

2006

EXAMINATION FOR RECRUITMENT TO GRADE-III OF  
ASSAM JUDICIAL SERVICE.

ENGLISH  
(PAPER - I)

(All Questions to be answered)

Full Marks : 100  
Time : 2 hours.

1. Write an essay on any one of the following topics in about 1000 words.

30

- (a) The role of the Judiciary under the Indian Constitution.  
(b) Information Technology in India.

2. Read the following passages and pick up the correct answers from the answer choices for each question which follows the passage.

10

Passage - 1

Speaking in public is as difficult as singing or acting, and it ought to have quite as careful rehearsals; even more careful, because one of the aims of the public speaker is to appear entirely spontaneous. The great speakers of Greece and Rome used to prepare an important speech as carefully as an opera star nowadays studies a new role. After writing it out a dozen times, they would deliver it before a few trusted friends, critics and tutors, repeating it again and again until they knew every syllable and

emotion. That is why we still study the speeches of men like Cicero; a single page of them contains the results of more concentrated thought, active experience, intricate psychological knowledge, and training language than most modern speakers can command in a whole lifetime.

- Q. 1. The main idea of the passage is
- (A) Speaking in public is a difficult job.
  - (B) Speeches should be written as well as delivered.
  - (C) The main aim of the public speaker is to appear spontaneous.
  - (D) A public speaker needs careful rehearsals.
- Q. 2. Which of the following is the most appropriate title for the passage.
- (A) Public speaking and Public.
  - (B) Great public speakers of the past.
  - (C) Public speaking—a difficult art.
  - (D) Public speaking vs Singing.
- Q. 3. Which of the following statements the author does not make or does not imply.
- (A) Spontaneity is one of the qualities of a good public speech.

(B) Rehearsal was the important method of preparing public speeches.

(C) Speakers belonging to ancient Rome and Greece were better than most of the speakers of the modern times.

(D) A public speech must be a highly elaborate work of art.

Q. 4. We can infer from the passage that one of the qualities of a good public speech is

(A) It should be an elaborate work of art.

(B) It should give concentrated thought.

(C) It should be spontaneous.

(D) Critics should approve of it.

Q. 5. Which of the following use/uses of the 'overwhelm'

— a word used in the passage—is correct.

1. He was overwhelmed with emotions.

2. This party has overwhelming majority.

3. Overwhelming role was played by him.

(A) Only 1 and 2

(B) Only 1 and 3

(C) Only 2 and 3

(D) All the three.

### Passage – 2

If there is one custom that might be assumed to be beyond criticism it is the custom of shaking hands; but it seems that even this innocent and amiable practice is upon its trial. A heavy indictment has been directed against it in the Press on hygienic grounds, and we are urged to adopt some more healthy mode of expressing our mutual emotion when we meet or part. I think it would need a pretty stiff Act of Parliament and a heavy code of penalties to break us of so ingrained a habit. Of course, there are many people in the world who go through life without ever shaking hands. Probably most people in the world manage to do so. The Japanese bow, and the Indian says *namaste*, and the Chinese make a grave motion of the hand, and the Arab touches the breast of his friend at parting with the tips of his fingers.

By comparison with these modes of salutation it may be that our Western custom of shaking each other by the hand seems coarse and rustic, but I cannot conceive that Englishmen will ever be argued out of shaking hands with each other. A greeting which we really feel without a grip of the hand to accompany it would seem like a repulse, or a sacrilege. It would be a bond without the seal—as cold as a stepmother's breath, as official as a typewritten letter with a type-written signature. It would be like denying our hands their natural office. They would revolt. They would not remain in our pockets or behind our backs or toying with a button.

We should have to chain them up, so instinctive and impetuous is their impulse to leap at a brother hand.

Q. 1. The author believes that,

- (A) Shaking hand is a bad habit.
- (B) Shaking hands is as formal as a typewritten letter.
- (C) Shaking hands is a well established habit among the Englishmen.
- (D) Shaking hands is a coarse and rustic method of salutation.

Q. 2. Which of the following is NOT mentioned as a mode of salutation.

- (A) bowing
- (B) touching the breast
- (C) saying Namaste
- (D) kissing.

Q. 3. The author concludes

- (A) shaking hands is the custom of the English only.
- (B) shaking hands should not be banned because it is ingrained habit of the English.
- (C) shaking hand is rustic and coarse.

(D) None of these.

Q. 4. What is meant by 'heavy indictment'?

- (A) too much burden.
- (B) unbearable criticism.
- (C) too much criticism.
- (D) irresponsible accusations.

Q. 5. In the 25<sup>th</sup> line the writer says "They would revolt".  
By the pronoun 'they' he means---

- (A) English people.
- (B) Friends.
- (C) Hands.
- (D) Critics.

