Odisha Judicial Service (Mains) 2014

Law of Crime and Law of Torts · optional paper

3 hours · Full marks: 150

The questions are of equal value. Answer six questions, selecting three from Section–A and three from Section–B.

SECTION—A

1. Explain the maxim: actus non facit reum, nisi mens sit rea. Is mens rea a part of criminal law of India? Explain with the help of the cases. Is mens rea necessary in case of all crimes?

2. 'Nothing is an offence which is done in the exercise of right of private defence.' Elucidate and explain the object and purpose of the right of private defence. State the law with regard to the right of private defence of the body and property as contained under the penal code.

3. Define 'hurt' and explain the differences between 'hurt' and 'grievous hurt'. State the ingredients of the two offences. State the circumstances when hurt and grievous hurt become aggravated. What is the justification for severe penalties in case of aggravated offences.

4. What is 'robbery'? When does the theft and extortion amount to robbery? Explain, in brief, the distinction between theft and extortion, robbery and dacoity. Illustrate your answer with examples.

5. What do you understand by the terms 'homicide' and 'culpable'? When culpable homicide is not murder? Distinguish among culpable homicide, murder and culpable homicide not amounting to murder. Refer leading cases.

6. Distinguish between the following:
(a) Wrongful Restraint and Wrongful Confinement
(b) Riot and Affray
(c) Criminal Misappropriation of Property and Breach of Trust
(d) Wrongful Loss and Wrongful Gain

SECTION—B

7. Define 'Tort'. 'There is a law of tort, but not a law of torts' — Discuss. Distinguish between Tort and Crime.

8. Explain the term 'Vicarious Liability'. What are the modes of Vicarious Liability? Discuss the liability of Master to a servant for wrong done by another servant.

9. Elucidate the term 'Volenti Non Fit Injuria' with the limitation of the scope of the doctrine. Distinguish between 'Act of God' and 'Inevitable Accident'.

10. What is defamation? Briefly discuss the different conditions which will be required to constitute an action for defamation with the help of the cases.

11. Explain the term 'Nuisance' with suitable illustrations. Discuss the different kinds of 'Private Nuisance'. What are the liabilities of occupier for nuisance on premises?

12. Write notes on the following:
(a) Injuria Sine Damnum
(b) Ryland v. Fletcher

(c) Res Ipsa Loquitur
(d) Remoteness of Damage

De Facto IAS