Assam Judicial Service Grade III (Mains) 2025

Paper III · Law I · compulsory paper

Gauhati High Court · 25 October 2025 · 9:00 am to 12 noon · 100 marks

Group A: Constitution of India. Answer any 5 (five) of the following questions (5×5=25).

1. In the Indian Constitution, fundamental rights are outlined in Part III, from Article 12 to Article 35. This chapter of the Constitution of India has very well been described as the Magna Carta of India, which was the first written document relating to the fundamental rights of the citizens. What are the six fundamental rights under this chapter? Briefly explain.

2. In the case of Kesavananda Bharati, a bench of 13 judges of the Hon'ble Supreme Court held that the Preamble to the Constitution of India will now be considered as part of the Constitution. Explain the importance of the objectives of the Preamble.

3. The basic element of Dicey's doctrine of the 'Rule of Law' is, “Be you ever so high, the law is above you”. Explain what do you mean by 'Rule of Law.'

4. Explain the difference between Fundamental Rights and Directive Principles of State Policy.

5. Discuss the power of the President to pardon under Article 72 of the Constitution of India and of the Governor under Article 161 of the Constitution of India.

6. What is Constitutionalism? Explain the said concept, both in it's negative and positive aspects, in the context of India's tryst with Constitutionalism and Constitutional Governance.

7. The Indian Constitution is essentially federal in character, though it tends to be unitary at times. Explain briefly.

8. Collective responsibility is the very basis of the Parliamentary system of government. Explain the impact of coalition politics on the doctrine of 'collective responsibility'.

Group B: Code of Civil Procedure, 1908. Answer any 5 (five) of the following questions (5×5=25).

9. What do you understand by 'Order'? How does it differ from a 'Decree'? Can an interim order be issued?

10. What is 'res-judicata'? Explain the circumstances of it's application. How does it differ from “constructive res-judicata”?

11. Who is an indigent person? When can an indigent person institute a suit? Explain briefly.

12. What is the provision in the Code of Civil Procedure, 1908 relating to an appeal? Discuss briefly.

13. What do you understand by framing of an issue? When are they framed? Briefly explain.

14. Briefly explain the legal principle- "Executing Court cannot travel beyond decree".

15. Briefly explain the concepts of Reference, Review and Revision with relevant provisions in the Code of Civil procedure, 1908.

16. Write short notes on any 2 (two) of the following. Each topic carries 2½ marks.

16(i). Legal Disability.

16(ii). Ex-parte decree.

16(iii). Set-off and Counter Claim.

16(iv). Mesne profit.

16(v). Inherent power of Court.

Group-C: Transfer of Property Act, 1882. Answer any 5 (five) of the following questions (5×5=25).

17. What are the different types of transfer under the Transfer of Property Act, 1882? Explain briefly.

18. Who can transfer property under the Transfer of Property Act, 1882? Explain briefly.

19. What is 'rule against perpetuity'? What are the conditions for rule against perpetuity? Explain briefly.

20. Explain the 'Doctrine of Election'. What are the essential conditions for application of this doctrine?

21. What is benami transaction? Explain with examples.

22. Explain the doctrine of "lis pendens".

23. What are the key elements of the Rule of part performance? Explain briefly.

24. What is Actionable Claim? Explain with examples.

Group D: Indian Contract Act, 1872. Answer any 5 (five) of the following questions (5×5=25).

25. Elucidate the following statement with legal provision and judicial pronouncements. "all contracts are agreements, but all agreements are not contracts."

26. State the circumstances of supervening impossibility and frustration of contract in the light of decided cases.

27. What are the essentials of an agency? How is an agency created and terminated under the Indian Contract Act, 1872?

28. "Time is the essence of a contract." What are the remedies available to the aggrieved party in case of non-fulfillment of obligations within the stipulated time?

29. The law draws a distinction between 'coercion' and 'undue influence'. Distinguish briefly, between 'coercion' and 'undue influence' referring to relevant provisions.

30. Minor's contract is void ab-initio. Explain briefly.

31. Explain the statement- "Every person who acts for another is not an agent."

32. Explain how does any factor vitiating 'free consent', affect a contract?

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