

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main Written Examination for Direct Recruitment to Grade-III of Arunachal Pradesh Judicial Service,
2022.

Total Marks: 100
Date: 13.11.2022 (Sunday)

Duration: 3 hours
Time: 9 am to 12 noon

[PAPER-III(Law Paper-I)]

Constitution of India

1. Answer any three of the following: (3 x 1 = 3 marks)
 - (A) What Article 141 prescribes?
 - (B) How many members are required to constitute the quorum in the House of People?
 - (C) Why is it imperative to respect the National Anthem?
 - (D) Is it correct that the President of India is merely a nominal head of the Union?
2. What Article 141 and 142 prescribe? Distinguish. 2 marks
3. Write short notes on any two of the following. (2 x 2 = 4 marks)
 - (A) "Creamy Layer" as propounded by the Supreme Court in Mandal Commission Judgment.
 - (B) Which fundamental right is available to citizen as well as aliens?
 - (C) What is colourable legislation?
4. Briefly comment on how Speaker of the Parliament can be removed. 2 marks
5. Write a brief note about the original jurisdiction of the Supreme Court of India. 2 marks
6. Compare Article 129 and Article 131 of the Constitution. 2 marks
7. Bank Nationalization is connected to - 1 mark
 - (A) R.C. Cooper v. Union of India.
 - (B) ADM, Jabalpur v. Shukla.
 - (C) M.S.M. Sharma v. S.K.Singha.
8. Define the meaning of the "Power of Judicial Review". 3 marks

9. Write briefly about writ of certiorari and writ of mandamus. 3 marks
10. Under the doctrine of immunity of instrumentality, what the Union cannot do upon States. 3 marks

The Code of Civil Procedure

11. Write notes on the following. (4 x 2 = 8 marks)
(A) Anti suit injunction.
(B) Garnishee.
12. Distinguish between *res judicata* and constructive *res judicata*. 2 marks
13. What is the guideline for exercising the power under Order 6 Rule 17 of the Code of Civil Procedure? 3
14. Write short notes on – (2 x 2 = 4 marks)
(A) Substantive law.
(B) Procedural law.
15. " In a civil suit, plaintiff is the *dominus litis*" – Explain. 4 marks
16. Distinguish between ad-interim injunction and mandatory injunction. 4 marks

Transfer of Property Act

17. A transfer of immovable property with intent to defeat or delay the creditors of the transferor shall be- 2 marks
(A) Void.
(B) Voidable at the dissention of the court.
(C) Voidable at the option of any creditor so defeated or delayed.
(D) All the above.
18. What is the difference between lease and license? 2 marks
19. What does "rule against perpetuity" means? 3 marks
20. What is not required with a transferee in case of " part performance"? 3 marks
21. Is there any exception to the rule that property of every kind may be transferred? 3 marks

22. Can a minor transfer property? 3 marks
23. What are the classes of mortgages? 4 marks
24. What do you understand by tenant at will and tenant at sufferance? 5 marks

Indian Contract Act

25. Every agreement in restraint of marriage of a person other than a minor is- 2 marks
- (A) Void
- (B) Illegal
- (C) Voidable
- (D) Valid
26. Explain the doctrine of Privity of Contracts. State the exceptions if there is any. 5 marks
27. What is quasi contract? Explain different types of quasi contracts under the Indian Contract Act. 5 marks
29. What is consent? Explain the circumstances under which consent can be said to be true. 5 marks
30. Write short notes on following - (4x2=8 marks)
- (A) Unlawful object.
- (B) Liquidated damages and penalty.
