

IAS Mains Law 2008

Paper-II

Section - A

1. Answer any THREE of the following (answer to each question must not exceed 200 words). Support your answer with the help of legal provisions & decided cases:

- (a) "Offence does not happen all of a sudden, it passes through some stages." Discuss and distinguish between preparation to commit offence and an attempt to commit an offence.
- (b) Discuss the rules regarding joint and constructive liability in Criminal Law. Do you find any distinction between similar intention and common intention?
- (c) "State has to answer for every wrong committed by its erring servant." Comment.
- (d) "It is an actionable wrong to institute, maliciously and without reasonable and probable cause, criminal proceedings which may injure person's reputation, personal freedom or property." Elucidate.

2.

- (a) "Right of private defence can be exercised only against the offender." Explain and discuss also the circumstances when even death can be caused of the accused in exercise of right of private defence of property.
- (b) "In all robbery there is either theft or extortion." Explain. A holds Z down, and fraudulently takes Z's money and jewels from Z's person without Z's consent and for this purpose he causes a wrongful restraint to Z. Discuss A's liability.

3.

- (a) "It is not the hindsight of a fool, it is the foresight of a reasonable man which alone can determine the liability." Discuss. A threw a lighted cracker in a crowded market. It fell on B's shop. C was standing nearby. To save himself and B's shop too, C threw the cracker away. It then fell on D's shop. D in his turn, threw it away which then fell on E who became blind. Decide, who is liable to E?
- (b) "Knowledge of the danger does not amount to consent to undertake the risk." Discuss with the help of decided cases.

4.

- (a) "The law of consumer protection has come to meet the long felt necessity of protection to the common men from the wrongs for which the remedy under ordinary law for various reasons has become illusory." Discuss this statement and explain to what extent the Consumer Protection Act, 1986 has succeeded in its objectives.
- (b) Critically examine the concept of 'plea bargaining' and evaluate its scope in India.

Section - B

5. Answer any THREE of the following (Answer to each question must not exceed 200 words). Support your answer with legal provisions and decided cases :-

- (a) "For giving rise to a valid contract, there must be consensus ad-idem among the contracting parties." Explain this statement.
- (b) "Law as well as justice should try to prevent unjust enrichment." Critically examine this statement in relation to quasi-contracts.
- (c) "Liability of the surety is secondary." Comment.
- (d) "The rule of Caveat Emptor does not mean that the buyer must take a chance, it means that the buyer must take care." Explain with exceptions, if any.

6.

- (a) "The effects of non-registration of partnership firm are so fatal that ordinarily the firms are registered." Explain with the help of legal provisions and decided cases.
- (b) "Every contract of guarantee is a contract of indemnity but every contract of indemnity is not a contract of guarantee." Elaborate. 'A' and 'B' go to a shop. 'A' says to the shopkeeper, "let B take goods from your shop and if he does not pay, I will pay". What kind of contract is this? Give reasons.

7.

- (a) "The object of Sec. 138 of the Negotiable Instruments Act, 1881 is to inculcate faith in the efficacy of banking operations and credibility in transacting business on negotiable instruments." Elucidate with the help of the latest Supreme Court cases.
- (b) The "precautionary principle" and the "polluter pays principle" are the parts of the environment law of this country. Explain in the light of decided cases.

8.

- (a) "Intellectual property of whatever species is in the nature of intangible incorporeal property." In the light of this statement discuss the scope of intellectual property rights in India..
- (b) "Cyber crime is a collective term encompassing both 'cyber contraventions' and 'cyber offences'." Explain this statement and discuss the various offences enumerated in the Information Technology Act, 2000.