Assam Judicial Service Grade III (Mains) 2020

Paper III · Law I · compulsory paper

100 marks · 3 hours · 22 January 2021 (2020 recruitment)

GROUP-A: Constitution of India — Answer any five questions, 5 marks each

1. What remedies does the Constitution of India provide for enforcing the Fundamental Rights and the limitation thereof?

2. "Article 14 of the Constitution of India permits reasonable classification but prohibits class legislation". Comment.

3(a). Write a note in brief on — Protection against self incrimination. (2½ marks)

3(b). Double jeopardy. (2½ marks)

4. What rights are available to religions and linguistic minorities under the Constitution of India?

5(a). Write Short notes on — Supplementary grant. (2½ marks)

5(b). Exceptional grants. (2½ marks)

6. Discuss in brief the methods of administrative control of the State by the Union.

7. Describe the constitution and functions of the Finance Commission.

8. What constitutional safeguards are available to Government servants against arbitrary dismissal from service?

GROUP-B: Indian Contract Act — Answer any five questions, 5 marks each

9(a). Distinguish between — 'Proposal' and 'Promise'. (2½ marks)

9(b). 'Void agreement' and 'Voidable Contract'. (2½ marks)

10(a). Mention the various modes of revoking a proposal. (4 marks)

10(b). When 'proposals' and 'acceptances' may be revoked? (1 mark)

11(a). An agreement without consideration is void. Mention the exceptions. (3 marks)

11(b)(i). Examine the legality of the consideration and object — A postal authority invited tenders for license for carrying mails. A bus owner abstained from tendering on the promise of another bus owner, to pay him some money. (1 mark)

11(b)(ii). Two landowners in the same neighbourhood, in order to avoid competition, agreed that a market for sale of cattle shall not be held on the same day on lands of both of them. (1 mark)

12(a). Explain in brief the doctrine of 'frustration of contract'. Whether the promisor is liable to compensate the promisee in all such cases? (2+1 marks)

12(b). What are the consequences of rescission of voidable contract? (2 marks)

13(a)(i). Define Contract of guarantee. (1 mark)

13(a)(ii). Bailment. (1 mark)

13(b). Mention three conditions for discharge of surety in a contract of guarantee. (3 marks)

14(a). Mention the right of person as to acts done for him without his authority and the effect thereof. (3 marks)

14(b). Whether the right of person on whose behalf such act/acts were done if applied accepting such unauthorized act can injure third person. Explain in a nutshell. (2 marks)

15(a). How an agency can be terminated? (2 marks)

15(b). How an agency can be terminated where an agent has an interest in the subject matter? Give an illustration showing an agency wherein the agent has an interest. (3 marks)

16(a). What are the rights of parties to a contract made by agent not disclosed? (3 marks)

16(b). Whether an agent cannot personally enforce contracts on behalf of principal? (1 mark)

16(c). What is the effect on agreement of fraud by agent? (1 mark)

GROUP-C: Transfer of Property Act — Answer any five questions

17. Define (a) Vested and (b) Contingent interest? (2½ + 2½ marks)

18(a). Whether a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property but not amounting to an interest therein? If yes, state the condition. (2 marks)

18(b). Under what condition a transfer by an ostensible owner is not voidable. (1 mark)

18(c). Whether transfer by an unauthorized person who subsequently acquires interest in the property transferred is valid? Explain. (2 marks)

19. Write a note on transfer of property pending suit relating thereto. (5 marks)

20. Define all the mortgages of immoveable property in brief recognized by the Transfer of Property Act. (5 marks)

21. State the rights of lessor's transferee and three grounds for determining of lease of immoveable property. (2+3 marks)

22. Define a mortgage and distinguish it from a sale of immoveable property? What are the essentials of a mortgage? (2+3 marks)

23. Explain the doctrine of 'clog on redemption' with instances of clogs. (5 marks)

24. Define 'actionable claim' with illustration. What is the mode of transfer of actionable claim? (2½ + 2½ marks)

GROUP-D: The Code of Civil Procedure, 1908 — Answer any five questions

25. State the power of the Civil Court under the Code of Civil Procedure the nature of orders authorized to pass in order to prevent the ends of justice. (5 marks)

26. State the form of appeals stipulated in the Code of Civil Procedure and the powers of appellate Court. (5 marks)

27. State the powers of court to enforce execution of decree. (5 marks)

28. What are the nature of costs, the discretion of being imposed given to the Court and the circumstances? (5 marks)

29(a). Define (any two) — Decree. (2½ marks)

29(b). Legal representatives. (2½ marks)

29(c). Mesne profits. (2½ marks)

30. State the scope of 'Review' and 'Revision' under the Code of Civil Procedure. (2½ + 2½ marks)

31. Write a note on the "application for restitution" and specify the courts included in the expression "court which passed the decree or order". (2½ + 2½ marks)

32. What are the forums recognized by the Code of Civil Procedure for settlement of disputes outside the Court and manner of reference under the relevant law? (5 marks)