3. Write a précis of the following passage and add a title. 10

The story of oil price hikes in India is as tedious as a tale told many times over. Political parties refuse to accept the simple premise that changes in the domestic prices of petrol and diesel should reflect global oil prices. The price hike that was announced on Monday, after some dithering, is a response to global market prices. But the extent of the hike is still not enough. The Petroleum Minister, Mr. Mani Shankar Aiyar, admitted that only half the rise in global prices had been passed on to the consumers. Public sector

oil companies will bear the other half of the increased burden. In other words, diesel and petrol continue to be subsidized by the government. Yet as long ago as 1997, a decision was taken that over a five-year period, administered pricing of petroleum products would come to an end. It is not clear what has happened to that decision. The government continues to be involved in the pricing of petrol, diesel and LPG. There is no clear direction that oil prices will be left to global market forces. This indicates the tardy nature of liberalization in India.

The hesitation to allow oil prices to be determined by global market forces is rooted in the failure of Indian political parties to abandon notions of socialism and populism. The Communist Party of India (Marxist) and the Bharatiya Janata Party are most vocal in the protest against the price rise, but the Congress too is not very comfortable with the decision. The protests are utterly misplaced. The real poor of India, whose cause all political parties, especially the CPI(m), claim to uphold, are not the consumers of diesel and petrol. Neither will the real poor, since they live at subsistence level, be affected by whatever inflationary impact the price rise might have. The consumers of diesel and petrol are the city-dwellers and the rural rich who can have no claims to government subsidy by any economic or political reasoning. The left should ponder what can be done with the money that is now being used to subsidize diesel and petrol prices. That money can be put to far better use to provide food, shelter, education and health facilities

for the poor of India. It is a measure of the left's lopsided priorities that they continue to rant against a price hike, the victims of which are not the poor. Rise in oil prices is inevitable in a globalized world. The left should accept this and be less myopic about Indian realities.

4. In each of the following sentences some part is underlined. Each sentence is followed by five alternative versions of the underlined part. Pick the answer choices which is most effective, most correct according to the requirements of standard written English. In selecting attention must be paid to grammar, syntax, diction, clarity, precision and fluency. 10

(a) The flowers are plucked and the lawn mowed.

- (i) and the grass of the lawn cut.
- (ii) and the lawn is mowed.
- (iii) and the moving of the lawn done.
- (iv) NO IMPROVEMENT IS NEEDED.

(b) I prefer to write than to read.

- (i) for writing than to read.
- (ii) to write to reading.
- (iii) writing to reading.
- (iv) NO IMPROVEMENT IS NEEDED.

- (c) It is time to immediately finish the work in hand.
- (i) the time to immediately finish the work at hand.
  - (ii) a time to finish the work on hand immediately.
  - (iii) time to finish the work in hand immediately.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (d) It is known to every one that these presents are for you and myself.
- (i) for you and I.
  - (ii) for yourself and myself.
  - (iii) for you and me.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (e) Turning now to the evidence it appears very hazy.
- (i) It appears very hazy turning now to the evidence.
  - (ii) Turning now to the evidence I may say that it appears to be very hazy.
  - (iii) The evidence appears hazy, turning to the evidence.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (f) It was a wet day but I took an umbrella.
- (i) rainy day therefore I took an umbrella.
  - (ii) wet day so I took an umbrella.
  - (iii) rainy day however I carried an umbrella.
  - (iv) NO IMPROVEMENT IS NEEDED.

- (g) A good audience likes to be entertained but they object to being bored.
- (i) yet raises objections to being bored.
  - (ii) but objects to be bored.
  - (iii) objects to being boring.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (h) Neither he pays now nor he promises to pay later.
- (i) He neither pays now nor promises to pay later.
  - (ii) He pays neither now nor to pay later.
  - (iii) Neither does he pay now nor does he pay later.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (i) Wanted a piano by a lady with twisted legs.
- (i) a piano with twisted legs by a lady.
  - (ii) by a lady a piano with twisted legs.
  - (iii) a twisted legs piano by a lady.
  - (iv) NO IMPROVEMENT IS NEEDED.
- (j) Choose only such friends whom you can trust.
- (i) who you can trust.
  - (ii) who can be trusted.
  - (iii) as can be trusted.
  - (iv) NO IMPROVEMENT IS NEEDED.

5. One blank space is left in each of the following questions. Pick the answer choice which will complete each sentence correctly. 10

(a) We must not judge others .....

(i) by appearance

(ii) with appearance

(iii) by appearances

(iv) with appearances

(b) He reads comics just ..... time.

(i) to pass away

(ii) to pass away the

(iii) to pass

(iv) to pass the

(c) She ..... For many hours last night.

