

ASSAM JUDICIAL SERVICE GRADE=III EXAMINATION, 2008

PAPER - I
ENGLISH.
(ANSWER ALL QUESTIONS)

TIME 2 HOURS
FULL MARKS 100.

1. Write an essay on any one of the following topics (in about 500 words). 35 Marks.
 - (a) Law, morality and ethics.
 - (b) Judicial activism is a misnomer.
2. Write a précis of the following passage (approximately 420 words) in not more than 150 words. 20 Marks.

The video wave has swept too far. It bears a large responsibility for the declining interest in reading among the young. If we don't do something to stem the tide, the reading impulse will be soon doomed.

The time-honoured way of improving reading is by reading fiction. Everyone needs stories. Cavemen told them round their fires. Mythologies and folk stories have been passed between generations for centuries. Most of us are literate and in theory, our fictional needs could be satisfied by reading.

But it is not so. Today's generation of average and below average school children rely on video, television and film. While many of these offerings may be harmless in themselves, they do nothing to build up reading skills. They replace the consolidatory work which turns halting mechanical reading into the real thing. If some of the hours children spend watching television are devoted to reading, the population will be better educated.

Watching a story is a totally passive pastime. Somebody else has made all the decisions about casting, set, clothing, facial expression, tone and so on. Reading a story is an active partnership between writer and reader. Ideas are sketched and the mind of the reader creates the rest.

Why is the dramatized fiction usurping the written kind? It is because children whose reading is hesitant cannot readily identify and enjoy the plot. Watching something is easier. This is leading to a generation whose mental processes are stultified. The problem is that many children will read very slowly. I worry for instance about the children who carry the

same 1000 word book with them for a fortnight. It is hardly surprising that such children declare that they find reading boring and prefer to watch television. Their difficulty is not reading the words – it is interpreting them. They need to be able to read fast enough for a story.

That means practice. Only by reading daily will a child become strong and independent reader. Parents need to be convinced of the importance of preventing their children from wasting their hours on inert viewing. Without the television, the child is likely to turn to books for entertainment.

I used to think that filmed version of enjoyable books were a spur to reading. I have changed my mind. Visual images drown the imagination. A dramatization, seen once, can spoil your reading forever. Dramatized fiction is literary equivalent to empty calories. It replaces the appetite for real food. Children must have a nutritionally balanced reading diet.

3. Against each of the words given below four meanings are given. Identify the correct meaning and indicate the same in the answer script. 10 Marks.

- (A) Imbroglio
(a) A kind of monster (b) A Prehistoric creature
(c) Complicated situation (d) Savage.
- (B) Epigraphy
(a) Antiquity (b) Study of inscriptions
(c) Geological centre (d) Brief statement.
- (C) Spill the beans
(a) Scatter seeds (b) Confuse
(c) Overflow (d) Divulge secret.
- (D) Patrimony
(a) Antonym of matrimony (b) A system of patronage
(c) Study of ancient families (d) Property from the father's side.
- (E) Dark Horse
(a) Horse with dark colour (b) Person of dubious integrity.
(c) Extremely capable person (d) Person with hidden abilities.

- (F) Incidence
 (a) Event (b) From the beginning
 (c) The number of cases of a disease. (d) Frequency.
- (G) Amphibious
 (a) Reckless (b) Relating to the open air theatre
 (c) Study of the past (d) Connected with land and water
- (H) Schizophrenia
 (a) Fear of ghosts (b) Political discussion
 (c) A type of serious mental illness (d) A musical team
- (I) Compromise
 (a) Commission (b) Disagree
 (c) Surrender (d) Mutual agreement to solve a problem.
- (J) Onus
 (a) Bad News (b) Responsibility
 (c) Complaint (d) One sided
- (K) Escalate
 (a) Compute (b) Refuse
 (c) Increase (d) Overlook
- (L) Composure
 (a) Manure (b) Affection
 (c) A piece of composition (d) Calmness
- (M) Via media
 (a) By the way (b) On the way
 (c) Middle path (d) Through a medium
- (N) Patriarch
 (a) Patron (b) Property
 (c) Male head of a tribe or family (d) Relating to the past
- (O) Emulate
 (a) Inspire (b) Follow
 (c) Encourage (d) Rejoice

- (P) Disinterested
 (a) Easygoing (b) Impartial
 (c) Indifferent (d) Lack of interest
- (Q) Credo
 (a) System (b) Merit
 (c) Credit (d) Belief
- (R) Salutary
 (a) Adjective of salute (b) Saltish
 (c) Healthy (d) Respectful
- (S) Innocuous
 (a) Dangerous (b) Harmless
 (c) Vaccination (d) Poor
- (T) Ex gratia
 (a) Very grateful (b) Payment made out of generosity
 (c) Extraordinary (d) Relating to the past.

