

THE GAUHATI HIGH COURT AT GUWAHATI
(High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)

Limited Departmental Competitive Examination, 2019 For Promotion From
Grade-II to Grade-I Of Assam Judicial Service

Paper- I
Total Marks-100

Duration: 3 Hours
Time: 9 AM to 12 PM

1. Comprehension

2 marks X 5 = 10 marks

Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.

At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her success and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

Freedom and power bring responsibility. That responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now. That future is not one of ease or resting but of incessant striving so that we may fulfill the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.

-Jawaharlal Nehru

Questions (answer any five)

- (a) Express in your own words (a) we made a tryst with destiny, (b) at the stroke of the midnight hour, (c) when the world sleeps, (d) when we step out from the old to the new, (e) we take the pledge of the dedication, (f) at

the dawn of history; (g) India discovers herself again, (h) with the memory of sorrow.

- (b) In what does the “service of India” consist, according to the author?
- (c) What are the ideas which India has never forgotten?
- (d) Mention some of the responsibilities of freedom and power.
- (e) This speech is concerned with the living as well as the dead. In what way does Nehru appeal to his listeners? What motive urges Nehru to rouse the India of today to action?
- (f) Quote the line that has a direct reference to Mahatma Gandhi.

2. Write a short essay on any one of the following topics - **(3 marks)**

- a. *Custom* as a source of law,
- b. Principle of *stare decisis*,
- c. Principle of *in medio* under the Indian Succession Act, 1925.

3. Write a short essay on any one of the following.- **(3 marks)**

- a. Abandoned wife’s claims for maintenance
- b. Divorced Muslim women’s claims for maintenance
- c. Enforcement of order of maintenance.

4. Write a short essay on any one of the following:- **(3 marks)**

- a. Effect of discovery of codicil after grant of letters of administration
- b. Revocation or annulment of probate or letters of administration.
- c. Ways of acquisition of citizenship as prescribed under the Citizenship Act, 1955.

5. Write a short essay on any one of the following- **(3 marks)**

- a. On punishments as provided under Section 66A to 66E of the Information Technology Act
- b. On punishments under Section 67A to 67C of the Information Technology Act,
- c. On all powers vested on the appropriate Government under Section 69-A and 69-B of the Information Technology Act.
- d. Penalty/punishment under Section 72 and 72A of Information Technology Act

6. Write a short essay on any one of the following legal maxims founded on public policy -

- a. *Salus populi est suprema lex* (regard for the public welfare is the highest law) **(3 marks)**

- b. *Dies dominicus non est iudicatus* (Sunday is not a day for judicial or legal proceedings)

7. Write a short essay on any one of the following legal maxims relating to judicial office:-

(3 marks)

- a. *Bonjudicis est ampliari jurisdictionem* (it is the duty of a judge to extend his jurisdiction).
 b. *In presentia majoris cessat potestas minoris* (in the presence of the greater the power of the inferior ceases)

8. English Grammar

(1 mark X 5 = 5 marks)

a. Use the correct verb (any four):

- i. Neither his father nor his mother _____ alive (is/are).
- ii. The public _____ requested not to walk on grass (is/are)
- iii. Iron as well as gold _____ found in India (is/are)
- iv. Bread and butter _____ wholesome food (is/are)
- v. The notorious dacoit with his followers _____ escaped (has/have).

b. Change from active voice to passive voice (any four):

- i. *Sitalores Savitri*
- ii. The _____ peon _____ opened _____ the _____ gate
- iii. Who _____ did _____ this?
- iv. Some _____ boys _____ were _____ helping _____ the _____ wounded _____ man
- v. The _____ mason _____ is _____ building _____ the _____ wall

c. The idiom "*bury the hatchet*" means:

- i. to keep the garden clean
- ii. to make peace
- iii. to kill someone
- iv. to secure the gate

d. The idiom "*to burn daylight*" means

- i. to waste time, to light candle before it is dark
- ii. to burn garbage and light up the area
- iii. to waste money
- iv. to put on bright light when it becomes dark in day-time

e. The idiom "*to let by-gones be by-gones*" means:

- i. used to live luxuriously
- ii. to lose one's head; to lose cool
- iii. to forget the dead
- iv. to let things that are past and gone remain untouched

9. Briefly explain and expand the following idioms (any four)

(3 marks X 4 = 12 marks)

- a. to lead a charmed life.
- b. to hang by a thread
- c. to pay one back in the same coin
- d. to mind one's p's and q's
- e. to quarrel with one's bread and butter.

