Assam Judicial Service Grade III (Mains) 2023

Paper III · Law I · compulsory paper

Gauhati High Court · 12 August 2023 · 9:00 am to 12 noon · 100 marks

Group A: Constitution of India. I. Attempt any 5 questions. Total Marks: 5×5=25.

I.1. What is preamble? Is it a part of the Constitution? Can it be used to interpret the Constitution? Also explain its significance.

I.2. Explain the right to Constitutional remedies available to the citizens.

I.3. Explain the importance, duties and function of Comptroller and Auditor General of India (CAG).

I.4. Briefly explain the power of the Parliament to amend the Constitution and the Basic Structure Doctrine.

I.5. Write an essay on the division of power between the Union and the State Governments.

I.6. What do you mean by Federal Structure of Government? What are the Federal Features of the Constitution?

I.7. Explain any one of the following.

I.7(i). Directive Principles of State Policy vis-a-vis Fundamental Rights.

I.7(ii). Right to Education.

I.7(iii). Fundamental Duties.

Group B: Code of Civil Procedure. II. Attempt any 5 questions. Total Marks: 5×5=25.

II.1. What is a plaint? What are its contents? When it is rejected or returned?

II.2. Write few lines in respect of any two of the following subject.

II.2(i). Executing court cannot travel beyond the decree.

II.2(ii). Res-judicata.

II.2(iii). Substituted service.

II.2(iv). Caveat.

II.3. Explain what is substantial question of law, with reference to second appeal.

II.4. Write an essay about section 89 CPC and its relevance in today's context.

II.5. By way of judicial pronouncement another condition for granting temporary injunction is being involved, besides the three golden principles already existed, for granting temporary injunction. Briefly explain about all the four principles.

II.6. Define the following.

II.6(i). Res-subjudice.

II.6(ii). Mesne profits.

II.7. How and for what purpose is a commission appointed? Explain its power and functions.

Group C: Transfer of Property Act. III. Attempt any 5 questions. Total Marks: 5×5=25.

III.1. What do you mean by immoveable property under the Transfer of Property Act? Distinguish between moveable and immoveable property.

III.2. It is the general rule that property of any kind can be transferred. Explain the rule with exceptions.

III.3. What is Doctrine of Election? What conditions are required to be fulfilled for applying the Doctrine of Election.

III.4. Define Mortgage and distinguish it from the Charge. What are the different kind of Mortgages?

III.5. Discuss briefly the Doctrine of Part Performance embodied in section 53 A of the Transfer of Property Act. What are its essential conditions?

III.6. Define Gift under Transfer of Property Act and give its main characteristics. When Gift can be revoked?

III.7. Write brief notes on any five of the followings.

III.7(i). Actionable claim.

III.7(ii). "Donatio mortis causa".

III.7(iii). Public Trust.

III.7(iv). Easement of necessity and easement by prescription.

III.7(v). Universal Donee.

III.7(vi). Easement of necessity.

Group D: Indian Contract Act. IV. Attempt any 5 questions. Total Marks: 5×5=25.

IV.1. Write an essay on any of the following topics.

IV.1(i). A void contract is not necessarily illegal.

IV.1(ii). Agreement in restraint of legal proceeding and section 28 of the Contract Act.

IV.2. What is Lawful Consideration? Also explain its exemptions.

IV.3. Explain the distinction between Coercion and Undue influence.

IV.4. Give the meaning of 'Caveat Emptor'. What are the exceptions to it?

IV.5. Answer the following with reason: "A invites B to a dinner. B accepts the invitation. A made an elaborate arrangement. But, B failed to turn up. Can A successfully sue B in the court of law for the loss he suffered?"

IV.6. Explain briefly the following: "A contract obtained by misrepresentation is voidable at the option of the buyer."

IV.7. State and explain the consequences of breach of contract.