4. In each sentence given below, a word/group of words has been underlined. Below each sentence, four choices are given. Identify the correct choice which can substitute the underlined word/group of words without changing the meaning of the sentence and indicate the same in the Answer sheet provided. If the sentence is correct as it is and no correction is required, you may choose (d) as your answer and indicate the same.

5 Marks

- (A) Had I realized how close I was to the edge of the valley, I would not have carried the bags there.
 (a) If I would have realized (b) When I realized
 (c) If I had realized (d) No corrections required
- (B) By such time you finish that chapter, I will write a letter.
 (a) The time when (b) By the time
 (c) By that time (d) No corrections required.
- (C) Any one interested in the use of computers can learn much if you have access to a personal computer.
 (a) he or she has access (b) they have access
 (c) one of them have access (d) No corrections required.

- (E) Choose the word which is most nearly the same in meaning as "revulsion", used in the passage.
- | | |
|-------------|---------------|
| (a) disgust | (b) avenge |
| (c) apathy | (d) violence. |

7. Read the given passage and answer the questions that follow:
10 Marks

Social engineering is a concept in political science that refers to efforts to systematically manage popular attitudes and social behaviour on a large scale, whether by governments or private groups.

The term has a negative connotation, and is sometimes used as an accusation against any who propose to use law, tax policy, or other kinds of state influence to accomplish social goals. For instance, political conservatives in the United States have accused their opponents of "social engineering" through their promotion of political correctness, on the basis that political correctness is an attempt to change social attitudes by defining "acceptable" and "unacceptable" language.

However, virtually all law and governance has the effect of changing behaviour and can be considered "social engineering" to some extent. Thus, whether any specific polity is labelled as "social engineering" is often a question of degree and intent. Prohibitions on murder, rape, suicide and littering are all policies aimed at discouraging perceived undesirable behaviours, and have positive social consequences. Governments also influence behaviour more subtly through incentives and disincentives built into economic policy and tax policy, for instance, and have done so for centuries. Therefore the exact boundaries of social engineering are hard to pinpoint.

- (A) Which of the choices given below is closest in meaning to the word **concept** in the passage?
- | | |
|---------------|--------------------|
| (a) A thought | (b) A practice |
| (c) A theory | (d) A general idea |
- (B) Which of the choices given below is closest in meaning to the word **popular** in the passage?
- | | |
|----------------|---|
| (a) well-liked | (b) enjoying wide-spread acceptance |
| (c) favourite | (d) pertaining to the people as a whole |
- (C) Which of the choices given below is closest in meaning to the word **connotation** in the passage?
- | | |
|-------------------------------------|----------------|
| (a) association | (b) denotation |
| (c) meaning found in the dictionary | (d) idea |

- (D) Which of the choices given below is closest in meaning to the word **accusation** in the passage?
 (a) dismissal (b) blame
 (c) charge (d) crime
- (E) Which of the choices given below is closest in meaning to the word **any** in the passage?
 (a) an unspecified individual
 (b) a specific individual
 (c) one or another, selected at random
 (d) one or another, without exception or restriction
- (F) Which of the choices given below is closest in meaning to the word **accomplish** in the passage?
 (a) to complete (b) to sustain
 (c) to achieve (d) to finish
- (G) Which of the choices given below is opposite in meaning to the word **conservatives** in the passage?
 (a) The orthodox (b) Liberals
 (c) Traditionalists (d) Rebels
- (H) Which of the choices given below is closest in meaning to the word **promotion** in the passage?
 (a) support (b) sponsor
 (c) advocate (d) to elevate to a higher position
- (I) Which of the choices given below is closest in meaning to the word **virtually** in the passage?
 (a) related to virtues (b) not real
 (c) some of (d) almost
- (J) Which of the choices given below is closest in meaning to the word **effect** in the passage?
 (a) influence (b) goal
 (c) effort (d) consequence.

