Assam Judicial Service Grade III (Mains) 2015

Paper III · Law I · compulsory paper

100 marks · 3 hours · 29 November 2015

GROUP-A: CONSTITUTION OF INDIA — ANSWER ANY FIVE QUESTIONS (5 marks each)

1(a). Why is the Constitution of India called the 'Living Law'?

1(b). What are the basic structures of the Constitution of India?

2. Write briefly on the scope and limitations of Article 14 and 21 of the Constitution of India.

3(a). Write short notes on — Doctrine of Pleasure.

3(b). Doctrine of Eclipse.

4. In what cases does joint sitting of both the houses take place? Discuss briefly the special procedure in respect to Money Bills.

5. Write a critical assessment on the Constitutional Protections of Civil Servants under Article 311 with the help of judicial decisions.

6(a). What are the effects of proclamation of Emergency?

6(b). Can Article 19 be suspended during Emergency?

7. Article 51(A) is confined to 'citizens' unlike some of the Articles relating to Fundamental Rights (e.g Article 21) which extend to all Persons. Comment.

8(a). What are the legislative powers of the President?

8(b). What is the procedure of impeachment of the President?

GROUP-B: INDIAN CONTRACT ACT — ANSWER ANY FIVE QUESTIONS

1. State the difference between a contract of guarantee and that of indemnity.

2. Explain and illustrate the duties of a bailee and a bailor.

3. What are the different modes of termination of agency? In what manner and circumstances can agency be revoked?

4. Under what circumstances and to what extent can a person other than a true owner make a valid pledge of goods?

5. What do you understand by the terms 'Agent' and 'Principal'. What are the different kinds of Agent.

6(a). Write short notes on (any two) — Essentials of a contract.

6(b). Voidable contracts.

6(c). Doctrine of Ratification.

6(d). Contract made under a mistake of fact.

7. Mention the circumstances in which a contract by a minor is (i) Void (ii) Voidable (iii) Valid.

8. 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?

GROUP-C: TRANSFER OF PROPERTY ACT — ANSWER ANY FIVE QUESTIONS

1(i). Explain the following terms as used in the Transfer of Property Act — Instrument.

1(ii). Attested.

1(iii). Registered.

1(iv). Actionable claim.

2. What is meant by Transfer of Property? Who is competent to transfer?

3. What are the liabilities of the seller before and after the completion of the sale?

4. Once a mortgage, always a mortgage. Explain.

5. What is the difference between lease and license?

6. What are the rights and liabilities of parties to the exchange?

7. What is an actionable claim? What is the mode and effect of its assignment?

8. What are the essentials of a valid gift? Are conditional gifts valid?

GROUP-D: CODE OF CIVIL PROCEDURE — ANSWER ANY FIVE QUESTIONS

1. Give a short history of the Code of Civil Procedure.

2. Distinguish 'res-judicata' from 'res-subjudice'.

3. Discuss and explain — 'A Court executing a decree cannot go behind the decree'.

4. Discuss 'Notice' u/s 80 of the Code of Civil Procedure.

5. What provisions have been made under the Code of Civil Procedure relating to settlement of disputes outside the Court?

6. What is temporary injunction? What are the provisions relating issue of temporary injunction?

7. Describe the kinds of Appeal, in short.

8(i). Distinguish between (any two) — Revision and Review.

8(ii). Appeal and Reference.

8(iii). Reference and Revision.

8(iv). Review and Appeal.