(i) has slept

(ii) had slept

(iii) would sleep

(iv) slept

(d) The hours .....

(i) tripped by

(ii) tripped up

(iii) tripped

(iv) tripped along

(e) He ..... that I am not his friend.

- (i) mistakes in thinking
- (ii) is mistaken in thinking
- (iii) mistakes of thinking
- (iv) is mistaken of thinking

(f) I tried to save her but .....

- (i) of no purpose
- (ii) to no purpose
- (iii) of any purpose
- (iv) to any purpose

(g) I commenced your work ..... 15<sup>th</sup> August.

- (i) since
- (ii) on
- (iii) from
- (iv) at

(h) I ..... To him to day.

- (i) never spoke
- (ii) did not speak
- (iii) had not spoken
- (iv) have not spoken

(j) This ..... Freedom should not be misused.

- (i) hardly won
- (ii) scarcely won
- (iii) hard won
- (iv) scarce won

(j) I haven't got .....

- (i) any ink
- (ii) no ink
- (iii) any drop of ink
- (iv) no drop of ink

6. From among the given options, choose a word that is closest in meaning to the capitalized word. 10

(a) VINDICATE

- (A) organize
- (B) justify
- (C) assure
- (D) clear
- (E) ignore

(b) SEVER

- (A) break
- (B) vanquish
- (C) brevity
- (D) result
- (E) abort

(c) PURSE

- (A) partake
- (B) nudge
- (C) subdue

(D) follow (E) relinquish

(d) DETRIMENTAL

(A) categorical

(B) diligent

(C) diminutive

(D) injurious

(E) insolent

(e) ABRIDGE

(A) fabricate

(B) shorten

(C) sprawl

(D) peer

(E) put in irons

(f) WIELD

(A) split

(B) manage

(C) pour

(D) bound

(E) consistent

(g) ENTRENCH

(A) establish

(B) fortify

(C) furnish

(D) affirm

(E) fall sort of

(h) URCHIN

(A) imposter

(B) fish

(C) orphan

(D) child actor

(E) small child

(i) VIAL

(A) container

(B) scent

(C) chain

(D) file

(E) indicator

(J) ADEPT

- (A) vigorous (B) skilful (C) enough  
(D) incoming (E) devious.

7. Complete the following sentences by selecting an appropriate word from the given choices.

(a) Our government will not ..... its responsibility to curb terrorism.

- (A) enchant (B) palpitate (C) abdicate  
(D) flail (E) hand over

(b) This is not the first time that militants have resorted to violence and ..... to enforce its will.

- (A) subterfuge (B) literacy (C) jargon  
(D) penalty (E) cynicism

(c) Our reporter investigates the strange ..... between politicians and liquor lobby.

- (A) moron (B) illegitimacy (C) nexus  
(D) malady (E) allusion

(d) The atmosphere in India was not ..... to research work as it was polluted with politics.

- (A) monastic (B) diffident (C) turbid

- (D) attached (E) conducive
- (e) He has been lodged in maximum security prison, on charges of high .....
- (A) stridency (B) articulation (C) treason  
(D) tenacity (E) impasse
- (f) He is ..... from the strains of a heart attack, which left him bed ridden till recently.
- (A) doctoring (B) reinvigorating  
(C) adjusting (D) repudiating (E) recuperating
- (g) The president ..... legal opinion on who he should invite to form the government.
- (A) acquired (B) solicited (C) laundered  
(D) conveyed (E) rejected
- (h) At the end of her brief speech, the ..... lasted at least two minutes.
- (A) illustration (B) ovation (C) agitation  
(D) flux (E) disapproval
- (i) He was their father and they took it for granted that he should love and ..... them.
- (A) galvanize (B) mime (C) cherish

(D) lynch (E) hoot

(j) She announced on September the partial lifting of the ..... on the Jaffana.

(A) antagonism (B) curtain (C) endeavour  
(D) subsistence (E) embargo

8. Pick up the word from the choices word having opposite meaning for the word in capital letters. 10

(a) ARRIVAL

(A) Survival (B) Medieval  
(C) Departure (D) Depart

(b) EXIT

(A) Enter (B) Submit  
(C) Entrance (D) Down

(c) IGNORANCE

(A) Education (B) Literacy  
(C) Awareness (D) Know

(d) SMILE

(A) Anger (B) Officious  
(C) Frown (D) Despire

- (e) ALLOW  
(A) Forbid  
(B) Permit  
(C) Forgive  
(D) Insult
- (f) CONFESS  
(A) Refuse  
(B) Reject  
(C) Deny  
(D) Deject
- (g) HELP  
(A) Succour  
(B) Hind  
(C) Hinder  
(D) Pull
- (h) MAKE  
(A) Destroy  
(B) Cut  
(C) Mar  
(D) Mutilate
- (i) BARREN  
(A) Productive  
(B) Fertile  
(C) Grow  
(D) Decline
- (j) DENSE  
(A) Unpopulated  
(B) Sparse  
(C) Immense  
(D) Fence
- x —

Original  
2006

## GENERAL KNOWLEDGE

Time: 2 hours

Total Marks: 100

Answer all questions and answer must be in English:  
Marks are indicated against each question.

