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**OPSC
OAS**
Previous Year Paper
Mains 2018 (Law)
Paper-II



CSM – 49/18
Law
Paper – II

Time : 3 hours

Full Marks : 300

The figures in the right-hand margin indicate marks.

*Candidates should attempt Q. No. 1 from Section – A and Q. No. 5 from Section – B which are compulsory and **three** of the remaining questions, selecting at least **one** from each Section.*

SECTION – A

1. Explain any **three** of the following with the decided cases (answer of each question must not exceed **200** words) : 20×3 = 60
 - (a) Mens Rea is an essential ingredient of a criminal offence.
 - (b) Torts are divisible into three classes.
 - (c) Grievous hurt is of eight kinds.
 - (d) Doctrine of Stifling prosecution.

BD – 49/5

(Turn over)

2. (a) Write an explanatory note on constructive Criminal liability under S.34 I. P. C and S.149 I. P. C., with relevant Supreme Court Judgements. 30
- (b) Discuss with relevant case law, the doctrine of privity of contract in the context of the tortious liability arising from the duty to take care. 30
3. (a) State with relevant judgements the parameters to be taken into consideration, while deciding the question as to whether a case falls under Section 302 IPC. 30
- (b) A minor girl voluntarily leaves her parents home and when out of the family house goes with a boy whom she has known. State the essential ingredients of S.361 IPC and decide whether the boy is guilty of kidnapping, with reasons supported by relevant Supreme Court judgements. 30
4. (a) In terms of S.499 and its Explanation 4, spell out the ingredients of the offence of defamation. Give a summary of the ten Exceptions to S.499 IPC ? 30

- (b) What disapprobation of Government measures and of Government's administrative action is not sedition under S.124A IPC ? Cite relevant Supreme Court judgement ? 30

SECTION - B

5. Answer any three of the following : 20×3 = 60

- (a) Citing relevant Supreme Court judgments, state what are the essential requisites for a sale of goods under the Sale of Goods Act, 1930.
- (b) What is a Condition and what is a Warranty, concerning a contract of sale of goods ?
- (c) What is the distinction between a contract of sale and contract of agency for sale, between a buyer and an agent for sale ?
- (d) Differentiate, with relevant Supreme Court judgements, between a contract of sale and an agreement to sell ?

6. Answer any **three** of the following : $20 \times 3 = 60$

- (a) When is the notice for the dishonour of a cheque unnecessary ?
- (b) State the rules as to compensation, in case of dishonour of a pro-note, bill of exchange or a cheque.
- (c) A bill of exchange is drawn and endorsed in India. It is accepted as payable in Belgium. The bill of exchange is dishonoured. The indorsee causes it to be protested for such dishonour. Is it sufficient notice if the indorsee gives notice of the dishonour of the bill of exchange in accordance with the law Belgium ?
- (d) When is an agreement without consideration not void ?

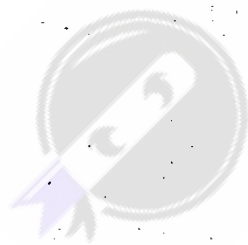
7. (a) What are the presumptions that a court shall make concerning negotiable instruments and citing relevant judgements ? State whether the presumption of consideration is rebuttable. 30

(b) Under the Sale of Goods Act, 1930, when is an auction sale voidable at the option of the buyer and in an auction sale when can the buyer treat the sale to be a fraudulent one ? 30

8. (a) What are the grounds for dissolution of a partnership by court, under the Indian Partnership Act, 1932 ? 30

(b) Citing the relevant Supreme Court judgement, what are the two exceptions to a partnership at will under S.7 of the India Partnership Act, 1932 ? 30

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