8. Re-write the following sentences by putting the verbs in brackets in the correct tense and making other changes, if necessary. 5 Marks

Illustration:

Q. *By the time he (arrive) tomorrow, I (finish) my work.*

A. *By the time he arrives tomorrow, I will have finished my work.*

- (D) She cooks, washes, dishes, does her homework and then is relaxing.
(a) then relaxes (b) then relaxing
(c) relaxing then (d) No corrections required

- (E) The chemist hadn't hardly any of those kind of medicines.
(a) had hardly any of those kinds
(b) had hardly not any of those kinds
(c) had scarcely any of those kind
(d) No corrections required.

5. From among the options given, choose the word that correctly and meaningfully completes each of the following sentences and indicate the same in the separate Answer sheet provided. *5 Marks.*

- (A) All of us must endeavour to the miseries of poor.

(a) augment (b) mitigate
(c) exhibit (d) discourage

- (B) I like to talk to him. He isto reason.

(a) accessible (b) conducive
(c) congenial (d) amenable

- (C) The ship waited till the storm before sailing out to sea.

(a) abated (b) normalized
(c) disappeared (d) blew over

- (D) All the respondents should express theirviews in the questionnaire.

(a) confident (b) favourable
(c) candid (d) convenience

- (E) The chief guest came into the room by the Chairman of the company.

(a) watched (b) joined
(c) preceded (d) allowed.

6. Read the given passage and answer the questions that follow:

5 Marks

.....Lincoln's revulsion for slavery left him without any moral indignation or passion against the slave-owners. The guilt of slave-owners, he felt, should be shared by the whole country, the North and the South, for it seemed to him that every one in the nation was an accomplice in perpetuating that system. To have whipped up any hatred against slave owners would, to him, have been an act of malice.

'I shall do nothing in malice', he wrote, 'what I deal with is too vast for malicious dealing'. As the Civil War was coming to a successful conclusion, a Northerner demanded of Lincoln : 'Mr. President, how are you going to treat the Southerners when the war is over?' Lincoln replied : 'As if they never went to war?'

- (A) The incidents in the passage prove that Lincoln was
(a) not a firm administrator
(b) afraid of the majority of slaves
(c) sympathetic and kind hearted statesman
(d) unreasonable in favour of slaves
- (B) According to Lincoln, the culprits of the system of slavery were
(a) the slave-owners alone
(b) the slaves alone
(c) both the slaves and the slave-owners
(d) all the people in the country
- (C) Lincoln's reply to the Northerners' question regarding the Southerners proves that
(a) the Southerners were wicked in their dealings
(b) Lincoln did not have revengeful attitude towards the Southerners
(c) The Northerners were in favour of the Southerners
(d) Lincoln could control his anguish against the Southerners while expressing himself.
- (D) Lincoln did not have any hatred for the slave-owners because
(a) they were a vast majority
(b) they all belonged to upper caste
(c) they would have treated him with malice
(d) none of these

- (A) I (go) to Calcutta as soon as the academic term (end).
- (B) He suddenly (remember) that he (lock) the gate that evening.
- (C) The long, slow method of (cook) meat in a liquid which is kept at (simmer) point is known as stewing.
- (D) After she (work) at the University for three years, she (decides) to give up teaching.
- (E) I (know) him quite well when I (be) young.

9. Give the figurative meaning of the following words and phrases and use them in a sentence. 5 Marks

- (a) Red herring
- (b) Guinea pig
- (c) Master-stroke
- (d) To make a mincemeat of
- (e) Grape vine.

ASSAM JUDICIAL SERVICE GRADE-III EXAMINATION, 2008

General Knowledge

Time -2 hours

Total marks-100

Answer all questions and answer must be in English.
Marks are indicated against each question.

GROUP-A

There are 50 questions and all carry equal marks. Marks 50 X 1=50
Each question carries 4 possible answers.
Answer the correct one following the example given below:

Example: 1. "The heart and soul of the Constitution."

Which one of the Fundamental Rights was described as above by Dr. B. R. Ambedkar ?

- (i) Right to freedom of Religion
- (ii) Right to equality
- (iii) Right to Constitutional Remedies
- (iv) Right to freedom of speech.

Ans: (iii)

1. The maxim "Nemo debet bis vexari" relates to the famous doctrine of:
 - (i) Eclipse
 - (ii) Severability
 - (iii) Double Jeopardy
 - (iv) Equality
2. Who is famous for developing the concept of 'Rule of Law'?
 - (i) A.V. Dicey
 - (ii) Salmond
 - (iii) Bentham
 - (iv) Austin
3. A District Judge in a State is appointed by :-
 - (i) The Chief Justice of the High Court of the State
 - (ii) The High Court of the State
 - (iii) The Governor of the State in consultation with the High Court of the State
 - (iv) The Chief Justice of the High Court in consultation with the High Court of the State.