### GROUP -A (Objective Type)

There are 25 questions and all carry equal marks.  $25 \times 2 = 50$   
Each question carries 4 possible answers.

Answer the correct one following the example given below:

Example: 1. There are two classes of Advocates under the  
Advocates Act, 1961

- (a) Advocates and Lawyers.
- (b) Junior Advocates and Senior Advocates .
- (c) Advocates and Senior Advocates.
- (d) Barristers and Senior Advocates.

Answer: 1 (c)

1. Justice R.C.Lahoti is the
  - (a) 32<sup>nd</sup> Chief Justice of India.
  - (b) 33<sup>nd</sup> Chief Justice of India.
  - (c) 34<sup>th</sup> Chief Justice of India.
  - (d) 35<sup>th</sup> Chief Justice of India.
2. A triable offence committed by an adult is
  - (a) criminal offence
  - (b) indictable offence
  - (c) indenture
  - (d) incriminatory
3. The killing of a new born child by its parents
  - (a) Infanticide
  - (b) Abortion
  - (c) Foeticide
  - (d) Malfeasance

4. International Court of Justice has its seat in :
    - (a) Geneva
    - (b) The Hague
    - (c) New York
    - (d) London
  
  5. A Supreme Court Judge is removed by
    - (a) order of Vice President
    - (b) both Houses of Parliament
    - (c) Chief Justice of India
    - (d) President's order, after both Houses of Parliament pass resolution.
  
  6. First Woman Prime Minister in the world was of
    - (a) Sri Lanka
    - (b) Bhutan
    - (c) India
    - (d) Nepal
  
  7. Who is the present Secretary General of the United Nations?
    - (a) Bouttos Bouttos Ghali
    - (b) Kofi Annan
    - (c) Madeline Albright
    - (d) Collin Powell
  
  8. Which one of the following States is not adjacent to National Capital Territory of Delhi ?
    - (a) Punjab
    - (b) Haryana
    - (c) Rajasthan
    - (d) Uttar Pradesh
  
  9. Medha Patekar is a
    - (a) Philosopher
    - (b) Scientist
    - (c) Environmentalist
    - (d) Journalist
-

10. First Bar-at-Law in India  
(a) Madhusudan Das  
(b) Jnanendra Mohan Tagore  
(c) Chitta Ranjan Das  
(d) Mahatma Gandhi
11. Number of High Courts in India are  
(a) 30  
(b) 28  
(c) 21  
(d) 20
12. December 10 is observed as  
(a) World Animal Welfare day  
(b) World Habital day  
(c) Human Rights day  
(d) Legal Services day
13. The largest gland in the human body is  
(a) Liver  
(b) Pancreas  
(c) Thyroid  
(d) Endocrine
14. Complete the series: 4, 12, 36, 108, \_\_\_\_\_  
(a) 304  
(b) 144  
(c) 216  
(d) 324
15. Though the Constitution of India provides for the federal system of Government, India has  
(a) dual judicial system  
(b) plural judicial system  
(c) single judicial system  
(d) multiple judicial system
16. VAT refers to  
(a) value added tax  
(b) various added tax  
(c) valuable added tax  
(d) value-based additional tax

17. In India, recognition to Political Parties is accorded by
- (a) President
  - (b) Law Commission
  - (c) Speaker of the Lok Sabha
  - (d) Election Commission
18. To be appointed a Judge of the Supreme Court, a person should have been an Advocate of a High Court for at least
- (a) 10 years
  - (b) 12 years
  - (c) 13 years
  - (d) 15 years
19. Which is the worst affected State in India from TSUNAMI wave tragedy in 2004?
- (a) Andaman
  - (b) Kerala
  - (c) Tamil Nadu
  - (d) Pondicherry
20. Which one of the following is not 'primary colour'?
- (a) Red
  - (b) Green
  - (c) Blue
  - (d) Yellow
21. Tony Blair, Prime Minister of Britain belongs to
- (a) Conservative party
  - (b) Liberal Democratic party
  - (c) Labour party
  - (d) Radical party

22. Which of the following statement is correct ?
- (a) Under the Criminal Law, an accused is presumed to be innocent
  - (b) Under the Criminal Law, an accused is presumed to be guilty
  - (c) Under the Criminal Law, an accused is presumed to be innocent and the burden is upon the prosecution to prove him guilty
  - (d) None of these above
23. One who brings an action at law
- (a) Defendant
  - (b) Plaintiff
  - (c) Plaintiff
  - (d) Party
24. India has the world's largest deposit of
- (a) Copper
  - (b) Mica
  - (c) Plutonium
  - (d) Uranium
25. What distinguishes Civil law from Universal law?
- (a) everyone follows civil law
  - (b) everyone follows Universal law
  - (c) Civil laws are derived from Universal laws
  - (d) Universal laws are derived from Civil laws

**GROUP-B**  
(Aptitude Test)

There are 10 questions carrying 5 marks each.

