

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court Of Assam, Nagaland, Mizoram and Arunachal Pradesh)
Main Written Examination for Direct Recruitment in Grade-III of Arunachal Pradesh Judicial Service, 2021

PAPER-III (Law Paper-I)

Date: 19.09.2021 (Sunday)
Total marks: 100

Time: 9.00 a.m. to 12.00 noon
Duration: 3 hours

Constitution of India

1. Answer any three of the following: (3x1 = 3 marks)
(a) Whom are all speeches made in the Lok Sabha addressed to?
(b) Who has the power to promulgate ordinance in states?
(c) Which amendment repealed the Right to Property?
(d) Who elects the President of India?
2. How many subjects does the Union List consist of? Distinguish between the Union List and the Concurrent List. (1x1 = 2 marks)
3. Write short notes on any two of the following: (2x2 = 4 marks)
(a) Theory of Basic Structure.
(b) Judicial Review.
(c) Office of Profit.
(d) Fundamental Rights.
4. Briefly comment on the amending power of the Parliament under Article 368. (2 marks)
5. What are the constitutional safeguards available to civil servants under the Constitution of India? (2 marks)
6. Distinguish between the doctrines of 'Harmonious Construction' and 'Pith and Substance'? (3 marks)
7. Which house of Parliament can introduce a Money Bill? If a question arises as to whether a Bill is a Money Bill or not, who has the power to make the decision in that regard? (1 + 1 = 2 marks)
8. What are the different kinds of writs that can be issued by a High Court? What are the rights enforced by issuing writs? (2 + 2 = 4 marks)

9. Which constitutional amendment was recently struck down in part by the Supreme Court on 20.07.2021? Briefly comment on the grounds for striking down of the same. (1 + 2 = 3 marks)

The Code of Civil Procedure

1. Answer any four of the following: (4 x 1 = 4 marks)
(a) The Code of Civil Procedure came into force on which day?
(b) What is an inter pleader suit?
(c) What is provided in Order 6, Rule 17?
(d) Who is a Proforma Defendant?
(e) What is a Summary Suit?
2. Distinguish between Res judicata and Res sub-judice? (2 marks)
3. Discuss the powers of the Supreme Court to transfer suits. (2 marks)
4. What are the remedies available to a defendant in the event of an ex parte decree being passed against him? What are the grounds for setting aside an ex parte decree under Order 9? (2 + 2 = 4 marks)
5. What are the grounds available to an aggrieved person for seeking a review of a judgment? (2 marks)
6. What penalties may be imposed by the Court to compel the attendance of a person as per Section 32? (2 marks)
7. Write a short note on any two of the following: (2 x 2 = 4)
(a) Settlement of disputes outside the Court.
(b) Section 100 of CPC.
(c) Suit against a minor.
(d) Commission to make local investigations.
8. What are the main principles which guide the court while dealing with an application of temporary injunction? (2 marks)
9. Explain the law relating to arrest and detention of a judgment debtor in respect of execution of decree. (3 marks)

Transfer of Property Act

1. Write short notes on any three of the following: (2 x 3 = 6 marks)
(a) Constructive notice.
(b) Section 5 of T.P. Act.
(c) Distinction between Vested and Contingent Interest.
(d) Essential Gifts.
2. Explain the doctrine of 'Lis Pendens'. (3 marks)
3. What do you understand by the 'rule against perpetuity'? Explain with an illustration. (2 marks)
4. What are the requisites of a valid attestation? (3 marks)
5. What do you understand by 'spes succession'? Is it transferable? (2 marks)
6. Distinguish between absolute and partial restraints against alienation. (2 marks)
7. Mention 4 conditions for termination of a lease as mentioned under Section 111. (2 marks)
8. Briefly explain the scope of redemption as mentioned in Section 60. (3 marks)
9. What is doctrine of part performance? (2 marks)

Indian Contract Act

1. Write short notes on any three of the following: (2 x 3 = 6 marks)
(a) Difference between coercion and undue influence.
(b) Consideration.
(c) Standing offer.
(d) Breach of contract.
2. What are the exceptions to the rule "No consideration, no contract" as provided in Section 25? (2 marks)
3. Define acceptance. When is a communication of acceptance against the proposer deemed to be completed? Can an acceptance given by post be revoked? (1 + 1 + 1 = 3 marks)
4. When is consent so given said to be free? (2 marks)

5. "An agreement in restraint of trade is void." Explain and give exceptions, if any. (3 marks)
6. What is the legal effect of an agreement by a minor? (2 marks)
7. Can a stranger to a contract enforce a contract? Explain the doctrine of privity of contract.
(1 + 2 = 3 marks)
8. Distinguish between contracts of indemnity and guarantee. (2 marks)
9. When is the performance of a contract said to be impossible? (2 marks)

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