Assam Judicial Service Grade III (Mains) 2019

Paper III · Law I · compulsory paper

100 marks · 3 hours · 15 June 2019

GROUP-A: CONSTITUTION OF INDIA

1(a). Answer any one of the following — What are the amendment brought in the Constitution of India by the Constitution (one hundred and second Amendment) Act, 2018? (6 marks)

1(b). OR What are the duties of National Commission for Backward Classes?

2. Where is the "basic structure" of the Constitution of India contain? Mention, at least, one landmark Judgment which evolved the "basic Structure theory". (2+1=3)

3. What are the various kinds of domicile? What will be the domicile of a child who is born at a place during temporary absence of the parents from their domicile? (2+2=4)

4. When can the Chairman or a Member of a Public Service Commission be removed? What is the role of the Supreme Court in the removal of Chairman or any Member of such Public Service Commission? (2+2=4)

5(a). Answer any one — Which is the authority having control over districts courts and courts subordinate to it? What are the matters on which such authority can exercise control? (4)

5(b). OR What does the expression "Judicial Service" means?

6(a). Write short notes on — (any one) The Consolidated Fund of India. (4)

6(b). The Contingency Fund of India.

GROUP-B: TRANSFER OF PROPERTY ACT

1(a). Answer any two — To which territory the Transfer of Property Act does extend? (2+2=4)

1(b). The Transfer of Property Act came into force with effect from which date? Does this act extend to the whole of Assam?

1(c). What does "attached to the earth" means?

2(a). Answer any two — What does the term "living person" means and includes? (2+2=4)

2(b). When an oral transfer of property can be made?

2(c). Who are the persons competent to transfer property?

3(a). Answer any one — Whether there can be transfer of property for benefit of unborn person? If, Yes, when such a transfer shall be effective. (3)

3(b). What is known as "rule against perpetuity"?

4(a). Write short note on any four — Vested interest. (2 × 4=8)

4(b). Contingent Interest.

4(c). Conditional Transfer.

4(d). Sale.

4(e). Charges.

4(f). Doctrine of Merger.

4(g). Exchange.

5(a). Answer any four — What is a suit for fore-closure? (1 × 4=4)

5(b). Mention one of the conditions when a mortgagee has a right to sue for mortgage money.

5(c). Write one condition under which a mortgagee has power to sell the mortgaged property or any part thereof, in default of the payment of the mortgaged money without the intervention of the court.

5(d). When a mortgagee is entitled to appoint a receiver in respect of the mortgaged property?

5(e). Mention one of the conditions for determination of lease of immovable property.

6(a). Answer any one — Distinguish between lease and License. (2)

6(b). When Gift may be suspended or revoked.

GROUP-C: INDIAN CONTRACT ACT

1(a). Define any two — Proposal. (2 × 2=4)

1(b). Promise.

1(c). Reciprocal promise.

1(d). Contract.

2(a). Answer any three — State when a revocation of a proposal is complete? (2 × 3=6)

2(b). When a communication of a proposal is complete?

2(c). When can a proposal be revoked?

2(d). When can acceptance of a proposal be revoked?

3. What are the essential conditions to convert a proposal into a promise? (3)

4. Who are the persons competent to contract? Whether a person usually of unsound mind, but occasionally of sound mind, can make a contract when he is of sound mind? (2+2=4)

5(a). Answer any two — When a consent is said to be free? (2 × 2=4)

5(b). When a person is deemed to be in a position to dominate the will of another in the context of use of undue influence in a contract?

5(c). When an agreement, without consideration, is a valid agreement?

5(d). What is a contingent contract?

6(a). Answer any two — Whether contracts which are contingent on specified event not happening within fixed time enforceable? (2 × 2=4)

6(b). What are the consequences of breach of contract?

6(c). What is "continuing guarantee"? When and how a "continuing guarantee" may be revoked?

GROUP-D: CODE OF CIVIL PROCEDURE

1(a). Mention the state(s)/areas to which the Civil Procedure Code 1908 does not extend. (1+1=2)

1(b). In the context of Assam, what does the term "tribal areas" means?

2(a). Define any three — Decree. (2 × 3=6)

2(b). Preliminary Decree.

2(c). Government Pleader.

2(d). Legal Representative.

2(e). Mesne Profit.

2(f). District.

3. Mention the exceptions to the provisions of section 80 of the code as regards notice for institution of suit against Government or Public Servant. Describe various modes of settlement of disputes outside the court. (2+2=4)

4(a). Answer any two — What does "pleading" means? What a pleading should contain? (2 × 2=4)

4(b). Mention the cases in which court can issue commission for examination of witnesses.

4(c). Who is a minor? How a suit can be instituted by a minor?

4(d). Who is an indigent person?

5. When a suit can be heard ex parte? On what ground an ex parte decree may be set aside? (3)

6. Who can file application for execution of a decree? Is there any provision exempting a decree holder from filing a written application, and if so, in what kind of decree? (3)

7. What should contain in a memorandum of appeal? When execution of an appealable decree can be stayed by the court which passed the decree? (3)