10 x 5=50

Certain Factual Situations along with the relevant Legal Principles are given below. Apply the principles to the given facts and select the most appropriate answer among the four alternatives given.

1. **PRINCIPLE:** Acts done by children below 12 years of age are not offences if they are not mature enough to understand the nature and consequences of the acts.

**FACTUAL SITUATION:** Bobby , a child of 9 years of age, finds a gold chain in his uncle's home. He gives the chain to his sister Ruby who is eight years old and tells her not to tell anyone. The uncle reports the matter to the police. The police conducts a search. During the investigation the police finds the gold chain kept in the toys of Ruby. Ruby tells the police that Bobby had given the chain to her.

**DECISION:**

- (a) Bobby is guilty of theft.
- (b) Ruby is guilty of theft.
- (c) Both Bobby and Ruby are guilty of theft
- (d) Neither Bobby nor Ruby is guilty of theft.

2. **PRINCIPLE:** Every employee can compel for his remuneration

**FACTUAL SITUATION :** Shankar and Sohail jointly promised to pay Rs.5,000/- to gardener for the work he did in their resorts. Gardner demanded money only from Sohail. But Sohail argued that since both of them had jointly promised, gardener must demand money from both or none.

**DECISION:**

- (a) Gardener cannot demand money for Sohail only.
- (b) Gardener can demand from Sohail only.
- (c) Gardener can demand from Shankar only.
- (c) Gardener has right to claim from any one.

3. **PRINCIPLE** : The supplier is responsible for any contaminated goods.

**FACTUAL SITUATION:** A shopkeeper sold a bottle of sealed soft drink to Mr.A. The bottle contained contaminated soft drink. A suffered illness after consuming the soft drink. The shopkeeper pleads that he is not responsible. The manufacturer argues that the bottle was not purchased by A from them. So manufacturer was not liable to A. Has A any remedy.

**DECISION:**

- (a) Yes, A has remedy against shop keeper
- (b) Yes, A has remedy against manufacturer
- (c) No, A has no remedy against shop keeper
- (d) A has no remedy against manufacturer and shopkeeper.

4. **PRINCIPLE:** Acceptance must be communicated to the party to the contract

**FACTUAL SITUATION:** Kavya came across a beautiful Ganesha idol made of sandalwood in an exhibition. After returning home, she sent an e-mail to the organizers of the exhibition asking them whether they would sell the Ganesha idol and what would be the price for the same. The organizers replied, " We would not sell for anything less than Rs.10,000/- ". Kavya wrote back saying " I accept". In the meantime, the organizers sold the same idol for Rs.12,000/- to another person. Kavya demanded the idol or Rupees two thousand, that is, the extra money taken by the organizers. Decide.

**DECISION:**

- (a) Kavya cannot succeed because mere writing "accept" does not make the party binding. The acceptance to be complete must be communicated to the other party
- (b) Kavya cannot succeed because she did not pay immediately for the Ganesha idol.
- (c) Kavya can succeed because she was first to inform him to purchase
- (d) Kavya can succeed because the seller sold above the price offered first by her.

5. **PRINCIPLE:** Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

**FACTUAL SITUATION:** A incites a dog to spring upon B intending to cause injury and fear to B. B was severely injured and by receiving shock, suffered from high fever. B lodged complaint with the police. A takes defence plea that the dog is a stray dog and he is not the owner of the dog and hence is not liable to be punished. Decide.

**DECISION:**

- (a) A is not liable because he himself has not done any injury etc. to B.
  - (b) A is not liable because the dog is a stray dog and for the act of stray dog he is not responsible.
  - (c) A is responsible because he intended to cause injury to B by using the force through dog at his instruction.
  - (d) A is responsible because he was present at the time of dog attacked to B.
6. **PRINCIPLE :** Ignorance of law is not an excuse in India with the practice that every person in India should be acquainted with the law of land.

**FACTUAL SITUATION:** Mr. Jackson a foreigner came to Delhi in the winter season. He saw the people in Delhi set fire on road side during night and get their body warm. One night he came out of his hotel and asked two labourers to cut down a dry tree in Pandara Road and when they agreed he paid them Rs.150 Indian currency for cutting down the tree. They cut and made the log into small pieces and the foreigner along with the tree cutters set fire and got their body warm. After some time the Police Patrol car watched it and arrested the foreigner and two labourers on the spot. The foreigner pleaded that the tree was dry and he did not know the cutting of tree from road side is an offence in India.

