

CSM : 17

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) Explain the importance of *mens rea* as an element of criminal liability. Also, highlight the exceptions to it. (10)
(b) "A mistake of fact is good defense but mistake of law is not". Elucidate. (10)
2. (a) What are the constituents of cruelty under Section 498.A of the Indian Penal Code, 1860? (10)
(b) What is the objective of plea bargaining? Discuss in detail the various provisions for plea bargaining under the Code of Criminal Procedure, 1973. (10)
3. (a) What do you mean by 'malicious prosecution'? Discuss its essential ingredients. (10)
(b) Discuss the maxim "*volenti non injuria*". Also, highlight the exceptions to the application of this maxim. (10)
4. (a) What are the essential requirements to make the master vicariously liable for the wrongful act of his servant? (10)
(b) Define tort of nuisance. What are the different kinds of nuisance? (10)

PART - B

5. (a) "Lack of capacity goes to the root of contract and invalidates it completely". Discuss how far this statement is correct. (10)
(b) "Stranger to contract cannot enforce the contract". Explain. (10)
6. (a) "No one can transfer a better title than he himself has". In light of this statement, discuss the relevant provisions of Sale of Goods Act, 1930. (10)
(b) "Partnership arises from the contract not from the status". Discuss and also highlight the consequences of non-registration of a firm. (10)

7. What do you understand by the term Public Interest Litigation? What are the reasons for growth of Public Interest Litigation? How far do you agree with the statement “PIL is not pill of every ill”? Discuss. **(20)**
8. (a) What do you mean by intellectual property? Explain various kinds of intellectual property rights. **(10)**
- (b) Write a note on Alternative Dispute Resolution. **(10)**

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