

## SECTION A

**Q1. Answer the following questions in about 150 words each. Support your answer with relevant legal provisions and judicial pronouncements: (10×5 = 50)**

- (a)** Does 'Res ipsa loquitur' reverse the 'burden of proof' completely? Comment. **(10)**
- (b)** How can 'community service', as a type of punishment, be used to address local issues? Discuss. **(10)**
- (c)** How does the changed definition of 'consumer' align with modern market practices such as 'e-commerce'? Discuss. **(10)**
- (d)** Can a 'single act' amount to both public and private nuisance? Explain with the help of examples. **(10)**
- (e)** From 'sedition' under the Indian Penal Code, 1860 to 'acts endangering sovereignty, unity and integrity of India' under the Bharatiya Nyaya Sanhita, 2023, how has the law changed? Explain. **(10)**

**Q2. (a)** "'Vicarious liability' is based on public policy rather than fault." Critically analyse the above statement in the light of decided cases. **(20)**

**(b)** How has the law against untouchability evolved to give effect to Article 17 of the Constitution of India? Discuss in the light of relevant legislative enactments and judicial pronouncements. **(15)**

**(c)** Discuss the doctrine of 'Volenti non fit injuria' as a defence to tortious liability. What are the limitations on the scope of this doctrine? **(15)**

**Q3. (a)** How effectively does the law distinguish between 'pre-meditated killing' and 'murder as a consequence of a sudden fight'? Explain in the light of relevant statutory provisions. **(20)**

**(b)** How far does a 'mistake of fact' negate *mens rea*? Does it operate as a justification or an excuse, and should it be allowed as a defence in strict liability offences? Explain. **(15)**

**(c)** Discuss the procedural safeguards provided under the law along with the role of judiciary in ensuring the voluntary participation of the parties in 'plea-bargaining'. **(15)**

**Q4. (a)** 'X', a 25-year-old boy, makes a promise to 'Y', an 18-year-old girl, that he will marry her if she has 'carnal-relations' with him. The girl is reluctant, but agrees after repeated assurances from the boy that he will marry her. Fifteen days after the act, the boy sends her a text message stating that he cannot keep his promise because marriage with her does not align with his career plans and that he needs to marry an NRI girl to facilitate his settlement abroad. What offence, if any, has been committed by the boy? Discuss. In this context, explain the provisions of the Bharatiya Nyaya Sanhita in the light of amendments relating to sexual offences which recently took place. **(20)**

**(b)** "Theft is an offence against possession, not ownership." Comment. Also explain the changes introduced in the law relating to theft under the provisions of the Bharatiya Nyaya Sanhita, 2023. **(15)**

**(c)** 'X', a public servant, asks 'Y', a person to give him an amount of Rupees ten thousand in order to process 'Y's routine application for a cooking gas connection on time. What offence, if any, has 'X' committed? Explain in the light of the relevant statutory provisions. Refer to leading cases. **(15)**

## SECTION B

**Q5. Answer the following questions in about 150 words each. Support your answer with relevant legal provisions and judicial pronouncements: (10×5 = 50)**

(a) How does the Indian Competition Act, 2002, reflect a shift from regulating monopoly to protecting the interests of consumers? Discuss. (10)

(b) "There is a jurisprudential difference between 'cyber contraventions' and 'cyber offences' as provided under the Information Technology Act, 2000." Discuss. (10)

(c) Write a note on 'non-partners' who can share the profits in a partnership. (10)

(d) What are the ingredients of 'hire-purchase'? How is it different from an 'agreement to buy'? (10)

(e) In an action to void a contract on the ground of 'undue influence', what is to be proved by the plaintiff? Under what circumstances can 'undue influence' be presumed? (10)

**Q6. (a)** "Sharing of profits is only prima facie evidence of the existence of a partnership. The conclusive test is that of 'mutual-agency'." In view of the above statement, discuss the essential features of a partnership. (20)

(b) Explain the applicability of the rule of 'privity of contract' in India. Also discuss the circumstances in which the rule does not prevent a person from enforcing a contract without his being a party to it. (15)

(c) "Sellers can no longer abuse their freedom by selling sub-standard goods and relying on exclusion clauses. Now there is a duty to deliver appropriate goods." Explain the above statement with the help of statutory provisions and decided cases. (15)

**Q7. (a)** Can 'Alternative Dispute Resolution' (ADR) mechanisms effectively adjudicate disputes involving public law elements, constitutional rights, or matters of significant public interest? Critically discuss the role of ADR mechanisms in light of limitations under the Arbitration and Conciliation Act, 1996. (20)

(b) In international environmental jurisprudence, the emergence of the 'precautionary principle' marks a shift from the assimilative capacity principle to the precautionary principle. Elucidate this statement in light of the concept of 'sustainable development'. (15)

(c) "'Trial by media' is a complex phenomenon which poses a conflict between two fundamental principles of democracy, viz. 'the right to a fair trial' and 'freedom of the press'." How can a balance be maintained between these two? Explain. (15)

**Q8. (a)** "Intellectual property laws confer exclusive rights on creators; however, such rights are not absolute." Critically examine this statement in view of copyright vis-à-vis public interest. (20)

(b) How can courts protect individuals against the possibility of exploitation inherent in 'standard form contracts'? Discuss and refer to decided cases. (15)

(c) "Every person who acts for another is not an agent. Representative character and derivative authority may briefly be said to be the distinguishing features of an agent." In view of the above, discuss the nature of agency. (15)