

QP Code : 13010

(3 Hours)

[Total Marks : 100

- N. B. : (1) All questions are compulsory.
(2) Figures to the right indicate full marks.

1. Answer the following (not more than two sentences) 20
 - (a) What is an offer?
 - (b) What is coercion, as defined under Indian Contract Act?
 - (c) Give any two rules regarding minor's agreement.
 - (d) When is communication of acceptance complete?
 - (e) State any two rights of the finder of the goods.
 - (f) What is the effect of agreement in restraint of marriage?
 - (g) What are the remedies available to a person aggrieved by Anticipatory Breach of Contract?
 - (h) What is temporary injunction?
 - (i) Under what conditions can a court order cancellation of an instrument?
 - (j) Give any two reasons due to which the court may refuse to grant specific performance.
2. Write Short notes on (any four) : 20
 - (a) Mistake
 - (b) Privity of Contract
 - (c) Devolution of Joint Rights and Liabilities
 - (d) Government Contracts
 - (e) Rectification of Instruments
 - (f) Recession of Contracts
3. Answer the following giving reasons (any two) :- 12
 - (a) Amar buys a tube of Beauty Skin Cream. The company, which, manufactures the cream, had advertised, "Whoever buys the cream and uses it as per instructions for a period of one month but still has pimples shall be paid a reward of Rs. 5000. After using, the cream for one month Amar still has pimples on his face. He demands the reward money from the company but the company says that they have not accepted his offer hence there is no contract. Amar has filed a suit against the company for recovery of the money.

[TURN OVER

- (i) What is general offer?
 (ii) State with reasons whether Amar would succeed.
 (b) A files a suit against B for declaration that he is entitled to receive Rs. 10000 from B, but he does not pray for recovery of the said amount from B.

- (i) What is declaratory decree?
 (ii) Can declaration be made in above case? Explain.
 (c) A purchases a steamer ticket. On the back of the ticket, a condition has been printed that the company will not be liable for loss or injury to the passenger or his luggage. On the face of the ticket, there was no indication that some conditions have been printed on the back of the ticket. The luggage of A is lost due to negligence of the crewmember.

- (i) What is 'reasonable notice of terms' under Standard Form Agreements?
 (ii) Can the company be held liable for the loss?

TheTutor.in

4. Answer the following (any four) :-

- (a) "Acceptance is to a proposal what a lighted match is to a train of gun powder". Discuss and state essentials of a valid acceptance.
 (b) Discuss the law relating to Wagering Agreements.
 (c) Explain the provisions in the Indian Contract Act regarding Performance of Contracts.
 (d) Briefly explain the various modes of Discharge of Contract.
 (e) State the rules regarding Specific Performance of part of a Contract. Who may obtain specific performance?
 (f) What is Mandatory Injunction? When will the court refuse to grant an injunction?

[TURN OV

TheTutor.in

1. Answer in one and two sentences :

- Who declares 'Lockout' and who declares 'strike'?
- Give two grounds for declaring 'Lay Off' under ID Act.
- Which court can take 'cognizance' of offence under MRTU & PULP Act?
- What Trade Union can do for seeking 'recognition' under MRTU & PULP Act?
- What do you mean by Model Standing Order?
- What do you mean by 'Employment injury'?
- Whether written demand necessary for raising industrial disputes under ID Act?
- What is the meaning of 'during the course of employment and out of employment' under E.C. Act.
- Give two misconducts under S.O.
- Can an establishment be re-opened after closure is effected under ID Act?

2. Write short notes on any four :

20

- "Lay-off" Compensation under ID Act
- "Retrenchment" compensation under ID Act
- "Recognition of Trade Unions" under MRTU & PULP Act
- Rights of "unrecognized" Union under MRTU & PULP Act
- "Model" Standing Orders under I.E. (SO) Act.
- Permanent Disability

3. Solve any two :

12

- Employee was pursuing his fellow employee to join an unrecognized trade union. When employer learnt it, he transferred him under management policy.
 - Is it anyway unfair labour practice under MRTU Act?
 - What action employee can take under MRTU Act?
- One person religiously comes daily and sweeps and cleans the floor of the Temple. The Temple Trustees even pays for sweeping and cleaning the floor. One day, Trustees disallowed sweeping and cleaning of the floor and made it clear that no payment will be made to him for sweeping

(TURN OVER)

and cleaning the floor. The Temple has many shops and those are used for selling necessities of the devotees. Temple also has rooms which are given to devotees coming from outstation on payment of charges.