4. The High Court is called a 'Court of Record' because
- (i) The High Court deals with a record number of cases yearly
 - (ii) The record of all subordinate Courts are under the supervision of the High Court
 - (iii) All the decisions of the High Court are recorded and these form precedents for other cases of similar nature
 - (iv) The Records of the High Court are kept for supervision of the Supreme Court.
5. Who among the following is the Advocate General of State of Assam:
- (i) Mr. A.K. Phukan
 - (ii) Mr. N. Dutta
 - (iii) Mr. A. Sarma
 - (iv) Mr. N. Kotiswar Singh
6. An accused below the age of 18 years, for committing an offence, can be tried under:
- (i) Indian Penal Code.
 - (ii) Juvenile Justice (Care and Protection of Children) Act, 2000.
 - (iii) Code of Criminal Procedure.
 - (iv) Juvenile Justice Act, 1986.
7. The Law declared by the Supreme Court of India is binding upon all the Courts subordinate to it in India
- (i) under Article 141 of the Constitution of India
 - (ii) under Article 139 of the Constitution of India
 - (iii) under Article 132 of the Constitution of India
 - (iv) None of these.

8. The Gauhati High Court is the High Court of :
- (i) Seven States.
 - (ii) Two States
 - (iii) Four States
 - (iv) One State.
9. Which one of these books was written by Lt. Jawahar Lal Nehru:
- (i) The Discovery of India
 - (ii) Gandhi: Life and Thought
 - (iii) The Republic
 - (iv) India Wins Freedom
10. Which language is largely spoken in Kerala:
- (i) Tamil
 - (ii) Kannad
 - (iii) Telugu
 - (iv) Malyalam
11. When did the First War of Indian Independence, known as Indian Mutiny, begin ?
- (i) 1856
 - (ii) 1857
 - (iii) 1858
 - (iv) 1859
12. Where was Indian National Army (INA) was formed ?
- (i) Germany
 - (ii) Burma (now Mynmar)
 - (iii) Japan
 - (iv) Singapore
13. What is hung Parliament?
- (i) A Parliament after a general election in which two political parties get equal number of seats.
 - (ii) A Parliament after a general election in which no party gets an absolute majority.
 - (iii) A Parliament after a general election in which every party claims to form a Government.
 - (iv) None of above.

14. A retired Judge of the Supreme Court cannot take up one of the following employments

- (i) Chairman of National Human Rights Commission
- (ii) Chairman of Law Commission
- (iii) Practice before Supreme Court
- (iv) None of the above

15. The full form of STD is

- (i) Subscriber Telephone Directory
- (ii) Subscriber Trunk Dialing
- (iii) Subscriber Telephone Dialing
- (iv) Subscriber Telecom Dialing.

16. In civil action, the standard of proof is

- (i) Beyond reasonable doubt
- (ii) On balance of probabilities
- (iii) Convincing to the Judge
- (iv) Logical and reasonable.

17. When a Court passes a judgment in ignorance of a legal provision, such a judgment is called

- (i) a judgment in rem
- (ii) a judgment in personam
- (iii) a judgment in per incurium
- (iv) a judgement sub silentio

18. Total strength of Judges in the Supreme Court (including the Chief Justice) presently is ?

- (i) 24
- (ii) 25
- (iii) 26
- (iv) 30

19. The World Health Day is observed on

- (i) 7th April
- (ii) 4th August
- (iii) 6th December
- (iv) 15th June.

