

**CSM – 49/19**

**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 any **three** of  
the remaining questions, selecting  
at least **one** from each Section.*

**SECTION – A**

1. Distinguish any **three** of the following with the decided cases (answer of each question must not exceed **200** words) :  $20 \times 3 = 60$
- (a) Murder and Culpable Homicide
- (b) Libel and Slander

- (c) Temporary and Perpetual Injunction
  - (d) Wrongful restraint and Wrongful confinement
2. (a) "Involuntary drunkenness is a defence."  
Explain the law relating to intoxication as a defence in the light of the above statement.  
Refer case law. 30
- (b) 'B' while bleeding profusely goes to 'A', a surgeon and there loses consciousness. 'A', there upon, performs an operation immediately upon him thinking it will bring back consciousness. 'B' dies immediately after the operation. Discuss the liability of 'A'.  
30
3. (a) Explain the law of Contributory Negligence.  
How it differs from composite negligence ?  
Refer case law. 30
- (b) What do you mean by Trespass to Reputation ? Discuss its essentials. Refer case law. 30

4. (a) Discuss the law relating to 'Rape' in the light of Criminal Law (Amendment) Act, 2013. Refer case law to illustrate your answer. 30
- (b) Define criminal intimidation and distinguish it with extortion. 30

### SECTION – B

5. Write explanatory notes on any **three** of the following: 20×3 = 60
- (a) Principle of holding-out
- (b) Conditions and Warranties
- (c) Wagering contract
- (d) Undue influence
6. (a) Explain the Quasi-contract theory. Briefly discuss the circumstances where this theory has been recognized under Indian Contract Act. 30
- (b) Discuss the grounds for the application of doctrine of frustration. What is the effect of frustration ? Refer case law. 30

7. (a) "Partnership arises from contract and not from status." Comment. 30
- (b) Differentiate between Partnership and a Company. 30
8. (a) Explain the doctrine of 'Caveat Emptor' and its exceptions with the help of judicial pronouncements. 30
- (b) Enumerate various modes of creation of agency with a detailed analysis of 'agency by necessity and agency by ratification. 30

