

CSM : 18

LAW PAPER - II

Time Allowed : 3 hours

Full Marks : 100

Marks for each question is indicated against it.

Attempt any 5 (five) questions taking not more than 3 (three) questions from each Part.

PART - A

1. (a) Discuss the principle of 'mens rea' and 'actus reus' as constituent elements of crime. Also explain 'mens rea' principle under Indian Penal Code and other statutory offences. **(10)**
- (b) What is the right of private defence? When does the right of private defence of the body extend to causing death? **(10)**
2. (a) What do you mean by culpable homicide? Discuss the situation when the culpable homicide amount to murder? **(10)**
- (b) Define rape. Discuss the law against rape in the light of new changes to Indian Penal Code brought by Criminal Law (Amendments) Act, 2013. **(10)**
3. Write short notes of the following: **(10×2=20)**
 - (a) Malicious prosecution
 - (b) *Res Ipsa Loquitur*
4. (a) Explain in brief the liability of hospitals under the Consumer Protection Act, 1986. How far do you agree that the Act is capable of handling all types of medical negligence cases? Support your conclusion with the help of decided leading cases. **(10)**
- (b) What do you mean by strict liability? What are the exceptions to this rule? Discuss with the help of case laws. **(10)**

PART - B

5. (a) What do you mean by the doctrine of “the supervening impossibility”? Under what circumstances the supervening impossibility may arise. **(10)**
- (b) Discuss the remedies for a breach of contract. Do you think that remedy by way of quantum meruit is restitutory in nature? Discuss with decisional law. **(10)**
6. (a) Discuss the law relating to doctrine of holding out as provided under the Indian Partnership Act, 1932. **(10)**
- (b) Discuss the concept of ‘holder’ and ‘holder in due course’ as prescribed in the Negotiable Instruments Act, 1881 and state the privileges and protection given under the Act. **(10)**
7. (a) What is the meaning of Public Interest Litigation (PIL)? What are its characteristics? Do you think now a day’s Public Interest Litigation (PIL) has become Publicity Interest Litigation? **(2+5+3=10)**
- (b) Critically examine the implementation of Right to Information Act, 2005 in order to promote transparency and accountability in the working of every public authority in India. **(10)**
8. (a) Define ‘digital signature’. Discuss the legal recognition of digital signature. **(5+5=10)**
- (b) What is the subject matter of copyright? Can assignment be made in respect of work which has not yet come into existence? **(5+5=10)**

* * * * *