Odisha Judicial Service (Mains) 2015

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. Discuss the objectives of criminal justice in the light of recognised theories of punishment

2. Right to private defence is founded on the principle "it is the first duty of man to help himself'. Make a critical assessment.

3. "All homicides are not culpable as much as all culpable homicides are not murders." Explain the relevant provisions of IPC with appropriate illustrations.

4. Define "Extortion" and "Theft" and explain the distinguishing features of these offences.

5. Explain the ingredients of the offence of "Forgery" and distinguish between "Forgery" and making a "false document".

6. Write short notes on the following:
(a) Criminal trespass
(b) Deportation
(c) Malicious prosecution
(d) Criminal intimidation
(e) Riot and Affray
(f) Cyber crime

SECTION—B

7. "Every injury is a Tort unless justified, no injury is a Tort unless it falls within the specified category of any accepted Tort". Critically examine the schools of thought by Winfield and Salmond.

8. "Relationship of Master and Servant is an essential precondition for determining vicarious liability".

9. Discuss the essential conditions of Tort of Defamation and the various defences available to the defendant.

10. "The Law takes no cognizance of carelessness where there is no duty to take care." Discuss.

11. Discuss the changing dimensions of the "Rule of Strict Liability".

12. Write short notes on the following:
(a) Innuendo
(b) Maintenance and Champarty
(c) Contributory negligence
(d) Assault and Battery
(e) Joint Tort feasors
(f) Res Ipsa Loquitur