

Assam Judiciary Mains Solutions 2019

Law Paper - I (Paper-III)

GROUP- A : CONSTITUTION OF INDIA

1. Answer any one of the following:-

(a) What are the amendments brought in the Constitution of India by the Constitution (One hundred and second Amendment) Act, 2018.

OR

(b) What are the duties of the National Commission for Backward classes. 6 Marks

2. Where does the "basic structure" of the Constitution of India contain? Mention, at least, one Landmark Judgment which evolved the "basic Structure theory". 2+1=3 Marks

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 Marks

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 Marks

5. Answer any one of the following -

(a) 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?

Constitutional and Legislative Framework

OR

(b) What does the expression "judicial service" means? 4 Marks

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

(b) The Contingency Fund of India.

GROUP- B : TRANSFER OF PROPERTY ACT

1. Answer any two of the following- 2+2=4 Marks

a. To which territory the Transfer of Property Act does extend?

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

c. What does "attached to the earth" means?

2. Answer any two of the following - 2+2=4 Marks

a. What does the term "living person" means and includes?

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

c. Who are the persons competent to transfer property?

3. Answer any one of the following- 3 Marks

a. Whether there can be transfer of property for benefit of unborn person? If, yes, when such a transfer shall be effective.

b. What is known as "rule against perpetuity"?

4. Write short note on any four of the following- 2x4= 8 Marks

a. Vested Interest.

b. Contingent Interest.

c. Conditional Transfer.

d. Sale.

e. Charges.

f. Doctrine of Merger

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g. Exchange.

5. Answer any four of the following-

1x4=4 Marks

a. What is a suit for fore-closure?

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

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

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

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

6. Answer any one of the following:-

2 Marks

a. Distinguish between lease and License.

b. When Gift may be suspended or revoked.

GROUP- C : INDIAN CONTRACT ACT

1. Define any two of the following

2x2=4 Marks

a. Proposal

b. Promise

c. Reciprocal promise

d. Contract

2. Answer any three of the following-

2x3=6 Marks

a. State when a revocation of a proposal is complete?

b. When a communication of a proposal is complete?

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c. When can a proposal be revoked?

d. When can acceptance of a proposal be revoked?

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

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 Marks

5. Answer any two of the following 2x2= 4 Marks
a. When a consent is said to be free?

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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?

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

d. What is a contingent contract?

6. Answer any two of the following: 2x2=4 Marks

a. Whether contracts which are contingent on specified event not happening within fixed time enforceable?

b. What are the consequences of breach of contract?

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.

b. In the context of Assam, what does the term “tribal areas” means?

2. Define any three of the following-

2x3=6 Marks

a. Decree.

b. Preliminary Decree.

c. Government Pleader.

d. Legal Representative.

e. Mesne Profit.

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. Describes various modes of settlement of disputes outside the court.

2+2=4 Marks

4. Answer any two of the following-

2x2=4 Marks

a. What does “pleading” means? What a pleading should contain?

b. Mention the cases in which court can issue commission for examination of witness?

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

d. Who is an indigent person?

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

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 Marks

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 Marks

Law Paper - II (Paper-IV)

GROUP- A : INDIAN PENAL CODE

1. Choose the correct answer. 1x6=6 Marks
(i) A instigates B to murder C. B refuses to do so. Is A liable for punishment?
a. No, A has not committed any offence and not liable for punishment.
b. Yes. A is liable for punishment under section 115 IPC.
c. A is punishable under section 302 IPC for life imprisonment or death.
d. None of the above.

(ii) A meets Z on the high roads, shows a pistol and demands Z's purse. Z in consequence surrenders his purse. What offence A is liable for?
a. Theft
b. Extortion
c. Robbery
d. Criminal misappropriation.

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(iii) Voluntarily causing grievous hurt to deter public servant from his duty is punishable under section
a. 326 IPC
b. 333 IPC
c. 325 IPC
d. 334 IPC

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(iv) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest and kills Z. what offence A is liable for.

- a. Muder
- b. Culpable homicide not amounting to murder
- c. None of the above

(v) A, knowing that he is likely to cause death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die, but the death of an unborn quick child with which she is pregnant is thereby caused. A has committed the offence under Section.

- a. 302 IPC
- b. 304 IPC
- c. 313 IPC
- d. 316 IPC

vi. A draws a bill of exchange upon a fictitious person and fraudulently accepts the bill in the name of such fictitious person with intend to negotiate it. What offence A is liable for?

- a. Forgery
- b. Cheating
- c. Cheating by personation
- d. None of the above

2. Distinguish between (any two)

3x2=6 Marks

(i) Criminal conspiracy and abatement

(ii) Intention and Knowledge

(iii) Rash and negligent

3. Answer any two

3x2=6 Marks

(i) Court concerned with legal insanity and not with medical insanity. Discuss referring to relevant provisions of the IPC.

(ii) Explain the maxim "de minimis not curat lex". Which provision of the IPC is founded on the above maxim.

(iii) Write a short note on vicarious liability under Indian Penal Code.

