

THE GAUHATI HIGH COURT AT GUWAHATI

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

Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service, 2023

Date : 09-12-2023 (Saturday)

Time : 09:00 am to 12 noon

Duration : 3 hours

Total Marks : 100

PAPER – I

1. Write an essay [Any one]

[1X 20 = 20 marks]

- [a] Alternative Dispute Resolution [ADR] : Discuss ADR as an alternative to traditional litigation and the various forms of ADR, including its advantages and disadvantages.
- [b] Criminal cases pending against Members of Parliament and Members of Legislative Assemblies being lawmakers, have a direct bearing on political democracy. Discuss in the context of the relevant legal framework and the measures taken by the Supreme Court of India.
- [c] Cross Border Organized Crimes [NDPS, Human Trafficking & Terror Funding etc.] – Impact Assessment and Legal Solution.

2. Read the following passages and write a précis. Also give a title to the précis.

[15 marks]

We find it difficult to accept the contention that our Constitution-makers after making immense sacrifices for achieving certain ideals made provision in the Constitution itself for the destruction of those ideals. There is no doubt as men of experience and sound political knowledge, they must have known that social, economic and political changes are bound to come with the passage of time and the Constitution must be capable of being so adjusted as to be able to respond to those new demands. Our Constitution is not a mere political document. It is essentially a social document. It is based on a social philosophy and every social philosophy like every religion has two main features, namely, basic and circumstantial. The former remains constant but the latter is subject to change. The core of a religion always remains constant but the practices associated with it may change. Likewise, a Constitution like ours contains certain features which are so essential that they cannot be changed or destroyed. In any event it cannot be destroyed from within. In other words, one cannot legally use the Constitution to destroy itself. Under Article 368 the amended Constitution must remain 'the Constitution' which means the original Constitution. When we speak of the 'abrogation' or 'repeal' of the Constitution, we do not refer to any form but to substance. If one or more of the basic features of the Constitution are taken away to that extent the Constitution is abrogated or repealed. If all the basic features of the Constitution are repealed and some other provisions inconsistent with those features are incorporated, it cannot still remain the Constitution referred to in Article 368. The personality of the Constitution must remain unchanged.

It is also necessary to bear in mind that the power to amend the Constitution is conferred on Parliament, a body constituted under the Constitution. The people as such are not associated with the amendment of the Constitution. From the preamble we get that it is the people of this country who conferred this Constitution on themselves. The statement in the preamble that

the people of this country conferred the Constitution on themselves is not open to challenge before this Court. Its factual correctness cannot be gone into by this Court which again is a creature of the Constitution. The facts set out in the preamble have to be accepted by this Court as correct. Anyone who knows the composition of the Constituent Assembly can hardly dispute the claim of the members of that Assembly that their voice was the voice of the people. They were truly the representatives of the people, even though they had been elected under a narrow franchise. The Constitution framed by them has been accepted and worked by the people for the last 23 years and it is too late in the day now to question, the fact, that the people of this country gave the Constitution to themselves.

3. Write [within 100 words] on any three of the following landmark cases decided by the Hon'ble Supreme Court of India with regard the challenge made or the issue involved and the decision rendered.

[3 X 5 = 15 marks]

- [a] Indira Nehru Gandhi vs. Raj Narain, decided by a five-Judges Bench on 07.11.1975.
- [b] S.R. Bommai and others vs. Union of India and others, decided a nine-Judges Bench on 11.03.1994.
- [c] Sarla Mudgal [Smt.], President, Kalyani and others vs. Union of India and others, decided by a two-Judges Bench on 10.05.1995.
- [d] Aruna Ramachandra Shanbaug vs. Union of India and others, decided by a two-Judges Bench on 07.03.2011.
- [e] Supriyo @ Supriya Chakraborty and another vs. Union of India, decided by a five-Judges Bench on 17.10.2023.

4. Write short notes on any three of the following topics

[Within 100 words]

[3 X 5 = 15 marks]

- [a] Bullet Trains in India : Pros and Cons.
- [b] One Nation One Election : Advantages and Disadvantages.
- [c] Artificial Intelligence is Not All Evil.
- [d] Sexual Education and its necessity
- [e] Advantages and disadvantages of Court hearings conducted by audio-visual means.

