Assam Judicial Service Grade III (Mains) 2012

Paper III · Law I · compulsory paper

100 marks · 3 hours · 23 December 2012 · all questions 5 marks

GROUP A — CONSTITUTION OF INDIA. Answer any five questions.

1. Judicial pronouncements have amplified the scope and ambit of Article 21 of the Constitution of India. — Do you agree or disagree with this statement? Give reasons in support of your view.

2. How far does Article 22 of the Constitution of India protect the personal liberty of a citizen?

3. Describe the powers of the President provided in the Constitution of India for proclamation of emergency?

4. Describe the procedure for carrying out amendment of Fundamental Rights in the Constitution of India with reference to the limitations imposed by the Supreme Court in the Kesavananda Bharati case [His Holiness Kesavananda Bharati Sripadagalvaru and Others vs State of Kerala and Another, AIR 1973 SC 1461].

5. Discuss the concept of social justice envisaged in the Constitution of India?

6(a). Write short notes on — Writ of Mandamus.

6(b). Writ of Certiorari.

7. Explain the doctrines of (i) Repugnancy and (ii) Pith and Substance with reference to the Constitution of India.

8. Explain the features of Local Self Government as envisaged under the Constitution of India?

GROUP B — INDIAN CONTRACT ACT. Answer any five questions.

1. Mention the circumstances in which a contract by a minor is (i) void, (ii) voidable, (iii) valid?

2. What is an agency? How does an 'agent' differ from an 'employee'?

3. What are the duties of bailee under the Indian Contract Act?

4. What do you mean by the term "bank loan"? How can a debt due to a bank be recovered?

5. Is a contract valid without free consent according to the Indian Contract Act? Elucidate.

6. Distinguish between liquidated damages and penalty? How far does this distinction affect the amount of compensation for a breach of contract?

7. What are the essential elements of a contract? Distinguish between void and illegal agreements?

8. Discuss the law relating to the discharge of liability of the legal representatives on the death of a surety?

GROUP C — TRANSFER OF PROPERTY ACT. Answer any five questions.

1. Define 'sale'? How is sale of immovable property made? What is a contract for sale?

2. What are the essential ingredients of doctrine of part performance?

3. Explain the term "actionable claim"? How is an actionable claim transferred?

4. What do you mean by "mortgage by deposit of title deeds"? What is "notified town" in relation to a mortgage by deposit of title deeds?

5. Explain in brief the various modes of transfer of immovable property. How does a mortgage differ from gift?

6. What is an annual lease and how does it differ from a monthly lease?

7. What is the meaning of right of redemption? Who can exercise this right?

8. The doctrine of "clog on redemption" has been held to be a rule of justice, equity and good conscience. Comment on its application.

GROUP D — CODE OF CIVIL PROCEDURE. Answer any five questions.

1. What is a plaint? What are the grounds for rejection of a plaint?

2. What are the criteria for grant of temporary injunction by a Civil Court?

3. What is meant by the term "cause of action"? How is it determined?

4. Distinguish between Order, Judgment and Decree?

5. What are the essential ingredients of Section 47 of the Code of Civil Procedure, 1908?

6. Describe the powers of a District Judge in transferring one suit or case from one court to another under his jurisdiction?

7. Under Order XLI Rule 31 of the CPC, it is mandatory on the part of the appellate court to formulate points for determination. What are the essential ingredients in formulating the points for determination in an appeal?

8. Describe the revisional power of the High Court as laid down in Section 115 of the CPC?