

CSM—43/24
PART—II/PAPER—VII
LAW
PAPER—II

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Time : 3 Hours

Full Marks : 250

*The question paper contains **18 (Eighteen)** questions in **GROUP—A, (12)** and **GROUP—B, (06)** together.*

GROUP—A

*Candidates to attempt **10 (ten)** questions within word limit of **250**.*

*Each question carries **15** marks.*

1. When will the child above 7 years and below 12 years not be liable for act done? An accused ravished a girl of 13 years of age and in furtherance of act of rape, placed his hand upon her mouth and his thumb upon her neck, thereby causing death by suffocation. The sole defence was a plea of drunkenness which he himself administered. Whether he succeeds?
2. How may the common intention be proved under Section 34 of the Indian Penal Code, 1860? What are the essentials for application of common object?
3. Discuss the acts outside the course of employment. Is employer liable for the aforesaid act of workmen? To what extent is the State liable for tort committed by his employees?
4. 'Every culpable homicide is murder, but every murder is not culpable homicide.' Discuss. 'X' strikes 'A'. 'A' is by this provocation excited to violent rage. 'B', a bystander, intending to take advantage of 'A's' rage, and to cause him kill 'X', puts a knife into 'A's' hand for that purpose. 'A' kills 'X' with the knife. Determine the liability of 'A' and 'B'.
5. Draw a distinction between intention and motive. Discuss the role of *mens rea* in determining criminal offence under the Indian Penal Code.

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6. Draw a distinction between 'mischief' and 'criminal trespass'. Discuss the essential ingredients for constituting the offence of 'house breaking'.
7. "Generally, preparation to commit an offence is not punishable." Point out its exceptions. 'X' makes an attempt to steal some money in almirah by breaking it open and finds no money after opening. Has he committed any offence?
8. What is Constitutional tort? Will it apply in India? Explain the doctrine of *ubi jus ibi remedium* with the help of decided cases.
9. Who is the consumer under the Consumer Protection Act, 1986? Explain 'deficiency in service' under the Consumer Protection Act, 1986.
10. What is *volenti non fit injuria*? How does it work as a defence in cases of tort? Explain 'necessity' as defence from liability of tort.
11. Draw a distinction between contributory negligence and composite negligence. What is 'last opportunity rule'? How does it work in cases of contributory negligence?
12. What is the standard of care required in determining negligence? Discuss the liability of doctor if he has left foreign matter inside the body of patient after surgery.

GROUP—B

Candidates to attempt 05 (five) questions within word limit of 300.

Each question carries 20 marks.

13. Define and point out the essentials for the offence of 'Unlawful Assembly'. When did the unlawful assembly convert into 'Rioting'? Draw a distinction between 'rioting' and 'affray'.
14. Discuss sedition. Discuss its constitutional validity with the help of cited cases.
15. Give a workable definition of defamation and discuss its essential ingredients. Point out the defences available in case of defamation.

16. Explain 'criminal breach of trust' and its essential ingredients. 'A' finds a ring lying on the highway, not in possession of any person. Which offence has he committed by taking it?
17. Discuss the Supreme Court's decision on *Vishaka vs. State of Rajasthan* (1997) 6SCC 241 on sexual harassment on workplace and guidelines issued in the case. What is the legislative action taken to effect the decision of the court? Discuss in detail.
18. What is the meaning of 'Nuisance'? What are its kinds and essentials? What are its effectual and ineffectual defences?

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