**DECISION:**

- (a) The foreigner shall not be responsible for the offence because he himself has not cut but through the Indian People
- (b) The foreigner shall be punished because in India cutting of tree from road side is an offence
- (c) The pretence that he does not know such act is an offence is not an excuse to foreigner also
- (d) Both (b) and (c):

7. **PRINCIPLE** : A person is said to cause an effect "voluntarily" whereby he intended to cause it or by means which, at the time of employing those means, he knew or had reason to believe, to be likely to cause it.

**FACTUAL SITUATION:** A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and this causes death of a person. A pleaded that he has intended the robbery but not the cause of death and became sorry for the death caused by his act. Decide.

**DECISION:**

- (a) is liable for causing the death voluntarily though he has not intended to cause death of any one, because he has set fire in an inhabited house not in abandoned house and it is quite natural that in such house people must be there during night.
- (b) A is not liable because he has not intended the murder of any one other than robbery.
- (c) A is not liable for murder but is liable for robbery only.
- (d) A is not responsible for murder because he has not killed any one by his own hands.

8. **PRINCIPLE** : The State is liable for the act of its employees, when the act is of private nature, in the same manner and under the same conditions as any other employer. The State is not liable when the act is in the exercise of sovereign power or in performance of an act of State.

**FACTUAL SITUATION:** An army truck driven by a military driver 'A' was proceeding on duty to check the army men on duty at different military posts. The truck hit a civilian 'B' and caused material injury. The fact showed that the injury was caused due to rash and negligent driving by the military driver 'A'. The injured civilian 'B' brought a suit in tort against the Union of India.

**DECISION:**

- (a) the suit succeeded on the principle of *qui facit per alium facit per se* (he who does an act through another is deemed to do it himself.)
- (b) the suit succeeded on the master and servant relationship between the Union of India and the military driver.
- (c) the suit failed because the Union of India did not ratify the rash and negligent driving.
- (d) the suit failed because the incident occurred in the course of discharge of sovereign functions of the State.

9. **PRINCIPLE:** Criminal trespasser has no immunity of law.

**FACTUAL SITUATION;** Arun, an industrialist had a warehouse fenced by six feet concrete wall. But still there were occasions of regular pilferages. His security guards could not find the culprit. So Arun lifted his wall to eight feet. The wall became slippery. One day, a thief climbed up the wall and fell down and died. Did Arun commit any wrong?

**DECISION:**

- (a) Arun did not commit any wrong
- (b) Arun committed the offence of murder
- (c) Arun did not commit the offence of murder but culpable homicide
- (d) Arun committed the wrong against State

10. **PRINCIPLE** : The speed limit to driver in a road is given in the road signs showing 65 km. per hour.

**FACTUAL SITUATION:** X drives his car on that road at 70 km. per hour. He argues that he drives safe and there is no injury or inconvenience to any body. Can he be fined by the traffic police ?

**DECISION:**

- (a) Yes, X violates the traffic norms, and the law does not recognize such statement that he does not make any injury or inconvenience.
- (b) Yes, because he is not a policeman
- (c) No, because he has not injured any one
- (d) No, because no accident occurred

\* \* \*

Examination for Recruitment to Grade-III of the Assam Judicial Service.

**LAW PAPER - I**

Full Marks : 100

Time : 2 hours

1. Answer the following questions:- 1X15 = 15
- (i). The court can enlarge the period under Section 148 CPC for doing of any act prescribed or allowed under the Code of Civil Procedure not exceeding, in total, -
- (a) 90 days.
  - (b) 60 days.
  - (c) 45 days.
  - (d) 30 days.
- (ii). According to Section 27 CPC, summons to the defendant shall be issued to, and served on, such day not beyond -
- (a) 30 days from the date of institution of the suit.
  - (b) 30 days from the date on which the process-fee is paid.
  - (c) 90 days from the date of institution of the suit.
  - (d) 90 days from the date on which process-fee is paid.
- (iii). List of witnesses must be filed -
- (a) within 15 days of the settlement of the issues.
  - (b) 15 days before the settlement of the issues.
  - (c) on the date of the settlement of the issues.
  - (d) on the date on which the suit is instituted.

(iv). Under O.7 R. 14 CPC, where a plaintiff sues upon a document, which is in his possession or power, the document or a copy thereof

- (a) must be filed on or before framing of the issues.
- (b) must be filed along with the plaint.
- (c) can be filed at any time, but before the evidence is adduced by the plaintiff.
- (d) can be filed at any time before the delivery of the judgment.