- (i) Can the person claim to be a 'workman' and raise an industrial dispute ?
- (ii) Is temple an 'Industry' under the ID Act ?
- (c) A resident deployed a workman for repairing his terrace of the house.
 - (i) Is resident an employer under E.C. Act ?
 - (ii) Will workman be entitled to claim compensation, if he was deployed by Contractor who is taking Building Repairing Work ?

4. Answer any four of the following.

48

- (a) Discuss Modern Theory of 'Collective Bargaining' and advantages/ disadvantages of 'Collective Bargaining'.
- (b) Explain 'Conciliation' and 'Settlement' under ID Act.
- (c) Discuss 'Casual', 'Temporary' and 'Seasonal' workmen under ID Act.
- (d) Discuss 'Workman' and 'earning capacity' of workman under E.C. Act.
- (e) Discuss unfair labour practices on the part of Trade Unions under MRTU & PULP Act.
- (f) Discuss punishments for proved misconduct under the I.E. (SO) Act.

Q.P. Code : 13015

(3 Hours)

[Total Marks : 100

- N.B. : (1) All questions are compulsory.
(2) Figures to the right indicate full marks.
(3) Write case laws wherever necessary.

1. Answer in not more than two sentences.

- What is tort?
- State two reasons as to why tort cases are not filed in India frequently.
- Which are the two maxims on which the principle of vicarious liability is based?
- What is motive and is it necessary to determine liability in torts?
- What is libel and slander?
- What are the extra judicial remedies?
- What are Circuit benches?
- When can any person be disqualified from becoming a member under the Consumer Protection Act, 1986?
- What is Appropriate laboratory?
- What does Accord and satisfaction mean?

20

2. Short notes. (Any 4)

- Discharge of torts
- Trespass and Trespass ab initio
- Complaint
- Nuisance
- Unfair Trade Practices
- Contributory Negligence

20

TheTutor.in

3. Solve giving reasons. (Any 2)

- The conductor allowed the passengers to sit on the roof of the bus. The bus met with an accident after some time and some passengers are injured.
 - Explain the tort committed by the conductor and the defense available to him.
 - Explain the tort committed by the passengers sitting on the roof.
- A person's dog which had the tendency to bite, bit a child.

12

[TURN OVER

- (i) What is the liability of the owner of the dog?
- (ii) Will the answer change if the animal was a deer in a zoo?
- (c) A flat was purchased by 'A' which was to be fully furnished as per the agreement but on possession 'A' noticed that some of the furnitures were missing.
 - (i) Does 'A' have a remedy? Give reasons.
 - (ii) What is 'defect' and 'deficiency' as per the Consumer Protection Act, 1986?

4. Answer in detail. (Any 4)

- (a) What is the rationale of Strict liability and Absolute liability? Cite relevant cases.
- (b) What is meant by contributory negligence? Explain the doctrine along with the exceptions citing relevant cases.
- (c) Discuss the various Consumer Forums under the Consumer Protection Act, 1986.
- (d) What are the General Defences available in an action of tort?
- (e) What is meant by the term 'Consumer'? Explain in detail aims and objects of the Consumer Protection Act, 1986.
- (f) What is defamation and discuss various defenses in a tort of defamation?

Legal Language

TheTutor.in

QP Code : 13016

TOTAL MARKS: 100

3 HOURS

Marks: 20

N.B.: This paper should be answered in English only.

1. Do as directed:

- The people will make him President. (Change the voice)
- The stranger enquired where I lived. (Convert in direct speech)
- He is greater than me. (Change into Negative Sentence)
- No other metal is as useful as iron. (Change the degree of comparison)
- We must eat, or we cannot live. (Change into a Simple Sentence)
- When can their glory fade? (Convert into assertive sentence)
- when i was in delhi i visited the red fort qutub minar raj ghat india gate and chandni chowk (Punctuate the sentence)
- State any two features of the magazine 'One India One People'
- Give the full forms of the following. (1) Cr. L. J. (2) S.C.C.
- Explain the Citation: Bachchan Singh v/s. State of Maharashtra AIR 2013 SC 214

2. Write short notes on any four of the following: -

Marks: 20

- Rex Non Potest Peccare.
- De Minimis Non Curat Lex.
- Volenti Non Fit Injuria.
- Explain the meaning of (1) Acquittal (2) Discharge
- State and explain any two kinds of Writs.
- Describe the search of a case law on whether minor's contract is void-ab-initio.

3. Answer any two of the following: -

Marks: 12

Answer the following questions with reference to the Legislative Extract given below:

(A) THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971
(ACT NO. 34 of 1971)

[10th August, 1971]

An Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.

