

DATE:- 28-04-2013.  
TIME:- 9 am to 12 noon

WRITTEN EXAMINATION, 2013  
for GRADE -III  
of  
ARUNACHAL PRADESH JUDICIAL SERVICE  
GAUHATI HIGH COURT

**Paper-III (Law Paper 1)**

Total Marks -100

Time- 3 (Three) hours

**All questions carry equal marks.**

**GROUP-A**  
**CONSTITUTION OF INDIA**

Answer any **five** questions :-

5x5=25

1. Discuss the scope and ambit of Article 21 of the Constitution of India.
2. What is the difference between Fundamental Rights and Directive Principles of State Policy? Discuss.
3. What are the conditions under which the President can declare an emergency?
4. Explain the concept of Rule of Law. How far has this concept been recognized by the Constitution of India?
5. What is the procedure prescribed in the Constitution for appointment of a Judge of the High Court? Discuss decided cases.
6. Write short notes on (any two)  
(a) Joint Session of Parliament (b) Vice President of India (c) Money Bill  
(d) Directive Principles of State Policy (e) Public Service Commission.
7. What are the provisions in the Constitution of India which ensure the independence of judiciary in India? Is judiciary independent in India?
8. How far does Article 22 of the Constitution of India protect the personal liberty of a citizen?

**GROUP-B**  
**INDIAN CONTRACT ACT**

Answer any **five** questions: -

5x5=25

9. Write short notes on the following – (any two)  
(i) Bailor (ii) Bailee (iii) Fraud (iv) Continuing guarantee.
10. Can a stranger to a contract sue or be sued? Explain.
11. **A** promises to obtain for **B** employment in the public service and **B** promises to pay Rs.5,000/- to **A**. Whether the above agreement is valid, void or voidable? Give reasons.
12. Define an agreement. Is a contract valid without free consent?
13. What do you understand by coercion in contract? Discuss.
14. Delegatus non-protest delegate (a delegate cannot further delegate). Discuss the implications of this maxim in relation to agency and state the exceptions to the rule.
15. "Acceptance of proposal must be absolute and unqualified". Explain.
16. Who can bring a suit for the rescission of a contract and on what grounds?

**GROUP-C**  
**TRANSFER OF PROPERTY ACT**

Answer any **five** questions: -

5x5=25

17. Write short notes on the following (any two)  
(a) Immovable property (b) Ostensible owner (c) Onerous gift  
(d) Universal Donee.
18. What is exchange? Explain the right of the party deprived of things received in exchange.
19. What is fraudulent transfer of property? What are the rights and liabilities of seller and buyer in a sale of property?
20. What is a Mortgage? What are the characteristics of Simple Mortgage? Distinguish between sale and mortgage?

21. What do you understand by rule against perpetuity? **A** made a gift of a house to **B** with whom he had illicit co-habitation? Is this transfer valid? Will it make any difference if **A's** relation with **B** is adulterous?
22. Define Sale. Explain the procedure of sale of immovable property. What is an agreement for sale?
23. Once a mortgage, always a mortgage and nothing but a mortgage". Elucidate.
24. What are the requisites of valid notice to quit?

**GROUP-D**  
**CODE OF CIVIL PROCEDURE**

Answer any **five** questions: -

5x5=25

25. What are the valid grounds for rejection of a plaint?
26. In what circumstances and in what manner substituted service is made?
27. What is Counter Claim and Set off? Explain.
28. Which Court has power to transfer suits which are instituted in two or more Courts?
29. **A** claiming to be a landlord sues the tenant for recovery of rent. **B** takes the plea that **A** is not the landlord. **A** fails to prove his title and the suit is dismissed. **A** then sues **B** and then **C** for declaration of his title to the property. Discuss with decided the cases.
30. What are the principles regarding the grant of temporary injunction? Can a Court grant temporary injunction in exercise of its inherent powers in a case?
31. How will you decide that a suit is civil in nature? State the circumstances in which the party to a suit can be refused permission to amend the pleadings.
32. Who are the persons, exempted from personal appearance in Court? Discuss.

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