

THE GAUHATI HIGH COURT AT GUWAHATI

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main written examination for direct recruitment to Grade-III of Assam Judicial Service, 2018

Date: 03-12-2018 (Monday)

Time: 10.00 am to 1.00 pm

Total marks: 100

Duration: 3 (Three) hours

PAPER – III
(Law Paper-I)

Group – A : Constitution of India

Answer any following 5 (five) questions:-

- Q.1) What are the rights that are guaranteed in Part-III of the Constitution of India? Explain Briefly.
2 + 3 Marks = 5 Marks.
- Q.2) What are the freedoms guaranteed by the Indian Constitution? Explain the scope of 'reasonable restrictions' permitted by the Constitution.
2½ + 2½ Marks = 5 Marks.
- Q.3) What do you understand by 'preventive detention'? What are the Constitutional safeguards made available to persons subjected to preventive detention?
2 + 3 Marks = 5 Marks.
- Q.4) State and explain the Fundamental Duties of every Citizen of India specified in the Constitution of India?
2½ + 2½ Marks = 5 Marks.
- Q.5) Explain the Doctrine of Pleasure in the light of Article 310 of the Constitution of India.
5 Marks.
- Q.6) What are the Legislative Powers of the President of India? Explain the procedure of impeachment of the President.
2½ + 2½ Marks = 5 Marks.
- Q.7) Explain the Constitutional protections of Civil Servant under 311 of the Constitution of India with the help of judicial decisions.
5 Marks.
- Q.8) Write short notes on any two of the following:-
(i) Writ of Habeas Corpus.
(ii) Writ of Mandamus.
(iii) Writ of Certiorari.
(iv) A Money Bill.
2½ + 2½ Marks = 5 Marks.

Group – B : Indian Contract Act

Answer any following 5 (five) questions:-

- Q.1) State the difference between a contract of guarantee and that of indemnity.
5 Marks.
- Q.2) Explain bailee and a bailor and illustrate their duties.
2 + 3 Marks = 5 Marks.
- Q.3) Explain the law relating to compensation for breach of contract where the contract contains stipulation by way of penalty.
5 Marks.
- Q.4) Explain voidable contracts. How can a voidable contract be enforced?
2 + 3 Marks = 5 Marks.
- Q.5) Explain the 'Doctrine of Ratification'. What are the acts that cannot be ratified?
2½ + 2½ Marks = 5 Marks.
- Q.6) What are the contracts that need not be performed?
5 Marks.
- Q.7) Define 'Agent' and 'Principal'. Who may employ agent? Who may be an agent? Whether any consideration necessary to create agency? Whether Distributor is an agent?
1 + 1 + 1 + 1 + 1 Marks = 5 Marks.
- Q.8) Write short notes on any two of the following:-
(i) Fraud.
(ii) Undue influence.
(iii) Contract made under mistake of fact.
(iv) Reciprocal promises.
2½ + 2½ Marks = 5 Marks.

Group – C : Transfer of Property Act

Answer any following 5 (five) questions:-

- Q.1) What is meant by Transfer of Property? Who is competent to transfer?
2½ + 2½ Marks = 5 Marks.
- Q.2) Once a mortgage, always a mortgage. Explain
5 Marks.
- Q.3) What are the difference between lease and licence?
5 Marks.
- Q.4) Define Gift. What are the essentials of a valid gift? Are conditional gifts valid?
1 + 2 + 2 Marks = 5 Marks.
- Q.5) What are the essential conditions for application of the Doctrine of '*lis pendence*' in a suit? When a suit commences and how long does pendency of the suit continues?
2½ + 2½ Marks = 5 Marks.
- Q.6) Define Sale of immovable property. How sale of immovable property is made? State the rights and liabilities of buyer and seller.
1 + 1 + 3 Marks = 5 Marks.
- Q.7) What is an actionable claim? What is the mode and effect of its assignment?
2½ + 2½ Marks = 5 Marks.
- Q.8) Write short notes on any two of the following:-
(i) Instrument.
(ii) Onerous gift.
(iii) Attested.
(iv) Subrogation.
2½ + 2½ Marks = 5 Marks.

Group – D : The Code of Civil Procedure

Answer any following 5 (five) questions:-

- Q.1) Discuss and explain – ‘A Court executing a decree cannot go behind the decree’.
5 Marks.
- Q.2) What is temporary injunction? What are the provisions relating issue of temporary injunction?
2 + 3 Marks = 5 Marks.
- Q.3) Describe the procedure relating to suits by or against the Government or a public officer.
5 Marks.
- Q.4) What is the distinction between a necessary party and a proper party? What shall be the effect of non-joinder thereof?
3 + 2 Marks = 5 Marks.
- Q.5) Explain the Doctrine of *Res Judicata*. What is the distinction between *Estoppel* and *Res Judicata*
3 + 2 Marks = 5 Marks.
- Q.6) What are the powers of a Civil Court in order to prevent the ends of justice from being defeated?
5 Marks.
- Q.7) Describe the kinds of Appeal, in short?
5 Marks.
- Q.8) Write short notes on any two of the following:-
(i) Revision.
(ii) Order
(iii) Mediation.
(iv) Review.
2½ + 2½ Marks = 5 Marks.