

DATE: 21-04-2013.
TIME: 9 am to 12 noon

WRITTEN EXAMINATION, 2013
for GRADE -II
of
ARUNACHAL PRADESH JUDICIAL SERVICE
GAUHATI HIGH COURT

Paper-III (Law Paper 1)

Total Marks -100

Time- 3 (Three) hours

All questions carry equal marks.

GROUP-A
CONSTITUTION OF INDIA

Answer any **five** questions:-

5x5=25 Marks

1. How many types of emergencies have been envisaged by the Indian Constitution? Discuss the powers of the President provided in the Constitution of India for proclamation of emergency.
2. Write short notes on (any two)
(a) Habeas corpus (b) Mandamus (c) Quo-warranto
(d) Directive Principles of State Policy (e) Contempt of Court
3. What do you understand by Public Interest Litigation? Discuss with the help of leading cases.
4. Elucidate the reservation policy of the Government of India with reference to law and social change.
5. Explain the concept of Rule of Law. How far has this concept been recognized by the Constitution of India?
6. What is the procedure prescribed in the Constitution for appointment of a Judge of the High Court? Discuss with decided cases.
7. Can the Constitution of India be amended? If so, state the procedure for amendment of the Constitution of India.
8. Discuss the form of Government envisaged by the Constitution of India. What modifications do you suggest?

GROUP-B
INDIAN CONTRACT ACT

Answer any **five** questions:-

5x5=25 Marks

9. Explain clearly the essential elements of 'Wagering Contract'. How is it different from speculative transactions? Explain with illustrations. Are both of these valid under the law of contract?
10. What is specific performance of contract? Under what circumstances a court may decree specific performance of contract in addition to or instead of damages to the aggrieved party. Explain
11. Distinguish between void, voidable, illegal and unenforceable contracts. Give an example of each.
12. **X** sold rice to **Y** by sample. **Y** purchased the rice believing it to be old rice though, in fact, it was new rice. Is **Y** bound by the contract?
13. **A** offered to sell his farm to **B** for Rs.1,000/-. **B** offered to buy it for Rs.950/-, which **A** refused. **B** then purported to accept **A**'s offer to sell it for Rs.1000/-. Is there a binding contract in this case?
14. **B** of Bombay, **P** of Patna and **M** of Madras met at Itanagar and entered into a contract to be performed at Delhi. The contract was not performed and **B** wants to sue for breach of contract at Bombay against **P** and **M**. Can he do so?
15. Sita, an old Hindu widow, gifted away all her properties to her spiritual adviser in March, 1971. Now she finds it difficult to maintain herself. Can she sue for avoinding of the gift-deed?
16. What principles have been incorporated in the Indian Contract Act, for determining the amount of damages to be awarded in the event of breach of contract? Discuss in the light of decided cases.

GROUP-C
TRASFER OF PROPERTY ACT

Answer any **five** questions :-

5x5=25 Marks

17. Write short notes on (any two)
 - (a) Immovable property
 - (b) Ostensible owner
 - (c) Onerous gift
 - (d) Universal Donee
18. What is exchange? Explain the right of the party deprived of things received in exchange.

19. What is fraudulent transfer of property? What are the rights and liabilities of seller and buyer in a sale of property?
20. What are the requirements of a valid notice to quit?
21. What is the distinction between Mortgage, Hypothecation and Pledge? Discuss the rights of the borrower and the creditor in a trade.
22. Distinguish between:
 - (i) lease and license
 - (ii) a tenant holding over and a tenant at sufferance.
23. What do you understand by the doctrine of part performance and equitable estoppels? Explain.

GROUP-D
CODE OF CIVIL PROCEDURE

Answer any **five** questions :-

5x5=25 Marks

24. When can a Caveat be filed? Describe the procedure for filing a Caveat and the effects of filing it?
25. What is the difference between (i) revision and second appeal; (ii) review and revision? Explain.
26. What are the powers of the appellate Court to record additional evidence? Discuss.
27. What is the validity of the appellate Court sending a case to a trial Court or recording additional evidence?
28. What are the circumstances in which court can order amendment of pleadings? What will be the result, if the plaintiff does not make the desired amendment after the order of the court?
29. Under what circumstances can a defendant's property be attached before judgment? What will be the procedure for such attachment?
30. Explain the principles of Res-judicata? Can the principles be applied in an application (i) for amendment of a decree (ii) application for review (iii) order of maintenance?
31. What is "substantial question of law" on which the second appeal is usually filed before the High Court under Section 100 CPC?

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