(Q. 5 -9) Choose the most appropriate one word substitute out of the choices given below :

[1 X 5 = 5 marks]

- 5. A narrow piece of land connecting two large masses of land.
 - [a] Peninsula
 - [b] Isthmus
 - [c] Continent
 - [d] Gulf
- 6. Hater of learning and knowledge.
 - [a] Misologist
 - [b] Bibliophile
 - [c] Misogynist
 - [d] Misanthropist
- 7. A person who is recovering after an illness or medical treatment.
 - [a] Altruist
 - [b] Senile
 - [c] Athlete
 - [d] Convalescent

8. Government by rich.
[a] Oligarchy [b] Aristocracy
[c] Pantisocracy [d] Plutocracy
9. The custom or practice of having more than one husband at same time.
[a] Polygyny [b] Polyphony
[c] Polyandry [d] Polychromy

(Q. 10 -21) Choose the correct one out of the four choices given: [1 X 12 = 12 marks]

10. Where the High Courts in India first set up?
[a] Delhi, Calcutta and Madras [b] Bombay, Madras and Calcutta
[c] Bombay, Delhi and Calcutta [d] Madras, Delhi and Bombay
11. The fundamental rights have been taken from 'the fundamental rights' of which of the following Constitutions?
[a] The United Kingdom [b] Germany
[c] The United States of America [d] None of the above
12. Who proposed the Preamble before the Drafting Committee of the Constitution?
[a] Jawahar Lal Nehru [b] Dr. Bhimrao Ramji Ambedkar
[c] Motilal Chimanlal Setalvad [d] Dr. Rajendra Prasad
13. Sudipti Hajela, Divyakriti Singh, Hriday Cheda and Anush Agarwalla, are associated with which sports?
[a] Wrestling [b] Squash
[c] Chess [d] Equestrian
14. Dr. Syedna Mufaddal Saifuddin, Head of the Mumbai-based Dawoodi Bohra sect of Islam, has been awarded the Pakistan's highest civilian award, the Nishan-e-Pakistan in 2023. Which one of the following persons was earlier awarded the Nishan-e-Pakistan?
[a] J.R.D. Tata [b] Morarji Desai
[c] Atal Bihari Bajpayee [d] Dr. Zakir Hussain
15. Which city in India holds the title of the cleanest city, maintaining high standards of cleanliness and sanitation, as confirmed by the annual Swachh Survekshan research conducted by the Ministry of Housing and Urban Affairs (MOHUA)?
[a] Bhopal [b] Ahmedabad
[c] Indore [d] Udaipur
16. Who unveiled the statue of Dr. B.R. Ambedkar, standing at over 7 feet tall, within the Supreme Court premises on Constitution Day?
[a] Prime Minister Narendra Modi [b] Chief Justice D Y Chandrachud
[c] Union Law Minister Arjun Ram Meghwal [d] President Droupadi Murmu

17. Under the Mountbatten Plan of 1947 the people of _____ were given the right to decide through a plebiscite whether they wished to join Pakistan or India.
- [a] Assam [b] Punjab
[c] N.W.F.P and the Sylhet district of Assam [d] Bengal
18. Right to Freedom as under Article 19 is automatically suspended when a proclamation of emergency is made under which of the following grounds?
- [a] Armed rebellion [b] Internal disturbance
[c] Loss of election [d] War or external aggression
19. Eugenics is the study of-
- [a] altering human beings by changing their genetic components
[b] people of European origin
[c] different races of mankind
[d] genetic of plants
20. Who was the first Indian Commander-in-Chief (C-in-C) of the Indian Army?
- [a] Maharaja Rajendra Singhji [b] Sam Hormusji Framji Jamshedji Manekshaw
[c] Kodandera Madappa Cariappa [d] None of the above
21. Escape velocity of a rocket fired from the earth towards the moon is a velocity to get rid of the
- [a] Pressure of the atmosphere [b] Moon's gravitational pull
[c] Earth's gravitational pull [d] Centripetal force due to the earth's rotation

(Q. 22 -25) Answer the following :-

[1X4 = 4 marks]

22. Who was the first woman judge to be appointed Chief Justice of a High Court?
23. Who was the first Law Minister of Independent India?
24. Who was the first Attorney General of India?
25. Which Chief Justice of India had the longest tenure in office?

