

DATE: 28-04-2013.

TIME: 9 am to 12 noon.

**WRITTEN EXAMINATION, 2013
for GRADE-III
of
NAGALAND JUDICIAL SERVICE
GAUHATI HIGH COURT**

Paper-III (Law Paper 1)

Total Marks-100

Time – 3 (three) hours

***N.B:** 1. Answer the questions with reference to the relevant provisions/sections of law.

2. Answer need not be in narrative form, but must clearly indicate point-wise response to the question attempted.*

All questions carry equal marks. Answer any **five** questions in each group.

GROUP-A: Constitution of India (5 x 5 = 25)

1. Explain the powers and functions of the President of India.
2. What are the qualifications for the post of Vice President of India?
3. Give an account of the composition of Indian Parliament.
4. Explain the procedure of impeachment of the President of India.
5. Write short notes on:
 - a) Habeas Corpus
 - b) Certiorari
6. "No person can be deprived of his life or personal liberty except according to the procedure established by law"-Explain.
7. Write short notes on:-
 - a) Public Interest Litigation (PIL)
 - b) Independence of Judiciary
8. On what grounds restrictions on the Freedom of Speech and Expression can be imposed.

GROUP-B: Indian Contract Act

(5 x 5 = 25)

9. "A proposal is starting point of a contract". Discuss with reference to the essential characteristics of a valid proposal.
10. Write a short note on "Past consideration".
11. How is proposal revoked? Explain with reference to the provisions of the Law of Contract.
12. "Mere silence does not amount to fraud"-Explain.
13. Write a short note on "Anticipatory breach of contract".
14. What are the rights and obligations of co-sureties?
15. Discuss briefly: Reimbursement of money of a person due by another, in the payment of which the person is interested.
16. What are the remedies available for a Breach of Contract? Explain and exemplify the principles on which damages are assessed.

GROUP-C: Transfer of Property Act

(5 x 5 = 25)

17. Write short notes on:
 - a) Part performance
 - b) Conditional transfer.
18. What kind of property may be transferred?
19. Who may sue for redemption of mortgaged property?
20. Define "Gift". How is transfer effected for the purpose of making a gift?
21. How shall transfer of an actionable claim be effected?
22. Discuss – Duration of lease in the absence of written contract or local usages.
23. In which cases a mortgagee or any person acting on his behalf has the power to sell the mortgaged property or any part thereof, in default of payment of the mortgaged money, without intervention of the court?

24. Write short notes on :

a) Mesne –mortgage

b) Determination of lease.

GROUP-D: CODE OF CIVIL PROCEDURE

(5 x 5 = 25)

25. Define and explain Decree as used in C.P.C.

26. Point out distinction between Decree and Order.

27. Discuss in detail the conditions which are necessary to constitute 'Res- judicata. What is meant by 'constructive res-judicata'?

28. Define cause of action. Also explain misjoinder of causes of action.

29. Under what conditions amendments can be refused?

30. In what cases plaint can be rejected by a court? Does it preclude the plaintiff from filing a fresh suit?

31. Enumerate different modes by which a court may enforce execution of decree.

32. What is temporary injunction? What are the provisions regarding issuance of temporary injunction?

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