20. In the world of Hindi Cinema a famous actor was affectionately called as 'Dada Moni'. He was
- (i) Balraj Sahani
 - (ii) Prithviraj Kapoor
 - (iii) Ashok Kumar
 - (iv) Utpal Dutt.
21. Whom IGNOU Tie-up recently with
- (i) US Academic
 - (ii) Myanmar Academic
 - (iii) Jordan and Israel
 - (iv) Israel and Egypt
22. Ghauri is the name of
- (i) A Hindu Goddess
 - (ii) A cow appearing in Hindu mythology
 - (iii) A missile developed by Pakistan
 - (iv) A missile developed by India.
23. Name the place where Cricket World Cup was held in 2007 -
- (i) England
 - (ii) New Zealand
 - (iii) West Indies
 - (iv) Australia
24. Islam was founded by Prophet Mohammed who lived in
- (i) 5 A.D.
 - (ii) 6 A.D.
 - (iii) 7 A.D.
 - (iv) 8 A.D.
25. 'Panchsheel' was built into the Sino-Indian Treaty of 1954, signed by Nehru and
- (i) Chou-en Lai
 - (ii) Mao Tse Tung
 - (iii) Deng Xiopang
 - (iv) Lee
26. Uniform Civil Code is envisaged in the Constitution of India in Article
- (i) 42
 - (ii) 43
 - (iii) 44
 - (iv) 45

27. The Attorney General of India is
(i) Harish Salve
(ii) Soli J. Sorabjee
(iii) Kapil Sibal
(iv) Milon Banerjee.
28. The present Chairperson of National Human Rights Commission is
(i) Justice J.S.Verma
(ii) Justice M.N.Venkatachaliah
(iii) Justice P.N.Bhagwati
(iv) Justice S. Rajendra Babu
29. The Police Commissioner is investedmagisterial powers.
(i) with (ii) of (iii) in (iv) by
30. If two numbers are in the ratio of 9:1, then their square roots are
(i) 3:1 (ii) 2:1 (iii) 1.1 (iv) 4:3
31. The next numbers are in the series 6,12,18, is
(i) 21 (ii) 24 (iii) 26 (iv) 28
32. If the diameter of a circle is doubled, it's area will
(i) double (ii) triple (iii) quadraple (iv) remain the same.
33. The Indian Penal Code was enacted in :-
(i) 1920 (ii) 1860 (iii) 1947 (iv) 1950
34. Which Supreme Court judgment has laid down guidelines for dealing with complaint for 'Sexual Harassment at Work Place':
(i) Danial Latifi v Union of India
(ii) Vishaka v State of Rajasthan
(iii) D.K.Basu v State of West Bengal
(iv) Joginder Kumar v State of U.P.

35. Which Article in the Constitution of India provides free and compulsory education to children between 6 to 14 years of age ?
- (i) Article 16 (ii) Article 21 A (iii) Article 32
(v) Article 24
36. Who dissolves Parliament:
- (i) Prime Minister (ii) Council of Ministers (iii) Lok Sabha Speaker (iv) President.
37. Lashdweep island is situated in which Ocean:
- (i) Bay of Bengal (ii) Arabian Sea (iii) Pacific Ocean
(v) Indian Ocean.
38. Rafting is a sport, which is played in :
- (i) River (ii) Field (iii) Air (iv) Indoor
39. In which year the Right to Information Act was enacted:
- (i) 2005 (ii) 2001 (iii) 2006 (iv) 2002
40. Name the Indian astronaut, who went in space:
- (i) Kalpana Chawla (ii) Rakesh Sharma (iii) Sunita Williams (iv) Shekhar Tandon
41. What is the full form of C.I.S.F.:
- (i) Central Investigation & Security Force
(ii) Central Infrastructure & Security Force
(iii) Central Industrial & Security Force
(iv) Central Industrial & Social Force
42. Where will be the next Olympic Games held:
- (i) Sydney (ii) Los Angeles (iii) Seoul (iv) Beijing
43. Smt. Pratibha Patil has been elected as
- (i) 13th President of India
(ii) 12th President of India
(iii) 11th President of India
(iv) 14th President of India.

44. Who among the following was the Chairman of the Constituent Assembly for writing of Constitution of India:
- (i) B.R.Ambedkar
 - (ii) Sardar Ballabhabhai Patel
 - (iii) Rajendra Prasad
 - (iv) Jagatjivan Ram.
45. The first Judge of Gauhati High Court who was elevated to Supreme Court of India was
- (i) Justice P.K.Goswami
 - (ii) Justice B.L. Hansaria
 - (iii) Justice Baharul Islam
 - (iv) Justice K.N. Saikia
46. First lady who become the Chief Minister of a State:
- (i) Sushma Swaraj
 - (ii) Sheela dikshit
 - (iii) Sucheta Kripalani
 - (iv) J. Jayalalita
47. The first lady who became the Ruler of India
- (i) Noor Jehan
 - (ii) Razia Sultan
 - (iii) Laxmibai
 - (iv) Mumtaz Mahal
48. Which of the following is a Human Rights organization?
- (i) Red Cross
 - (ii) Amensty International
 - (iii) Trusteeship Council
 - (iv) None of the above
49. Which of the following countries is not a member of the UN ?
- (i) Switzerland
 - (ii) Nepal
 - (iii) Kampuchia
 - (iv) Iran
50. The UNO was founded at
- (a) Paris
 - (b) Moscow
 - (c) London
 - (d) San Francisco

GROUP-B

There are 5 questions carrying 5 marks each.
Certain factual situations along with the
relevant legal principles are given below.
Apply the principles to the given facts and
state your answer in one sentence with reason.

