Odisha Judicial Service (Mains) 2016

Law of Crime and Law of Torts · optional paper

3 hours · 150 marks

The figures in the right-hand margin indicate marks. Answer six questions, selecting three from Section A and three from Section B.

Section A

1. What is the scope and significance of Right to Private Defence ? [25 marks]

2. Explain the different types of offence against the state. [25 marks]

3. Examine the objective and salient features of the Juvenile Justice Act, 1986 as amended till date. Do you think that in the wake of Nirbhaya incident, the age reduction for application of Juvenile Justice Act is justified ? Give a reasoned answer. [25 marks]

4. Rajani, a seventeen year old girl, allowed her teacher to have sexual intercourse with her because he told her that he will give her very poor grades unless she allows sexual favours. On coming to know of this, her parents lodged a complaint against him on charges of rape. Will he be liable for the same ? What other charges could be made ? Discuss the legal position with the help of case law. [25 marks]

5. Write a critical note on the ethical and legal dilemmas associated with capital punishment. [25 marks]

6. Write notes on the following: 5x5 = 25 [25 marks]

(a) Extortion

(b) Grievous Hurt

(c) Public Nuisance

(d) Fabrication of Evidence

(e) Section 498A of I. P. C.

Section B

7. What are the essential elements of vicarious liability ? Illustrate with case law. [25 marks]

8. Discuss, in detail, the tort of malicious prosecution. [25 marks]

9. What are the different defences available against tortuous liability ? [25 marks]

10. An ardent fan of a popular movie star wanted to garland a huge cut out of his hero. He climbed up the 50 feet wooden cut out and while trying to garland he fell off and died on the spot. His family members filed a case claiming compensation from the owner of the theatre in whose premises the cut out was placed. Advise the owner regarding the defence available to him and illustrate it with case law.

11. Explain the concept of remoteness of damages. [25 marks][25 marks]

12. Write notes on the following: 5x5 = 25 [25 marks]

(a) Passing off

(b) Ryland Vs Fletcher

(c) Contributory Negligence

(d) False imprisonment

(e) Kinds of damages

De Facto IAS