10. Choose the correct answer-

(1 mark X 26 = 26 marks)

- a. Repudiation means-
 - i. Abjuration, abrogation, annulment, cancellation
 - ii. Counter , refute, revert, return
 - iii. Residuary, reversionary, surplus, balance
 - iv. Balance, coordinate, control, regulate

- b. Egomaniac is
 - i. Collects books
 - ii. a student of linguistics
 - iii. pathologically self- interested
 - iv. an expert of inspects.

- c. Bibliophile is.
 - i. Expert in Bible.
 - ii. One who compulsively destroys bible
 - iii. One who is a student in linguistics.
 - iv. One who collects books

- d. Periodontist is one who
 - i. treats ailments of the gums.
 - ii. treats emotional disturbances
 - iii. treats skin disease
 - iv. Who treats female ailments

- e. Chiromancer is one who is
 - i. expert in romance
 - ii. Palm reader
 - iii. having knowledge of an occurrence beforehand.

- iv. Ignorant
- f. Cacography is:
- i. having ugly, illegible handwriting
 - ii. Who identifies strongly with feelings of another
 - iii. Enjoying being with the like-minded companion
 - iv. Music.
- g. Misogynist is one who:
- i. dislikes money
 - ii. dislikes women
 - iii. is an expert on insects.
 - iv. Commits anti-social acts.
- h. If one is *inveterate*, then he is.
- i. beyond reform
 - ii. without pangs of conscience
 - iii. well known for bad quality
 - iv. long- accustomed or deeply- habituated
- i. Vociferous is:
- i. loud, noisy, clamorous
 - ii. wickedness, grossly immoral behaviour
 - iii. fair, just, even-handed
 - iv. calmness or evenness of temper.
- j. Equilateral is:
- i. balance between opposing force
 - ii. time when day and night are equal
 - iii. having equal sides
 - iv. person on horseback.
- k. Iniquitous means.
- i. calm, unruffled
 - ii. sinful, wicked, immoral
 - iii. active at night
 - iv. fair, just
- l. Chauvinism is.
- i. a beginner in field
 - ii. wife killing attitude
 - iii. exaggerated patriotism

- iv. killing of a race or nation.
- m. Antithesis is:
- i. To write a thesis which is opposite well settled principle
 - ii. the direct opposite
 - iii. a firm dislike
 - iv. a short account of happening.
- n. Arbiter is.
- i. mysterious
 - ii. exhausting experience
 - iii. one who has no aptitude
 - iv. an arbitrator or judge.
- o. If a man is artful, he is.
- i. hardworking, busy
 - ii. simple and honest
 - iii. clever
 - iv. crafty, sly
- p. Discern means:
- i. disapprove
 - ii. to see things clearly, to differentiate
 - iii. timid
 - iv. authoritative saying.
- q. If one is an *egalitarian*, he is one who
- i. eats eggs
 - ii. is bubbling with excitement
 - iii. is relying on experience or observation
 - iv. believes in the social and economic equality of all people
- r. First person from Assam to be elevated as Judge of Supreme Court of India:
- i. Justice Baharul Islam
 - ii. Justice Parbati Kumar Goswami
 - iii. Justice Holiram Deka
 - iv. Justice SailendraNath Phukan

