

**THE GAUHATI HIGH COURT AT GUWAHATI**

**(The High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)**

**Mains Written Examination for direct recruitment to Grade III of  
Arunachal Pradesh Judicial Service.**

**Date: 18.02.2024 (Sunday)**

**Time: 9 AM to 12 Noon**

**Total Marks: 100**

**Duration: 3 Hours**

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**PAPER III (Law Paper-I)**

**A. Constitution of India**

- 1.** Write short notes on any three of the following: (3×3= 9 marks)
  - i. Directive Principles of State Policies.
  - ii. Basic Feature doctrine.
  - iii. Article 21 of the Constitution of India.
  - iv. Federalism under Indian Constitution.
  
- 2.** Answer the following questions: (5×1= 5 marks)
  - i. Which Article of the Constitution of India guarantees a citizen to approach Supreme Court for enforcement of fundamental rights?
  - ii. Which Article of the Constitution provides for adjudication of inter-state dispute relating to rivers or river valleys?
  - iii. By which Constitution Amendment Act an independent commission to appoint Judges to Supreme Court and High Court to replace Collegium system was created?
  - iv. How many subjects does List – II under 7<sup>th</sup> Schedule of the Constitution consists?
  - v. Under which Article of the Constitution of India financial emergency can be proclaimed?
  
- 3.** What is right of a citizen against exploitation provided in the Constitution? (2 marks).
  
- 4.** Define Parliamentary form of Government. (2 marks)

5. What is "Power of Judicial Review"? (2 marks)  
6. What is "impeachment" under Indian Constitution? (2 marks)  
7. What is "Doctrine of Pleasure"? (2 marks)

### **B. CODE OF CIVIL PROCEDURE**

8. Write notes on the following: (4×2 = 8 marks)  
i. Preliminary decree.  
ii. Return and Rejection of Plaint.
9. Answer the following: (5×1=5 marks)  
i. Under which provisions of CPC, a person can be arrested in execution of decree?  
ii. Under what circumstances plea of Bar of Suit Under Order II Rule 2 can be raised?  
iii. Which section of CPC deals with transfer of execution by the Court which had decreed the suit to other Court?  
iv. Which section of CPC empowers High Courts to make rules?  
v. Which provision of CPC prescribes that copy of the plaint be annexed with the summon?
10. Define any two of the following: (2×2 = 4 marks)  
i. Foreign judgment  
ii. Legal representative  
iii. Mesne profit.  
iv. Decree holder.
11. What is Compensatory cost under section 35A CPC? Explain . (3 marks)
12. What is section 80 CPC? Explain. XX (3 marks)
13. What should be a content of judgment as per Order ~~XXII~~ Rule 4. (3 marks)

### **C. Transfer of Property Act**

**14.** Answer the following:

- i. What is the default interest payable under S.63 & 63A of the T.P Act, 1882? (1 mark)
  - ii. What are the essential elements of a valid sale under T.P. Act, 1882? (2 marks)
  - iii. What is the difference between Simple mortgage and Mortgage by conditional sale? (2 marks)
  - iv. Which section of T.P Act, 1882 provides "Contingent Interest"? (1 mark)
- 15.** What are the differences between lease and license? (3 marks)
- 16.** What is 'actionable claim'? (3 marks)
- 17.** Differentiate between vested and contingent interest? (3 marks)
- 18.** Explain 'Doctrine of Election' as enunciated under S.35 of the T.P. Act, 1882 (3 marks)
- 19.** What are the different kinds of mortgages under T.P. Act, 1882? Explain. (5 marks)
- 20.** Who can sue for redemption under S.90 of the T.P. Act, 1882? (2 marks)

### **D. Indian Contract Act**

- 21.** What is a fraud and misrepresentation under Section 17 & 18 of the T.P. Act? *Indian Contract Act ?* (4 marks)
- 22.** What is the difference between agent and bailee? (2 marks)
- 23.** What are the elements of a contract? All contracts are agreement but all agreements are not contract. Explain with example. (5 marks)
- 24.** What are the essential conditions of Pledge? (3 marks)
- 25.** What is "Quantum Meruit"? Explain. (3 marks)
- 26.** What is Continuing Guarantee? Can such guarantee be revoked? (5 marks)
- 27.** Write a brief note on Doctrine of Frustration of Contract. (3 marks)

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