5 x 5=25

1. Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demands for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused the death. Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

The mother-in-law of Sarla persistently tortured her for demand of a scooter, soon after the solemnization of marriage. As a result Sarla took a poisonous tablet and got died.

Is the mother-in-law of Sarla liable for death of Sarla ?

2. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

A, falsely pretending to be an Army General, intentionally induces B to let him have goods worth twenty thousand rupees in credit from his shop. A has no settled employment or bank balance on the day of the transaction.

Is A guilty of cheating in this case ?

3. Whoever delivers to any other person as genuine any counterfeit currency which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he received it is guilty of an offence.

On returning home from the market one day, Mrs. X notices a counterfeit currency note of Rs.50 while counting the remaining money. Mrs. X returns to the same shop where she got the counterfeit currency with a view to get rid of the counterfeit note. She buys a shampoo worth Rs.32 and passed the fake note at the cash counter. The cashier inspects the note and realizes that it is counterfeit. He called the police.

Is Mrs. X guilty of an offence ?

4. Theft is the dishonest moving of property with the intention of taking it out from the person's possession without his consent.

Naman wants to put on Levis jeans and a Monte Carlo sweater on the Christmas night. But, both the clothes are dirty. He therefore gives to a dry cleaner for dry cleaning. He is told to collect the clothes after two days from the shop. When he reaches the shop after two days he finds that he does not have enough money to pay to the dry cleaner. But since due to winter he needs the sweater desperately, he scrumptiously places the sweater near his other goods so that he can quickly take it without the knowledge of the dry cleaner.

Is Naman guilty of theft ?

5. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

A driver of a Tourist Bus belonging M/S Blue Hills Travel, Guwahati, while negotiating an unmanned railway level crossing at Dharamtul at speed of 30 kmph clashed against a passing passenger train. Consequently one of the tourist was killed. On investigation it was found that the driver could not stop the bus due to a defect in the brakes not known to him.

Should the driver be punished for the offence of causing death by negligence ?

GROUP -C

Give analytical and arithmetical answers.

5 x 5= 25

- A. In the first 10 over of a cricket match, the run rate counts 3.2. What should be the run rate in the rest 40 over to reach the target of 282 runs.
- (a) 6.3 (b) 6.15 (c) 6.25 (d) 6.5
- B. Find out the missing link in the following series:
 $1/2, 3/4, 5/8, 7/16, \dots, 11/64, \dots$
- (a) $9/32, 13/128$
(b) $9/32, 12/116$
(c) $8/24, 12/114$
(d) none of these.
- C. Mr.X in a running train completed counting of 21 electric polls in one minute. If the gap between two polls is 50 metres, find out the speed of the train.
- (a) 75 km per hour
(b) 45 km per hour
(c) 60 km per hour
(d) 85 km per hour.
- D. Romita is Ibhol's mother's daughter's daughter. What is the relationship with Ibhol ?
- (a) aunt (b) neice (c) friend (d) nephew.
- E. If Rosy is a faster sprinter than Gita and Meera, Gita is faster than Lucy, but slower than Priya, then who is the slowest ?
- (a) Priya (b) Sita (c) Meera (d) Lucy.

LAW PAPER – 1
TIME – TWO (2) HOURS
TOTAL MARKS – 100

Answer Question Nos. 1, 2, 3, 8, 12, 21, 24, 25 and any other twelve (12) questions from the rest. The answers must be in English. Each question carries five (5) marks.

