

CSM : 15

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. Explain the Common Law Principle of *actus non facit reum, nisi mens sit rea* with the help of decided cases. Are there any exceptions to this principle? **(15+5=20)**
2. “Culpable homicide is the genus and murder the species, and that all murders are culpable homicide but not vice-versa” – Explain in the light of legal provisions and decided cases. **(20)**
3. (a) Define Tort. Discuss its essential ingredients. **(10)**
(b) Discuss *Volenti non fit injuria* and its exceptions. **(10)**
4. What do you mean by strict liability? What are the essential elements to make a person liable under the purview of strict liability? Also highlight the exceptions to this rule. **(5+8+7=20)**

PART B

5. What is ‘Free consent’? ‘Mere silence is no fraud’- explain it with proper illustration and with its exceptions, if any. **(5+15=20)**
6. What do you understand by ‘caveat emptor’? What are the exceptions to the rule of caveat emptor? Also, highlight the relevancy of this rule in present scenario. **(5+9+6=20)**
7. “The *locus standi* rule has been relaxed mainly to provide the poor, oppressed and exploited section of the society easy access to justice”- critically evaluate the statement with the help of judicial decisions. **(20)**
8. (a) Discuss the term “inventive steps” under the Patent Act, 1970. Refer to recent case laws. **(10)**
(b) The objective of the Competition Act is to prevent monopolies and unfair trade practices adopted by dominant business players in the market. Discuss whether this act is able to effectively regulate the business in the country. Suggest some measures to make it more effective to promote healthy competition in the market. **(5+5=10)**