- s. Who was the First Assamese and Second Indian to be appointed as District Magistrate in India.
- i. Justice Holiram Deka
 - ii. AnundoramBarooah
 - iii. Justice T V. Thadani
 - iv. Fakhruddin Ali Ahmed
- t. Sir Muhammad Saadulla was.
- i. Chief Minister of Assam in British India
 - ii. Prime Minister of Assam Province in British India.
 - iii. Governor of Assam
 - iv. None of above.
- u. Only person from Assam to be a member of Drafting Committee of Indian Constitution.
- i. Sir Ronald Francis Lodge
 - ii. Sir Akbar Hydari
 - iii. Bishnu Ram Medhi
 - iv. Sir Muhammad Saadulla
- v. Who administered the swearing- in- oath to the First Chief Justice of Assam High Court.
- i. Sir Hiralal J. Kania
 - ii. Sir Ronald Francis Lodge
 - iii. Sir Akbar Hydari
 - iv. Sri GopinathBardoloi
- w. The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by the Director, Health Services of the concerned State or Union Territory Director, Health Services should prepare such a panel of all Tehsils and Districts as well
- i. This principle is contained in Article 21 of the Constitution of India.
 - ii. This principle is in contained in Criminal Procedure Code
 - iii. This principle is contained in Human Rights Declaration by Govt of India.
 - iv. This principle is contained in the case of _____

(give case reference or citation).

- x Which of the following Union Territories has a legislature:
- i Andaman and Nicobar Islands
 - ii Dadra and Nagar Haveli
 - iii Pondicherry (now Puducherry)
 - iv Chandigarh.
- y In the State of Assam, the post of Assistant Sessions Judge is a.
- i Constitutional Post
 - ii Statutory post created under Criminal Procedure Code
 - iii Statutory Post created under Indian Penal Code
 - iv Post created under Criminal Court Rules & Orders of Gauhati High Court. [236(a) of Constitution].
- z The provisions for giving full faith and credit throughout the territory of India to public acts, records and judicial proceedings is provided for and/or contained in
- i Section 57 of the Evidence Act, 1872
 - ii Section 2(i) of the Criminal Procedure Code
 - iii Section 38 of the Civil Procedure Code
 - iv Article 261(1) of the Constitution of India.

- 11.** Under Civil Court Rules & Orders of Gauhati High Court (1 mark X 10 = 10 marks)
- a ex-parte hearing can be taken up in chambers or at residence of judicial officers (Yes/ No)
 - b The District Judge may direct that during the Puja holidays, a special officer with sufficient pecuniary jurisdiction shall deal with applications for execution of decrees which are extremely emergent in their nature (Yes/ No)
 - c In the cause-list, the topmost heading should be "For _____"
 - d In contested suits, no written statement, list of documents, or application which the judge may consider material, shall ordinarily be filed unless copies thereof have previously been served on the pleader for each set of parties whose interest are not joint. Provided that if, for any reason, copies cannot be so served, they may be filed in Court together with the original written statement, list or application (Yes/ No).
 - e Under Rule 23, written statements and petitions in suits or cases fixed for the day must be filed within _____ of the time

fixed for the sitting of the Court in Rules 1(1) and 1(3) and all other petitions and documents by such hour, not beyond _____.

- f. After probate is granted, all original wills shall be retained in Court (Yes/ No).
- g. An advocate or pleader can be engaged by another advocate to plead in a case (Yes/ No).
- h. A judicial officer had to avail leave as his father is sought to be arrested. He takes leave – can he appear before concerned Court to plead on behalf of his said relative (Yes/ no).
- i. A District Judge is empowered to issue circular orders to the subordinate judicial officers (Yes/ No)
- j. A stranger to a pending suit, in order to obtain certified copy of plaint, written statement, affidavits and petitions filed in suit as a matter of course [Yes/ No].

12. Writing on legal topic: (any three) (3 marks X 3 = 9 marks)

- a. Right of *privacy* is a fundamental right.
- b. Distinguish between a *public* and *private* document.
- c. Distinction between *admissibility* and *relevancy*.
- d. Judgment in *rem* and its evidentiary value.

13. Writing on legal topic: (any two) (5 marks X 2 = 10 marks)

- a. “*Victim*” as provided under Clause (wa) of Section 2 of the Criminal Procedure Code
- b. Act of *delinquency* of a juvenile.
- c. Discuss the maxim *ignorantia juris non excusat* (ignorance of law is no excuse) and the exceptions to it; if any