Assam Judicial Service Grade III (Mains) 2017

Paper III · Law I · compulsory paper

100 marks · 3 hours · 12 March 2018 (2017 recruitment)

Group A — Constitution of India. Answer any five questions.

1. "The Preamble of the Constitution of India constitutes the philosophy of the Constitution" — Explain. (5 marks)

2. What kinds of freedom are guaranteed under Article 19 of the Constitution of India as Fundamental Rights? What are the limitations that may be imposed thereon? What is the test of reasonableness of a restriction? (2+2+1 marks)

3(i). Briefly discuss — Writ of Habeas Corpus. (1 mark)

3(ii). Writ of Mandamus.

3(iii). Writ of Prohibition.

3(iv). Writ of Certiorari.

3(v). Difference between Article 32 and 226 of the Constitution of India.

4. Explain the Doctrine of Pleasure in the light of Article 310 of the Constitution of India. (5 marks)

5. What are the privileges guaranteed under the Constitution of India to the President? (5 marks)

6. Write a brief note on various Tribunals under Articles 323A and 323B highlighting the jurisdiction thereof. (5 marks)

7. Write a note on the constitutional safeguards against arbitrary arrest and detention of a person. (5 marks)

8. Discuss the salient features of the directive principles under the Constitution of India and the importance thereof in the governance of the country. (5 marks)

Group B — Indian Contract Act. Answer any five questions.

1(i). Define — Undue influence. (2½ marks)

1(ii). Fraud. (2½ marks)

2. Define Contract of Indemnity and the rights of indemnity holder when sued. (5 marks)

3. What is Bailment and who is a 'Bailor' and 'Bailee'? Whether the bailor can create a 'pledge'? If so, under what circumstances? (1+1+1+1+1 marks)

4(i). Define an 'Agent' having an interest in the subject matter along with a suitable example and define 'Principal' of such agent. (3 marks)

4(ii). How and under what situation an Agency having an interest in the subject matter can be terminated? (2 marks)

5. Write down the requisites for formation of a valid contract within the ambit and scope of the Indian Contract Act. (5 marks)

6. Explain the law relating to compensation for Breach of Contract where the contract contains stipulation by way of penalty. (5 marks)

7. Explain the Doctrine of 'Ratification'. What are the acts that cannot be ratified? (5 marks)

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 completed? (5 marks)

Group C — Transfer of Property Act. Answer any five questions.

1. What are "Vested interest" and "Contingent interest" of a person on a transfer of property? (2½+2½ marks)

2(i). Write down the essential conditions for application of the Doctrine of 'lis pendens' in a suit. (2½ marks)

2(ii). When a suit commences and how long does pendency of the suit continue? (2½ marks)

3. Define 'Sale' and mention its essential elements. (5 marks)

4(i). What are the rights of a mortgagor to redeem? (3 marks)

4(ii). When and under what circumstances a mortgagor is entitled for redemption of portion of mortgaged property? (2 marks)

5. Explain — "Once a mortgagee always a mortgagee". What is clog on equity of redemption? (5 marks)

6(i). Define 'Lease', 'Lessor' and 'Lessee'. (3 marks)

6(ii). What are the rights of Lessor's transferee over the lessee? (2 marks)

7. Explain the Doctrine of 'Feeding the Estoppel'. (5 marks)

8(i). Write the difference between a 'Mortgage' and 'Lease'. (1 mark)

8(ii). Whether delivery of possession is mandatory for completion of a sale transaction of an immovable property? (1 mark)

8(iii). Explain the term 'Attested' in relation to an instrument. (1 mark)

8(iv). Define 'Actionable Claim'. (2 marks)

Group D — Code of Civil Procedure. Answer any five questions.

1(i). Define 'Decree' as contemplated under Section 2(b) of the Code of Civil Procedure. (2½ marks)

1(ii). What are the powers of an Executing court on its satisfaction that a decree holder for possession of an immovable Property has been resisted by the judgment debtor? (2½ marks)

2. Mention the criteria in order to decide as to whether a subsequent proceeding/suit is barred by the Principles of Res-judicata. (5 marks)

3(i). In which grade of court normally suits are to be instituted? (1 mark)

3(ii)(a). Specify the courts in which Suits are to be filed where the following reliefs are claimed — Recovery of immovable property and for partition of the said property. (2 marks)

3(ii)(b). For compensation for wrong to immovable property held by or on behalf of the defendant and the reliefs can be entirely obtained through his personal obedience. (2 marks)

4. What are the powers of a civil court in order to prevent the ends of justice from being defeated? (5 marks)

5. What are the powers of an appellate court and whether the appellate courts have the same powers as those of the one imposed on the courts of original jurisdiction in respect of suit instituted therein? (5 marks)

6. Enumerate the circumstances where inter-pleader suit may be instituted? (5 marks)

7(i). Define — Legal representative. (2 marks)

7(ii). Mesne profits of property. (2 marks)

7(iii). Order. (1 mark)

8. Discuss the revisional powers of the High Court prescribed in the Code of Civil Procedure. (5 marks)