Assam Judicial Service Grade III (Mains) 2011

Paper III · Law I · compulsory paper

100 marks · 3 hours · 2011

GROUP A — Constitution of India (answer any five)

1. (a) What are the basic structures of Constitution of India? (b) When and who adopted our Constitution?

2. (a) Under what provision, the Constitution can be amended? (b) State the procedure for amendment of Constitution indicating, therein, the part which cannot be amended.

3. State with reference to the articles, the subject matters in respect of which the Parliament and the Legislature of the State may make laws?

4. Explain how and who can form new States and alter areas, boundaries or names of existing State?

5. Is there any protection under the Constitution of India against arrest and detention? Mention the categories of persons, who are so protected?

6. (a) What are the Constitutional protection in respect of conviction for offence? (b) State the condition under which a person can be deprived of his life or personal liberty?

7. Distinguish fundamental rights from the directive principles?

8. (a) What are the legislative powers of the President of India? (b) Whether recommendation of the President is necessary in moving a bill, if so, explain.

GROUP B — Indian Contract Act (answer any five)

1. Explain the stage when a communication of a proposal becomes complete? A proposes, by a letter, to sell a house to C at a certain price. When will the communication of the said proposal be complete?

2. When does a proposal become absolute? Can a proposal be revoked, if so, how?

3. Explain what are misrepresentation and undue influence? State the effect of any act done under such circumstances.

4(i). Write short notes on any two — Fraud.

4(ii). Free consent.

4(iii). (a) Bailment, (b) bailor, (c) bailee.

5. Can there be an agreement in restraint of legal proceedings and marriage? What are the effect of such agreement and alternative promise?

6. What are the obligation of the parties to a contract and what is the effect of refusal to accept the offer of performance?

7. What is contract of indemnity and what are the rights of indemnity holder when sued?

8. What is continuing guarantee? Can such guarantee be revoked?

GROUP C — Transfer of Property Act (answer any five)

1. What is transfer of property? A gives Rs.5,000/- to B on condition that he shall marry A's daughter C. At the time of the transfer, C was dead. Explain if the transfer of money was valid, if not, why?

2. Explain what is election and how it is effected in respect of a property if, before the election, the transferor of the property dies?

3. What is sale and how sale is made? Whether registration of the instrument, by which sale is made, is compulsory, if not, what are the exceptions?

4(i). Write short notes on any two — Mortgage.

4(ii). Simple mortgage.

4(iii). Transfer by co-owner.

5. What is right to fore closure on sale? Whether a mortgagor is bound to bring one suit on several mortgages, if so, when?

6. Explain what are lease and rent? In the absence of written or oral contract, what is the duration of lease of immovable property for agriculture. Can such lease be terminated, if so, what is the procedure to be followed?

7. What is exchange? Indicate the right of the party deprived of things received in exchange?

GROUP D — Code of Civil Procedure (answer any five)

1. Who are the persons, exempted from personal appearance in court?

2. How a suit is instituted and who may be joined as plaintiff in a suit?

3. Under what provision of law and by which court the question as to whether a person is or is not the representative of a party in the decree, is determined?

4. What is res judicata and under what circumstances, the doctrine of res judicata is applicable? How does res judicata differ from stay of suit?

5. What is the consequence, if summons is not served upon the defendant due to the failure of the plaintiff to pay court fee or postal charges, if any, and also, where neither party appears when the suit is called on for hearing? What relief is available to the plaintiff in such cases?

6. How and in what manner suits by or against minors, and persons of unsound mind are instituted? What steps the defendant can take if the suit of a minor is not properly instituted? Indicate the procedure for receipt of money in a decree, made in favour of a minor?

7. Under what circumstances a temporary injunction can be issued? Explain if injunction can be granted without issuing notice. Can injunction be granted against the State without issuing notice under Section 80 CPC, if so, explain.

8. In what manner and by which court claims and objections to attachment of property is adjudicated? What action can be taken to stop the sale of the attached property, which

has been advertised, for sale, before the claim or objection was raised?

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