. After three months X received a letter from B asking X to hand them over to a local book dealer. By this time the books became moth-eaten and unfit for sale. Can B sue X for conversion, or on any other basis, and recover the price of the books?
3. Answer the following questions
  - a. Explain the elements of the Offence of Sedition.
  - b. A, B, D and E broke into a house during night. A and B carried instruments useful for housebreaking, breaking iron chests, C and D carried knives, and E a revolver. As C was snatching a gold chain forcibly, from an inmate, another inmate P pointed a gun at him.  
  
Before P could shoot, E shot him dead. All intruders escaped with the gold chain and other ornaments. Outside the house, a neighbour N attempted to catch hold of D, but D killed him by stabbing. What are the offences for which these five may be charged? Is it possible to plead the right of private defence with respect to killing of P?
4. Answer the following questions
  - a. What are civil rights as defined by the Civil Rights Protection Act, 1955? State briefly the offences prescribed by the Act.
  - b. Explain the following offences created by the Dowry Prohibition (Amendment) Act, 1986:
    - i. Advertising offers to give dowry
    - ii. Dowry death (Sec. 304 B, IPC).

### Section B

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

- b. While a minors contract is void, his estate is subject to quasi-contractual liability. What are the conditions of quasi-contractual liabilities to which the estate of a minor is subject?
- c. In a bilateral contract, where both parties have obligations to perform, questions may arise as to who is to perform first. How are such questions answered?
- d. The right to rescind a contract is a more drastic remedy than the right to damages, and therefore some restrictions are placed on it. What are they? When may rescission be refused?

6. Answer the following questions

- a. What is the effect of a mistake of fact on the validity of a contract?
- b. A takes on hire a finishing trawler from B for the purpose of deep-sea fishing. The trawler was imported by B and was never used by him. Under the contract, A was to get the necessary repairs done in the trawler to make it sea-worthy, for which B would pay. After it was certified sea-worthy, A was to pay monthly rent. While the repairing was being done, A discovered that the refrigeration equipment of the trawler was not capable of bringing down the temperature to such a low level as is necessary to use the trawler for deep-sea fishing. A sues for a declaration that the contract is void, and for recovery of the expenses incurred on repairs. There is no evidence that during the negotiation for contract there was any discussion about the quality of the refrigeration of the trawler, but the purpose of chartering of trawler was known to B. How will you decide?

7. Answer the following questions

- a. What are the implied conditions and warranties in a contract of sale of goods?
- b. When may an unpaid seller resell the goods? Who is entitled to the profit got on resale?
- c. X bought an electric typewriter from Y and used it for seven months, Then it came to light that Y had stolen it from Z. Z recovered the machine from X. X sues for the recovery of the price he had paid to Y. Y pleads that since X had used the machine for seven months, the full price is not recoverable. Is the plea sustainable?

8. Answer the following questions

- a. If a duly appointed agent enters into a contract with a third party without disclosing the principal or the agency, what are the rights and liabilities of the principal, the agent and the third party inter Se with reference to the contract?
- b. A partnership, which is a partnership at will, is dissolved by a partner giving a notice to other partners of his intention to retire from the partnership. From what date does such dissolution take effect? When does the liability of such partner with respect to the dealings of the firm with outsiders cease?
- c. X Draws a cheque in favour of Y, a businessman, as part of a legal transaction and delivers it to him. Y endorses it in favour of Z and passes it on to him towards the price payable to him in respect of the goods purchased from him. Z gives the cheque as a present to? On P presenting the cheque, it is dishonoured. P sues X for its amount. Will P succeed?