** The answers need not be in the narrative form but must clearly indicate your point wise response to the questions attempted **

- (1) What are the essential features of the Preamble of Constitution of India?
- (2) What are the aims and objectives of the C.P.C (Amendment) Act, 2002? What are the amendments in Order VI, VIII and XVIII?
- (3) What is the Rule against perpetuity? Is there any exception to this Rule?
- (4) Who are competent to contract? Explain the law relating to a minor's contract?
- (5) Explain the various aspects of the right to equality under the Constitution of India.
- (6) Comment on the doctrine of *res judicata*? Whether the doctrine is applicable to the co-defendants?
- (7) Distinguish between Sale, Mortgage and Lease.
- (8) State the rights and duties of the principal and his agent under the Indian Contract Act, 1872?
- (9) What are the essential prerequisites for a proclamation to be made under Article 356 of the Constitution of India? Is such a proclamation justiciable in a Court of law?

- (10) What is an issue? How many types of issues can be framed by a Court? What are the effects of framing or non-framing of issues in a suit?
- (11) What is the doctrine of "*lis pendens*"? Is this doctrine applicable amongst the co-defendants?
- (12) Comment on the doctrine of frustration of contract.
- (13) Enumerate the powers and functions of the Election Commission of India.
- (14) How does setoff differ from counter claim? Who can plead setoff?
- (15) When does registration of a document involving an immovable property amount to a notice to the prospective buyer thereof?
- (16) Explain the principle for granting of compensation for breach of contract.
- (17) What are the fundamental rights guaranteed under the Constitution of India? Distinguish those from the Directive Principles of State Policy conceptually.
- (18) Cite the provisions for determining the jurisdiction of a Civil Court. What is the procedure when the Court has no jurisdiction to try a suit filed before it.
- (19) Elucidate the doctrine of part performance with reference to the Transfer of Property Act, 1882.
- (20) State when a consent is not said to be free. What is the effect of such consent on the formation of a contract?
- (21) Cite the freedoms guaranteed by the Constitution of India and to what extent restrictions can be imposed thereon.
- (22) Who may act as a next friend in a suit by or against minors? How do you distinguish a next friend from a guardian – *ad litem*?
- (23) What are the essentials of a valid gift? Illustrate the difference if any *vis-a-vis* a gift by a Mohammedan of his immovable property.
- (24) Elucidate the salient features of Section 106 of the Transfer of Property Act, 1882 as amended by Act 3 of 2003.
- (25) When is the time the essence of a contract? How are the rights of the parties to the contract conditioned thereby?

Assam Judicial Service Grade-III Examination, 2008.

Law Paper -II.

Total marks 100.

Time - 2 hours.

1. A, a person, is charged with travelling on a railway without ticket. He denies the charge. On whom does the burden of proof lie. Give reasons. (3).

2. Write short notes (Any two) [2 + 2]

(I) Secondary Evidence.

(II) Promissory Estoppel.

(III) Dying declaration.

3. What is the value of an expert opinion given in evidence during criminal trial? Whether the expert's opinion would have primacy over ocular testimony? If so, give reasons. (4)

4. **"I will tell the place of deposit of the three chemical drums which I took out from Haji Bunder on first August"**

The above statement was made by the accused to the police, whilst under custody. On the basis of this statement, the three chemical drums were recovered from the place referred to by the accused person. Whether the entire statement would be admissible in evidence? If not, what part of the statement would be admissible? Give reasons. (4).

5. During the course of confidential communication, 'C', a client, said to 'A', his advocate, **"I wish to obtain possession of property by use of forged sale deed on the basis whereof, I request you to sue."**

Whether the advocate, 'A', is prohibited from disclosing these facts to the Court, when 'C' faces charge of forging the sale deed? Give reasons. (4)

6. M, an accused in a criminal trial, has given answers to the questions put to him, while recording his statement under Section 313(1)(b) Cr.P.C. Whether the answers, so given, can be used for or against him by the trial Magistrate? Give reasons. (4).