(v). Adjournment can be granted

- (a) under O.17 R.2 CPC.
- (b) under O.18 R.3 CPC.
- (c) under O.17 R.1 CPC.
- (d) under O.18 R.1 CPC.

(vi). Notice of the application for execution of a decree has to be issued to the judgment-debtor -

- (a) Where the execution is applied for after 2 years of the date of decree.
- (b) Where the application for execution of the decree is made against the legal representatives of the judgment-debtor even if the application is made within 2 years of the decree.
- (c) In all execution proceedings, notice must be given to the judgment-debtor.
- (d) Where the application for execution is made beyond 3 years of the date of the decree.

Out of the above propositions, which of the following propositions are correct.

- (i) (a) and (b).
- (ii) (b) and (c).
- (iii) (c) and (d).
- (iv) (b) and (d).

(vii). When a decree is passed against the Union of India or a State, execution of such a decree shall not be issued except -

- (a) When the decree remains unsatisfied for a period of three months computed from the date of the decree.
- (b) When the decree remains unsatisfied for a period of 60 days from the date of the decree.
- (c) When the decree remains unsatisfied for a period of 6 months from the date of the decree.
- (d) When the decree remains unsatisfied for a period of 1 year from the date of the decree.

(viii). Plaintiff's right to withdraw his suit is -

- (a) absolute.
- (b) If the leave to withdraw the suit is granted by the Court.
- (c) Only if the defendant agrees to the withdrawal of the suit by the plaintiff.

(ix). Foreign Rulers, Ambassadors and Envoys under Section 86 of the CPC -

- (a) cannot be sued in Indian Courts.

(b) can be sued in Indian Courts only with the written consent of the Central Government.

(c) can be sued in Indian Courts only with the written consent of the person, who is to be sued.

(d) can be sued in Indian Courts only with the written consent of the State Government, where the said suit is sought to be instituted.

(x). Precept is

(a) a transfer of the decree.

(b) an order passed by one Court to another Court of competent jurisdiction to attach any property of the judgment-debtor.

(c) an execution of the decree.

(d) all the above.

(xi) Which of the following deals with reservation in public employment-

(a) Article 15 of the Constitution of India.

(b) Article 16 of the Constitution of India.

(c) Article 25 of the Constitution of India.

(d) Article 35 of the Constitution of India.

(xii) Whether an Ordinance is a law within the meaning of Article 21 of the Constitution of India -

(a) Yes.

(b) No.

(xiii) Which of the following deals with Doctrine of Frustration as embodied in the Contract Act-

(a) Section 36.

- (b) Section 46.
- (c) Section 56.
- (d) Section 66.

(xiv) Whether a contract induced by misrepresentation is -

- (a) Void.
- (b) Voidable.
- (c) Void as well as voidable.
- (d) Neither void nor voidable.

(xv) Which Section of Transfer of Property Act deals with mortgage-

- (a) Section 56.
- (b) Section 54.
- (c) Section 52.
- (d) Section 50.

2. An airhostess, 'X', working in Air India, challenges, by filing a writ petition, the service regulations, which stipulate that an airhostess, who gets married, may be retired within 4 years of her marriage or on her first pregnancy, whichever is earlier. Will she succeed? Give reasons.

3

3. The term 'life', as used in Article 21, means something more than a mere animal existence. Elucidate.

3

4. Arbitrariness is the anti-thesis of Article 14. Do you agree with the said statement? If so, give reasons.

3

5. Is the scope of Article 32 wider than that of Article 226 of the Constitution of India? Assign reasons for your answer. 3
6. Whether the Parliament has the power to amend Article 368 of the Constitution of India? If so, how? Answer with reasons. 4
7. Short Note 3x2 = 6
- (a) Doctrine of stare decisis (b) Judicial Review
8. What are the different modes of transfer of immovable property as embodied in the Transfer of Property Act, 1882? 5
9. Whether the following amounts to 'transfer' within the meaning of Section 5 of the Transfer of Property Act. Give reasons. (Any two) 2 ½ x2 = 5
- (a) Relinquishment.
- (b) Dedication of property to an idol in a temple.
- (c) Charge.
10. Can the doctrine of part-performance be availed for the purpose of filing a suit for possession of immovable property? Answer with reasons. 5

OR

A entered into a written contract with B to take two shops belonging to B on a monthly rental of Rs.1,000/- each. A gave Rs.12,000/- to B as one year's advance rent and took possession of one shop. As regards the other shop, located in the same building, A gave another Rs.12,000/- as advance and B promised to hand over possession of the second shop after his son's wedding, which was to take place after one week. After the wedding, B, however, did not give possession of the other shop to A. Thereupon, A filed a

suit for possession under Section 53-A of the Transfer of Property Act. Can A succeed. Assign reasons for your answer. 5

11. Short notes (Any two) 3x2 = 6

(a) Fraudulent transfer (b) Doctrine of Lis Pendens

(a) Doctrine of election.

