

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

**Main Written Examination (2016) for direct recruitment in Grade-III of Nagaland
Judicial Service & Arunachal Pradesh Judicial Service**

Date: 23 -07-2017 (Sunday), Time: 9.00 am to 12.00 pm

Total Marks: 100 Marks

Duration: 3 Hours

PAPER - III

(Law Paper-I)

CONSTITUTION OF INDIA

- Q. 1 Write short notes on any 2 (two): 2X5 = 10 marks
- Relationship between Fundamental Rights and Directive Principles of State Policy.
 - Article 22 of the Constitution of India
 - "Basic features" of the Constitution of India
 - Doctrine of pith and substance in reference to the Constitution of India
- Q.2 What are the ideals, as per the Preamble that the Constitution of India, seeks to secure to its citizens? (4 marks)
- Q. 3 What are the different kinds of emergency enumerated in the Constitution of India and under what Articles? (3 marks)
- Q.4 Which State of the Indian Union has a separate Constitution? (1 mark)
- Q.5 Is possession of property a fundamental right under the Constitution of India? (1 mark)
- Q. 6 What is the other name of India given in the Constitution of India and in what Article? (1 mark)
- Q.7 Name the lists through which powers have been distributed between the Union and the States of India, by the Constitution of India (1 mark)
- Q.8 Can Parliament by law establish a common High Court for two or more states and if so, under which Article? (1 mark)
- Q,9 Is the High Court a court of record? (1 mark)

Choose the correct answer – each question carries 1 mark (Question No. 10 to 11).

- Q.10 Which is the final authority to interpret the Constitution?
- President
 - Supreme Court
 - Speaker of Lok Sabha
 - Parliament

Q.11 Which of the following Fundamental Right(s) makes the Supreme Court the guardian of the Fundamental Rights?

- a) Right to Constitutional Remedies
- b) Right to equality
- c) Right to life and liberty
- d) None of the above

CODE OF CIVIL PROCEDURE

Q.12 Write short notes on any 2 (two):

2X5= 10 marks

- a) Provision of injunction under the Code of Civil Procedure
- b) Provisions in Code of Civil Procedure for settlement of disputes outside Court
- c) Effect of mis-joinder and non-joinder of parties in a suit
- d) Provisions in Code of Civil Procedure with regard to suits by or against the Government of its officials

Q.13 Define the following?

2X2 = 4 marks

- a) Decree
- b) Judgment-debtor

Q.14 What is a counter claim? How is a counter claim different from a set-off?

2X2 =4 marks

Q.15 Enumerate the grounds on which a plaint can be rejected under the Code of Civil Procedure.

(3 marks)

Choose the correct answer – each question carries 1 mark (Question No. 16 to 19).

Q.16 The principle of res judicata is contained in

- a) Section 10 of Code of Civil Procedure.
- b) Section 11 of Code of Civil Procedure.
- c) Section 20 of Code of Civil Procedure.
- d) None of the above

Q.17 The jurisdiction of civil courts under the Code of Civil Procedure is distributed on the basis of

- a) Pecuniary jurisdiction
- b) Territorial jurisdiction
- c) Subject matter jurisdiction
- d) All the above

Q.18 Section 151 of Code of Civil Procedure pertains to

- a) Inherent powers of the court
- b) Restitution
- c) Caveat
- d) None of the above

Q. 19 Issues are framed in a suit in respect of

- a) Question of fact
- b) Questions of law
- c) Mixed questions of fact and law
- d) All the above

TRANSFER OF PROPERTY ACT

Q. 20 Write a short note on the Doctrine of *lis pendens* (5 marks)

Q.21 Distinguish between Sale and Lease (4 marks)

Q.22 Elucidate the Doctrine of Part Performance under the provision of the Transfer of Property Act. (4 marks)

Q.23 What is *immovable property* in terms of the Transfer of Property Act? (2 marks)

Q.24 What is actionable claim? (2 marks)

Q.25 What are the different kinds of mortgage? (2 marks)

Choose the correct answer – each question carries 1 ½ mark (Question No. 26 to 29).

Q.26 Under the provisions of the Transfer of Property Act, on transfer of property, if an interest is created for benefit of an unborn person, such unborn child acquires vested interest

- a) Upon his birth
- b) 7 days after his birth
- c) One month after his birth
- d) Does not acquire

Q.27 A mortgages a plot of building land to B and afterwards erects a house on the plot. For the purposes his security, B is entitled to

- a) The house as well as the plot
- b) Only the house
- c) Only the plot
- d) None of the above

Q.28 Who can sue for redemption of the mortgaged property

- a) Mortgagor
- b) Mortgagee
- c) Both a) and b) above
- d) None of the above

Q.29 As per the Transfer of Property Act, an instrument means

- a) Testamentary instrument
- b) Non-testamentary instrument
- c) Both a) and b) above
- d) None of the above

INDIAN CONTRACT ACT

Q.30 Write a short note on remedies for breach of contract. (5 marks)

Q.31 What are the essentials of a valid contract under the Indian Contract Act? Write a brief note. (5 marks)

Q.32 Define *consent* and *free consent* under the Indian Contract Act. (4 marks)

Q.33 Write a short note on *fraud* as per the provisions of the Indian Contract Act. (4 marks)

Q.34 A contracts to pay to B Rs 10,000/- if B's house is burnt. What is this kind of contract? (1 mark)

Q.35 Write a brief note on the Doctrine of Frustration of Contract. (3 marks)

Choose the correct answer – each question carries 1 mark (Question No. 36 to 38)

Q.36 A minor's agreement

- a) Is void ab initio and cannot be ratified
- b) Can be ratified by minor
- c) Can be ratified on attaining majority
- d) None of the above

Q.37 Novation of a contract means

- a) Substitution of a new contract in place of the original contract
- b) Renewal of the original contract
- c) Cancellation of contract
- d) Alteration of contract

Q.38 An agreement to remain unmarried is

- a) Valid
- b) Voidable
- c) Void
- d) None of the above

-----XXXXXXXXXX-----