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Law - II

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[This question paper contains 03 printed pages]

Roll Number: _____

HPAS Etc. Combined Competitive (Main) Examination, 2019

Law-II

Time Allowed: 3 Hours

Maximum Marks: 100

Note:

1. This question paper contains total eight questions. *Attempt any five questions including compulsory question No.1.*
2. Each question carries equal marks. Marks are divided and indicated against each part of the question. Write answer in legible handwriting. Each part of the question must be answered in sequence and in the same continuation.
3. Attempts of questions shall be counted in sequential order. Unless struck off, attempt of question shall be counted even if attempted partly. Any page or portion of the page left blank in answer book must be clearly struck off.
4. Give reasons for your answer supported by relevant statutory provisions and case law.
5. *Re-evaluation / Re-checking of answer book is not allowed.*

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1. (a) (i) Distinguish between 'Relevant facts' and 'Facts in issue.' (4)
(ii) What do you understand by 'Act of God'? (4)
(b) Distinguish between 'Offer' and 'Invitation of Offer' (6)
(c) What is the difference between 'medical insanity' and 'legal insanity? Cite relevant decisions. (6)
 2. (a) 'A' mercilessly beat up 'B' at a *Nukkad*. The shopkeepers at the site spontaneously tried to intervene shouting, '*Are mar jayega, Roko, Roko*'. (He will die, Stop it, Stop it...)
Discuss the essential postulates of the doctrine of *Res Gestae*. (10)
(b) Discuss the rule of 'Absolute liability' as propounded by Justice Bhagwati in the case of *M. C. Mehta v. Union of India*, AIR 1987 SC 1086.
How is the rule of 'Absolute liability' different from the rule of 'Strict liability as laid down in the case of *Rylands v. Fletcher* (1868) LR 3 HL 330 (10)
 3. (a) The plaintiff delivered sewing machines to the defendant Railway Company to be sent to the place where he was expected to carry on his business profitably due to the forthcoming festival. Due to the negligence of the Railway Company's servants, the sewing machines were delivered after the conclusion of the festival. The plaintiff claimed the expenses of travelling to different places, of staying there and the loss of profit which he would have earned.
Discuss in the light of rules laid down in *Hadley v. Baxendale*. (10)

- (b) Distinguish between culpable homicide and murder.
- 'A', a pickpocket, puts his hand in the pocket of 'B', a person who was reclining in the park. Incidentally, 'B' had a pistol in his pocket and as 'A' put his hand in 'B's pocket, it touched the trigger and the pistol went off, killing 'B'. What offence is 'A' guilty of, in this case? Explain with the help of relevant provisions and decided cases. (10)
4. (a) Discuss the rules relating to 'Communication of Acceptance' and 'Revocation of Acceptance.'
- 'A' sends an offer to 'B' by post. 'B' posts his letter of acceptance, but subsequently sends a telegram revoking his acceptance. Both the letters of acceptance and revocation are received by 'A' at the same time. 'A' claims the enforcement of contract. Decide referring to relevant provisions of the Indian Contract Act, 1872. (10)
- (b) The plaintiff was a workman employed by the defendants for the purpose of cutting rocks using a drill machine. Once the rocks were broken into stones, a crane was used to carry the stones from one place to another. Each time the stones were carried from one place to another, the crane used to pass over the plaintiff's head. One day when the plaintiff was busy in his work, a stone fell from the crane on his head and he suffered a head injury. The plaintiff sued the defendants for damages. The defendants put forth the defence of '*Volenti non fit injuria*'. Decide the case by explaining the concept of *Volenti non fit injuria*. (10)
5. (a) Discuss the concept of 'Consideration'. Bring out clearly the essential elements of it as defined under the Indian Contract Act, 1872. Also explain the circumstances under which an agreement without consideration is valid. (10)
- (b) 'Z' went to a shopping mall in Delhi. He found some very attractive shirts with price tags, being displayed for sale. While trying out the shirt sizes in the trial room, he removed the price tag from a cheaper shirt and pasted it over a much more expensive shirt and selected it. While 'Z' was moving towards the cash counter for making the payment for the said shirt, the salesman found out what 'Z' had done and reported the matter to the manager. 'Z' was charged for theft. While discussing the essential elements which constitute the offence of theft, decide whether 'Z' is guilty of theft? Explain in the light of relevant provisions and decided cases. (10)
6. (a) Distinguish between Abduction and Kidnapping.
- Discuss the law relating to 'kidnapping from lawful guardianship' with particular reference to the issues raised and decided by the Supreme Court in *S. Vardarajan v. State of Madras*, AIR 1965 SC 942. (10)
- (b) 'A' the owner of a car, requests 'B' to drive his car from Delhi to Mussorie so that on reaching there, they could use it to collect his (A's) children from their boarding school and go for a joint holiday. On the way, 'B' causes an accident injuring some

persons. The injured persons sue 'A' (being the owner) for negligence. 'A' denies his liability as he was not driving the car at the time of the accident. Decide.

Discuss the essential elements of the tort of vicarious liability with respect to the ordinary 'Master and Servant' relationship. (10)

7. (a) Every agreement by which anyone is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void. Discuss in detail and explain its exceptions, if any. Refer to relevant provisions and judicial pronouncements. (10)
- (b) An unregistered Sale Deed, transferring immovable property, is sought to be given in evidence. Is the said document admissible in evidence? Discuss further whether oral evidence can be adduced to prove a collateral fact where the direct issue is based on documentary evidence. (10)
8. (a) Discuss the law relating to the offence of 'Sedition'. Also discuss the constitutionality of the provision dealing with the offence of sedition under the Indian Penal Code with the help of decided cases and relevant provisions. (10)
- (b) The deceased 'D' was suffering from dengue fever. The accused 'A' visited 'D' at night and following a heated discussion, assaulted him leading to a fracture in his ('D's) right hand. 'D' had to be admitted in hospital where he made a statement that the injury was caused by 'A'. Two days thereafter 'D' died owing to low blood count. Discuss the essential postulates of the admissibility of a dying declaration and the special sanctity attached to it by law. (10)



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