(Q. 26 -29) Chose the most appropriate meaning of the legal maxim from the four choices given.

[1X4 = 4 marks]

26. *Bona Vacantia* means :
- [a] Goods without an owner
[b] Let the seller beware
[c] To the extreme contrary
[d] The law does not note trifling matters
27. What do you mean by the legal maxim, '*Ignorantia Juris non Excusat*' ?
- [a] Ignorance of fact is not an excuse
[b] Ignorance of a law is not an excuse
[c] A personal right of action is not available to the person
[d] By whose authority

28. *Non-sequitur* means :

- | | |
|--|-------------------------------|
| [a] An inconsistent statement | [b] Guilty state of mind |
| [c] No one can be a judge in his own cause | [d] An act not done for merit |

29. *Delegatus non potest delegare* means :

- [a] An authority who can delegate power and an delegate stand on same footing.
- [b] Authority can delegate only a part of its powers.
- [c] A delegated power cannot be further delegated.
- [d] There is no bar for a delegatee to delegate certain power.

(Q. 30 -33) In each question below is given a statement followed by two assumptions numbered I and II. You have to consider the statement and the following assumptions and decide which of the assumptions is implicit in the statement.

[1X4 = 4 marks]

30. Statement : It is desirable to put the child in school at the age of 5 or so.

Assumptions :

Assumption I : At that age the child reaches appropriate level of development and is ready to learn.

Assumption II : The schools do not admit children after six years of age.

- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Either Assumption I or Assumption II is implicit
- [d] Neither Assumption I nor Assumption II is implicit

31. Statement : "The bridge was built at the cost of Rs. 128 crores and even civil bus service is not utilizing it, what a pity to see it grossly underutilized." - A citizen's view on a new flyover linking east and west sides of a suburb.

Assumptions :

Assumption I : The building of such bridges does not serve any public objective.

Assumption II : There has to be some accountability and utility of money spent on public projects.

- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Either Assumption I or Assumption II is implicit
- [d] Neither Assumption I nor Assumption II is implicit

32. Statement : The Government has decided to levy 2 percent on the tax amount payable for funding flood relief programmes.

Assumptions :

Assumption I : The Government does not have sufficient money to fund flood relief programmes.

Assumption II : The amount collected by way of surcharge may be adequate to fund these flood relief programmes.

- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Either Assumption I or Assumption II is implicit
- [d] Both I and II are implicit

33. Statement : "I have not received telephone bills for nine months inspite of several complaints" - A telephone customer's letter to the editor of a daily

Assumptions :

Assumption I : Every customer has a right to get bills regularly from the telephone company.

Assumption II : The customer's complaints point to defect in the services which are expected to be corrected.

- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Both I and II are implicit
- [d] Neither Assumption I nor Assumption II is implicit

(Q. 34 -37) Chose the correct answer from the four choices given. [$1\frac{1}{2} \times 4 = 6$ marks]

34. Twenty-four men can complete a work in sixteen days. Thirty-two women can complete the same work in twenty-four days. Sixteen men and sixteen women started working and worked for twelve days. How many more men are to be added to complete the remaining work in 2 days?

- [a] 48
- [b] 24
- [c] 36
- [d] None of these

35. A, B, C subscribes Rs. 50,000 for a business. A subscribes Rs. 4000 more than B and B Rs. 5000 more than C. Out of a total profit of Rs. 35,000, A receives :

- [a] Rs. 8,400
- [b] Rs. 11,900
- [c] Rs. 13,600
- [d] Rs. 14,700

36. A man is 24 years older than his son. In two years, his age will be twice the age of his son. The present age of his son is :

- [a] 14 years
- [b] 18 years
- [c] 20 years
- [d] 22 years

37. Six years ago, the ratio of the ages of Dulal and Mrinal was 6 : 5. Four years hence, the ratio of their ages will be 11 : 10. What is Mrinal's age at present?

- [a] 16 years
- [b] 18 years
- [c] 20 years
- [d] None of these
