

THE GUAHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main written examination for direct recruitment to Grade-III of Nagaland Judicial Service, 2018

Date: 18-01-2019 (Friday)

Time: 9.00 am to 12 noon

Total marks: 100

Duration: 3 (Three) hours

PAPER- I

1. Write essays on any two of the following topics: 20x2 = 40
- (i) Customary Law and the Constitution.
 - (ii) Independence of Judiciary.
 - (iii) Judicial ethics.
2. Read carefully the speech of Dr. B. R. Ambedkar in the Constituent Assembly on 4th of November, 1948 and answer the 5 (five) questions in a few sentences: 5x3 = 15

".....As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution. What I am sorry about is that the provisions taken from the Government of India Act, 1935, relate mostly to the details of administration. I agree that administrative details should have no place in the Constitution. I wish very much that the Drafting Committee could see its way to avoid their inclusion in the Constitution. But this is to be said on the necessity which justifies their inclusion. Grote, the historian of Greece, has said that:

"The diffusion of constitutional morality, not merely among the majority of any community but throughout the whole, is the indispensable condition of a government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendancy for themselves."

By constitutional morality Grote meant "a paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own." (*Hear, hear.*)

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The most criticized part of the Draft Constitution is that which relates to Fundamental Rights. It is said that Article 13 which defines fundamental rights is riddled with so

many exceptions that the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of the critics fundamental rights are not fundamental rights unless they are also absolute rights. The critics rely on the Constitution of the United States and to the Bill of Rights embodied in the first ten Amendments to that Constitution in support of their contention. It is said that the fundamental rights in the American Bill of Rights are real because they are not subjected to limitations or exceptions.

I am sorry to say that the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law. Because fundamental rights are the gift of the State it does not follow that the State cannot qualify them.

In the Draft Constitution the Fundamental Rights are followed by what are called "Directive Principles". It is a novel feature in a Constitution framed for Parliamentary Democracy. The only other constitution framed for Parliamentary Democracy which embodies such principles is that of the Irish Free State. These Directive Principles have also come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is of course superfluous. The Constitution itself says so in so many words.

If it is said that the Directive Principle have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.

- (i) Do you think that Indian Constitution has borrowed from other Acts and Constitutions?
- (ii) Why did Dr. Ambedkar say that nobody holds any patent rights in the fundamental ideas of a Constitution?
- (iii) What do you understand by constitutional morality?
- (iv) Are Fundamentals Rights under Indian Constitution absolute?
- (v) Wherefrom our Constitution has adopted Directive Principles of State Policies and what is the difference between Fundamental Rights and the Directive Principles of State Policies?

3. First, choose the correct/nearest meaning of the following words, and thereafter, make five separate sentences with each of these five words.

1x5 = 5

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- (i) *Prima facie*
 - (a) Prime Fact
 - (b) First Face
 - (c) First Sight

- (ii) *Ipsa facto*
 - (a) Instant fact
 - (b) False fact
 - (c) By the fact itself
- (iii) *Dehors*
 - (a) Outside the scope of
 - (b) Dethroning
 - (c) Without horns
- (iv) *Plausible*
 - (a) Laudable
 - (b) Comfortable
 - (c) Conceivable
- (v) *Expeditiously*
 - (a) Expensively
 - (b) Hurriedly
 - (c) Expediently

4. Change the following "direct speeches" to "indirect speeches".

1x5 = 5

- (i) He said, "Will you be there on Sunday?"
- (ii) He said, "What a beautiful state Nagaland is!"
- (iii) The leader said, "Farewell my friends. See you again soon!"
- (iv) She said, "Let's leave the bag in the room"
- (v) The Captain said, "Hurrah! We have won the match! Let's celebrate!"

5. Write the synonyms of the following words:

1x5 = 5

- (i) Abstruse
- (ii) Confess
- (iii) Exculpate
- (iv) Lenient
- (v) Refute

6. Write the antonyms of the following words.

1x5 = 5

- (i) Candid
- (ii) Malice
- (iii) Obscure

- (iv) Indigent
- (v) Prudence

7. Fill in the blanks with the most appropriate words:

1x5 = 5

- (i) After the trial the accused was of all the charges.
 - (a) informed
 - (b) explained
 - (c) exonerated

- (ii) During the trial, the accused not guilty.
 - (a) expressed
 - (b) admitted
 - (c) pleaded

- (iii) The two persons to cheat the gullible unemployed youths for which they were convicted for cheating.
 - (a) agreed
 - (b) conspired
 - (c) proposed

- (iv) It was a combination of circumstances which led to discovery of the weapon of the crime.
 - (a) good
 - (b) fortunate
 - (c) fortuitous

- (v) The reply of the accused intrigued the instigating officer.
 - (a) interesting
 - (b) silent
 - (c) evasive

8. Rewrite and correct the following sentences, if there be any:

1x5 = 5

- (a) Neither the Principal or the teachers was present in the function.
- (b) The jury is divided in the opinion.

- (c) None but the best candidate deserve to be selected.
- (d) Not only did she participated in the test and also topped the merit list.
- (f) More than one candidate were present in the written examination.

9. Correct the spellings, if there be any, and rewrite the words:

1x5 = 5

- (a) acknowladgement
- (b) counterfite
- (c) exageration
- (d) senctimoneous
- (e) fecilitate

10. Change the voice from active to passive:

1x5 = 5

- (a) Do not lie.
 - (b) People speak English all over Nagaland.
 - (c) Who broke this beautiful plate?
 - (d) Whom have you called?
 - (e) Please take your seat.
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