Odisha Judicial Service (Mains) 2012

Law of Crime and Law of Torts · optional paper

JS – 12/3 · 3 hours · 150 marks

Answer six questions, selecting three from Section A and three from Section B.

Section A

1. Discuss the scope of "joint liability" for a Criminal Act based on the existence of common intention. [25 marks]

2. What are the different punishments enumerated under the Indian Penal Code to which offenders are liable ? [25 marks]

3. Referring to Indian Penal Code discuss the views of the Supreme Court on the offence of attempt to commit suicide. [25 marks]

4. Critically examine the concept of insanity and intoxication as defences available under the Indian Penal Code. [25 marks]

5. "Vicarious liability is unknown to Criminal Law". Critically evaluate the statement in the light of the provisions of the Indian Penal Code recognising such liability. [25 marks]

6. Distinguish between the following :
(a) Abetment and Criminal Conspiracy
(b) Sec. 34 and Sec. 149 of IPC
(c) Rape and Adultery
(d) Kidnapping and Abduction
(e) Motive and Intention [25 marks]

Section B

7. "A tort is a civil injury, but all civil injuries are not torts." Discuss the statement referring to essential ingredients of tort. [25 marks]

8. Discuss, in detail, different legal remedies provided in the law of tort. [25 marks]

9. What do you mean by absolute liability in tort ? Explain the concept of absolute liability with the help of decided cases. [25 marks]

10. The law of negligence concerns itself with carelessness only when there is a legal duty to take care. Discuss. [25 marks]

11. Explain the concept of the tort of defamation. Discuss the defences available against it. [25 marks]

12. Write notes on the following:
(a) Donoghue Vrs Stevens
(b) Wagon Mound Case
(c) Bhopal Gas Leak Disaster Case
(d) Ubi jus ibi remedium
(e) Damnum sine injuria [25 marks]