7. An accused is charge-sheeted under Section 447/323 IPC. He appears on receiving summons and prays for bail. The magistrate accepts his prayer and allows him to go on bail on the ground that the offences are bailable in nature. During trial, the accused, however, absconds. A warrant of arrest is, therefore, issued against him. On the strength of the warrant so issued, police arrests and produces you as the magistrate. Notwithstanding the fact that offences are bailable in nature can you, in such circumstance refuse to release the accused on bail and reject the bail application? Give reasons by referring to statutory provisions. (4)
8. What are the classes of criminal courts in India and what are the sentences, which they are authorized to pass? (4)
9. Write short notes (Any three) [2+2+2]
(a) Complaint. (b) Cognizable offence.
(c) Police station (d) First Information Report.
10. What are the periods of limitation prescribed by the Code of Criminal Procedure for taking cognizance of offences? Is the Judicial magistrate empowered to extend the prescribed period of limitation in respect of offences under the Indian Penal Code? (3)
11. What is the scope and ambit of the inherent power of the High Court embodied under Section 482 of the Code of Criminal Procedure? (4)
12. Write short notes (any two) [2 +2]
(a) Consent. (b) '*mens rea*'. (c) Dishonestly.
13. 'S', a superintendent in a government department, removed a file and made it available to an outsider, who photocopied the documents kept in the file. 'S' brought back the file to the office the next day and kept it in the proper place. Has 'S' committed the offence of theft and if so how? (4)
14. Distinguish extortion from robbery? (3)
'A' puts 'Z' in fear of hurt and dishonestly induces 'Z' to sign a cheque and deliver it to 'A'. 'Z' signs and delivers the cheque instantaneously. Whether it is extortion or robbery? Give reasons in brief. (2)
15. 'M', a chain snatcher, forcibly tried to pull the ear-rings from the ears of an old lady. In the process, one of the ear-lobes got **torned**

and the old lady suffered from pain for three weeks. For what offence(s) can 'M' be prosecuted? Give reasons (4)

16. What are the essential ingredients of the offence of criminal breach of trust punishable under Section 406 IPC? (3)

17. What do you understand by the term "rash or negligent act" as used in Section 304 A IPC? (3)

18. What is the principle of '*res ipsa loquitur*'? Explain with examples. (4)

19. Discuss the principal exceptions to the doctrine of '*volenti non fit injuria*'? (4)

20. A contract was entered into between an airlines company and Hotel Taj Continental for the stay of the crew of the airlines as guests in the hotel. 'K', a pilot of the airline, stayed in the hotel for a few days. During his stay, one day, he took a dive in the swimming pool of the hotel, which was defectively designed. Due to the defective designing of the swimming pool, 'K' received severe head injuries and was paralyzed. In an action for damages by the plaintiff, 'K', the hotel took the defence that 'K' was a stranger to the contract as the contract was made between the airlines and the hotel. Whether the defence taken by the defendant is sustainable under the law of tort? Give reasons. (4)

21. Write short notes : [3+3]

'*injuria sine damnum*'. (b) Absolute liability.

22. Fill in the blanks : [1 mark each]

A. Public Documents is described in Section ----- Evidence Act.

B. A dumb witness is a competent witness as provided under Section ----- Evidence Act.

C. An accomplice is a competent witness under Section----- Evidence Act.

D. For raising presumption of death under Section 108 of the Evidence Act, the person shall be shown to have not been heard for a period of ----- years.

E. Judicial magistrate takes cognizance of the offence under Section----- of the Code of Criminal Procedure.

F. The principle of **double jeopardy** is engrafted under Section ----- of the Code of Criminal Procedure.

- G. A court may proceed to try a person as an accused even if he has not been charge-sheeted if the evidence recorded at a trial reflects his complicity. The power to proceed in such a manner against a person as accused is contained in Section ----- of the Code of Criminal Procedure.
- H. The provision permitting to force a person, accused of the offence of rape to submit to medical examination have been made in Section ----- of the Code of Criminal Procedure.
- I. The power of the police to investigate a cognizable offence flows from Section ----- of the Code of Criminal Procedure.
- J. For offence of affray punishable under Section 159 IPC, the minimum number of persons required is ----
- K. The word tort has been derived from a Latin word which means ---

23. Multiple Choice Questions:

A. Tort is a violation of

- (a) right in rem.
- (b) right in personum.
- © neither (a) nor (b).
- (d) both (a) and (b).

B. Maxim '*Damnum sine injuria*' means

- a) violation of legal right without damage;
- (b) violation of legal right with damage;
- © damage with violation of legal right;
- (d) damage without violation of legal right;
- (e) None of the above.

C. Every person has a right of private defence

- (a) of his body;
- (b) of his body and of those persons in whom he is interested;
- (c) of his own body and the body of any other person;
- (d) all the above.
- (e) none of the above.

D. 10(ten) persons were charged for offence under Section 302 read with Section 149 IPC. Out of them 6(six) persons were acquitted, the remaining 4(four)

(a) cannot be convicted for offence under Section 302 read with Section 149 IPC;

(b) cannot be convicted for offence under Section 302 IPC;

(c) can be convicted for offence under Section 302 read with Section 149 IPC;

(d) None of the above.