FN-Con. : 5465-15.

[TURN OVER

TheTutor.in

BE it enacted by the Parliament in the Twenty-Second Year of the Republic of India as follows:-

1. Short Title, Extent and Commencement.

- (1) This Act may be called The Medical Termination of Pregnancy Act, 1971.
- (2) It extends to the whole of India except to the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Identify the following:-

- | | |
|----------------------------|---------------------|
| (i) Long Title | (ii) Date of Assent |
| (iii) Date of Commencement | (iv) Short Title |

(B)

THE MATERNITY BENEFIT ACT, 1961

(ACT NO. 53 of 1961)

TheTutor.in

[12th December, 1961]

An Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:-

1. Short Title, Extent and Commencement.

- (1) This Act may be called the Maternity Benefit Act, 1961.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as may be notified in this behalf in the Official Gazette:-
 - (a) in relation to mines and to any other establishment wherein such persons are employed for the exhibition of equestrians, acrobatics and other performance, by the Central Government.
 - (b) in relation to other establishment in a State, by the State Government.

Identify the following:-

- | | |
|-------------------------|--------------------------|
| (i) Short Title | (ii) Enacting Formula |
| (iii) Official Citation | (iv) Date of Enforcement |

[TURN OVER

FN-Con. : 5465-15.

TheTutor.in

(C) THE PROTECTION OF HUMAN RIGHTS ACT, 1993
(ACT NO. 10 of 1994)

[08th January, 1994]

An Act to provide for the Constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of Human Rights and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Forty-Fourth Year of the Republic of India as follows:-

1. Short Title, Extent and Commencement.
- (1) This Act may be called The Protection of Human Rights Act, 1993.
- (2) It extends to the whole of India. Provided that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List II in the Seventh Schedule to the Constitution as applicable to that State.
- (3) It shall be deemed to have come into force on the 28th day of September, 1993.

Identify the following:-

- | | |
|-------------------|---------------------------|
| (i) Long Title | (ii) Date of Assent |
| (iii) Short Title | (iv) Date of Commencement |

4. Answer all the following: -

Marks: 48

- (A) Write an Essay on any one of the following:

Abolishment of Capital Punishment

OR

Decriminalization of Section 377 of Indian Penal Code

- (B) State the guidelines given by the Supreme Court in M.C. Mehta v/s U.O.I.

OR

Briefly outline the facts, issues and guidelines given by the Supreme Court in D. K. Basu v. State of West Bengal.

FN-Con. : 5465-15.

[TURN OVER

(C) Define a Law Report. Write briefly on any two of the following:

- i. Criminal law Journal
- ii. All India Reporter
- iii. Supreme Court Cases

TheTutor.in

(D) Read the following passage and answer the questions given below:

A stout old lady was walking with her basket down the middle of a street in Petrograd to the great confusion of the traffic and with no small peril to herself. It was pointed out to her that the pavement was the place for pedestrians, but she replied: 'I'm going to walk where I like. We've got liberty now.' It did not occur to the dear old lady that if liberty entitled the pedestrian to walk down the middle of the road, then the end of such liberty would be universal chaos. Everybody would be getting in everybody else's way and nobody would get anywhere. Individual liberty would have become social anarchy. You have submitted to a curtailment of private liberty in order that you may enjoy a social order which makes your liberty a reality. Liberty is not a personal affair only, but a social contract. It is an accommodation of interests. In matters which do not touch anybody else's liberty, of course, I may be as free as I like. If I choose to go down the road in a dressing-gown who shall say me nay? You have liberty to laugh at me, but I have liberty to be indifferent to you. You and I please ourselves and ask no one's leave. We have a whole kingdom in which we rule alone, can do what we choose. But directly we step out of that kingdom, our personal liberty of action becomes qualified by other people's liberty. I might like to practice on the trombone from midnight till three in the morning. If I went on to the top of Everest to do it, I could please myself, but if I do it in my bedroom my family will object, and if I do it out in the streets the neighbors will remind me that my liberty to blow the trombone must not interfere with their liberty to sleep in quiet. There are a lot of people in the world, and I have to accommodate my liberty to their liberties.

We are all liable to forget this, and unfortunately we are much more conscious of the imperfections of others in this respect than of our own. A reasonable consideration for the rights or feelings of others is the foundation of social conduct.

1. What according to the author would be social anarchy?
2. What is Liberty described as in the above passage?
3. When does one's personal liberty of action become qualified by other people's liberty?
4. What do we all tend to forget?
5. What is the foundation of social conduct?
6. Provide a suitable title for the above passage.