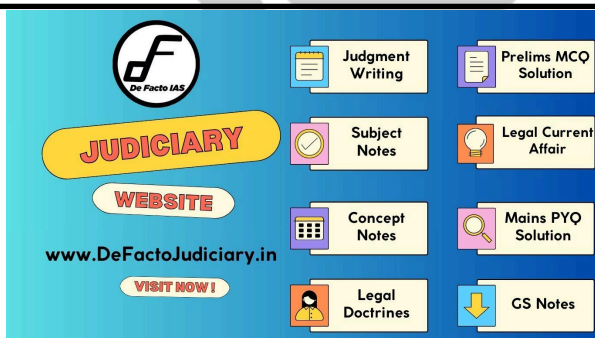
4. What is the basic principle underlying the doctrine of right of private defence? What are the acts against which there is no right of private defence? When the right of private defence of body extends to causing death. 7 Marks

GROUP- B : CODE OF CRIMINAL PROCEDURE

5. Choose the correct answer 1x6=6 Marks
(i) Maximum sentence of imprisonment which can be passed by Addl. Chief Judicial Magistrate is
a. 7 years
b. 5 years
c. 3 years
d. None of the above..

(ii) The provision for examination of a person accused of rape by medical practitioner is provided in section
a. Section 53,
b. Section 53-A
c. Section 54
d. Section 164-A

(iii) Provision for impounding of document produced before the Court under the code of criminal procedure is provided in section
a. 88 Cr.P.C.,
b. 91 Cr.P.C.,
c. 102 Cr.P.C.,
d. 104 Cr.P.C.



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iv. If the information (under section 154 Cr.P.C.,) is given by a woman, against whom an offence of rape under section 376, 376A, 376B, 376C, 376D, 376E or an offence under section 326-B is alleged to have been committed or attempted, then such information shall be recorded by-
a. A woman police officer or any women officer
b. Officer-in-charge of the Police Station.
c. Any police person under the direction of the Officer-in-Charge
d. Any police officer available at the relevant time in the Police Station.

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v. When a person having accepted a tender of pardon made under section 306 or 307 Cr.P.C., failed to comply with the condition on which tender was made, such person

- Shall be tried jointly with the other co-accused
- May be tried jointly with other co-accused or severally, as the Court deems fit.
- Shall not be tried jointly with other accused.
- Cannot be tried for the offence in respect of which the pardon was tendered.

vi. Provision for awarding compensation to person groundlessly arrested is provided in Section

- 357 Cr.P.C.,
- 357-A Cr.P.C.,
- 358 Cr.P.C.,
- None of the above.

6. Short note (any four) 4x3=12 Marks
(i) Order for disposal of properties at conclusion of trial with reference to specific provision of the Cr.P.C.

(ii) Case diary (diary of proceeding in investigation).

(iii) Levy of fine (recovery of fine).

(iv) Procedure when magistrate cannot pass adequate sentence for want of jurisdiction.

7. Who can hold summary trial? Discuss briefly the procedure for summary trial including the particulars of record and judgement in the cases tried summarily? 6 Marks

8. When search warrant may be issued? Discuss briefly the procedure for conducting a search under section 100 Cr.P.C.? 6 Marks

GROUP- C : EVIDENCE ACT

9. Write short note (any four) 2 ½ x4=10 Marks
a. Burden of proof and onus of proof.

b. Test identification parade.

c. Estoppels.

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d. Privilege communication.

e. Facts in issue.

10. What is secondary evidence? When secondary evidence relating to any documents may be given? 5 Marks

11. When the person making the dying declaration survives, can the declaration be proved as dying declaration? If yes, given reason, if not, whether can it be proved for any other purpose? 5 Marks

12. When admissions in civil cases are not relevant? All confessions are one species of the genus admission. Discuss. 5 Marks

GROUP- D : LAW OF TORTS

13. Distinguish between (any four) 3x4=12 Marks
(i) Tort and contract

(ii) Contributory negligence and composite negligence.

(iii) Volenti non fit injuria and contributory negligence.

(iv) Liquidated and non liquidated damages.

(v) MALFEASANCE, MISFEASANCE & NONFEASANCE

14. Discuss the limitations to the application of the maxim volenti non fit injuria. 4 Marks

15. (a) T is an employee of the defendants, after finishing the day's work was bicycling along a road in the defendant's premises towards the pay office to collect his wages. After having travelled some distance T rode also a bus park on the defendants premises and negligently knocked down one 'S', who was also an employee of the defendants. S was killed as a result of the collision and his wife brought a suit against the defendants for damages on the ground that the death of 'S' was caused by the negligence of 'T' who was acting in the course of employment and that defendants were vicariously liable. How will you decide? 4 Marks

OR

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(b) 'A' is an employee of defendant - "Sulab International" engaged by the High Court for doing the window cleaning work. A took away some unused locks from the room where he is doing the work of window cleaning. High Court files a suit against the Sulab International. How do you decide? Refer to a decided case.

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