Assam Judicial Service Grade III (Mains) 2008

Law Paper I · compulsory paper

100 marks · 2 hours · 2008

Answer Q1, 2, 3, 8, 12, 21, 24, 25 and any other twelve (5 marks each)

(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?

De Facto IAS