Assam Judicial Service Grade III (Mains) 2018

Paper III · Law I · compulsory paper

100 marks · 3 hours · 3 December 2018

Group A — Constitution of India. Answer any five questions, 5 marks each.

1) What are the rights that are guaranteed in Part-II of the Constitution of India? Explain Briefly. (2+3 marks)

2) What are the freedoms guaranteed by the Indian Constitution? Explain the scope of 'reasonable restrictions' permitted by the Constitution. (2½+2½ marks)

3) What do you understand by 'preventive detention'? What are the Constitutional safeguards made available to persons subjected to preventive detention? (2+3 marks)

4) State and explain the Fundamental Duties of every Citizen of India specified in the Constitution of India? (2½+2½ marks)

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

6) What are the Legislative Powers of the President of India? Explain the procedure of impeachment of the President. (2½+2½ marks)

7) Explain the Constitutional protections of Civil Servant under 311 of the Constitution of India with the help of judicial decisions. (5 marks)

8(i). Write short notes on any two — Writ of Habeas Corpus. (2½ marks)

8(ii). Writ of Mandamus.

8(iii). Writ of Certiorari.

8(iv). A Money Bill.

Group B — Indian Contract Act. Answer any five questions, 5 marks each.

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

2) Explain bailee and a bailor and illustrate their duties. (2+3 marks)

3) Explain the law relating to compensation for breach of contract where the contract contains stipulation by way of penalty.

4) Explain voidable contracts. How can a voidable contract be enforced? (2+3 marks)

5) Explain the 'Doctrine of Ratification'. What are the acts that cannot be ratified? (2½+2½ marks)

6) What are the contracts that need not be performed?

7) Define 'Agent' and 'Principal'. Who may employ agent? Who may be an agent? Whether any consideration necessary to create agency? Whether Distributor is an agent? (1+1+1+1+1 marks)

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

8(ii). Undue influence.

8(iii). Contract made under mistake of fact.

8(iv). Reciprocal promises.

Group C — Transfer of Property Act. Answer any five questions, 5 marks each.

1) What is meant by Transfer of Property? Who is competent to transfer? (2½+2½ marks)

2) Once a mortgage, always a mortgage. Explain.

3) What are the difference between lease and licence?

4) Define Gift. What are the essentials of a valid gift? Are conditional gifts valid? (1+2+2 marks)

5) What are the essential conditions for application of the Doctrine of 'lis pendence' in a suit? When a suit commences and how long does pendency of the suit continues? (2½+2½ marks)

6) Define Sale of immovable property. How sale of immovable property is made? State the rights and liabilities of buyer and seller. (1+1+3 marks)

7) What is an actionable claim? What is the mode and effect of its assignment? (2½+2½ marks)

8(i). Write short notes on any two — Instrument.

8(ii). Onerous gift.

8(iii). Attested.

8(iv). Subrogation.

Group D — The Code of Civil Procedure. Answer any five questions, 5 marks each.

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

2) What is temporary injunction? What are the provisions relating issue of temporary injunction? (2+3 marks)

3) Describe the procedure relating to suits by or against the Government or a public officer.

4) What is the distinction between a necessary party and a proper party? What shall be the effect of non-joinder thereof? (3+2 marks)

5) Explain the Doctrine of Res Judicata. What is the distinction between Estoppel and Res Judicata? (3+2 marks)

6) What are the powers of a Civil Court in order to prevent the ends of justice from being defeated?

7) Describe the kinds of Appeal, in short.

8(i). Write short notes on any two — Revision.

8(ii). Order.

8(iii). Mediation.

8(iv). Review.

De Facto IAS