12. What is the difference between 'offer' and 'invitation to offer'? 3

13. H, a minor, but tall and well built, obtains a loan of Rs.35,000/- from J on a Promisory Note by telling him that he (i.e. H) has attained the age of majority and he needed the money for his college education. He, then,

- (a) purchased a costly wrist watch worth Rs.5,000/- and presented it to his friend,
- (b) spent Rs.14,000/- for furnishing his house,
- (c) entertained his friends in a hotel at the cost of Rs.3,000/- and
- (d) bought books worth Rs.13,000/- for preparing himself for the Medical Entrance Examination.

on the failure of H to repay the loan, J sues him. Will J succeed and if so, what will be the extent of his success. Give reasons. 4

14. The plaintiff, a tailor, delivered a sewing machine to the Railways for being sent to a place, R. The railways, as part of their agreement, promised to dispatch the machine and deliver the same at the specified place by a specified date. The tailor had sent the tailoring/sewing machine to the place R, for, he expected to carry on his business with special profit at that place, because of a forthcoming festival to be celebrated at the place, R. The delivery of the sewing machine was delayed due to negligence of the Railways and the same was delivered at the place, R, after the conclusion of

the festival. The plaintiff files a suit claiming damages for travelling upto the place of festival and the loss of profits, which he would have, otherwise, earned. Will the plaintiff succeed? Give reasons for your answer. 5

15. A, a contractor, on the request made, in writing, by a Head Master of a Government School, constructed two new class-rooms in the already existing school. The Inspector of Schools accepted the work and classes started in the newly built class-rooms. However, no payment for constructing the class-rooms was made to A on the ground that the Head-Master was not authorized to bind the Government by giving a contract for building the class-rooms, the proper authority, in this regard, being the Inspector of Schools. The contractor wants to approach the Court for remedy. Advise him. 4

16. A, an old lady, gifted her immovable properties to her daughter, D, with the direction that D should pay an annuity of Rs.50,000/- to D's brother P. On the same day, D, the defendant, made a promise, in writing, to P, the plaintiff, that she would pay the annuity as directed by A. The defendant failed to pay the stipulated sum and when the plaintiff filed a suit, she took the plea that since the plaintiff had himself not furnished any consideration, the agreement as between P and D is not enforceable. Decide. 5

**OR**

What agreements are contracts? What are the essentials of a valid contract?

17. What are the remedies available to a plaintiff in the cases, where an order of temporary injunction passed under Order 39 Rules 1 and 2 CPC is violated? 2

18. The plaintiff, P, institutes a suit against the defendant, D, seeking declaration of his title to the suit property and recovery of possession thereof by evicting D therefrom. The defendant, D, entered appearance, but

subsequently failed to appear in the suit and filed an application showing cause for his previous non-appearance. This application was dismissed on the ground that the application did not show any sufficient cause. Should D, be, now, permitted to contest the suit from the stage at which he entered appearance. Can he insist on re-trial of the part of the suit during which he was absent? 4

19. On 11.1.2005, A filed a suit against B for declaration of title and other consequential reliefs. Along with the suit, an application for temporary injunction under Section 94 read with O.39 Rules 1 and 2 of the CPC was filed. On 7.4.2005, the Court granted temporary injunction in favour of the plaintiff. On the next date, i.e., on 2.5.2005, the plaintiff did not appear and the suit was dismissed for default. The plaintiff, thereafter, filed an application under Order 9 R. 9 CPC and, on showing of sufficient cause, the dismissal was set aside and the suit was revived. Whether on the revival of the suit, the temporary injunction granted vide order, dated 7.4.2005, in favour of the plaintiff would also automatically revive? Give reasons for your answer. 5

20. Does the term 'government' in Section 80 CPC mean and include public sector enterprises, such as, Food Corporation of India and Assam State Electricity Board, ? 2

21. Whether the scope of the amendment of pleadings, as governed by O.6 R.17 CPC, has been narrowed down by "The Code of Civil Procedure (Amendment) Act, 2002". If so, give reasons. 3

22. Writ short notes (any two) :- 2 ½ x 2 = 5  
 (a) Decree (b) Mesne Profit (c) Restitution

**Law Paper II**

Attempt all questions.  
Answer in English.

Time 2 Hours

Marks-100

Marks

1. Explain the maxim "Actus non facit reum, nisi mens sit rea". State the cases where mens rea need not be established for proving the commission of a crime.

10

Or

2. Define consent. State how far consent can be pleaded as a justification for committing a crime. Illustrate your answer.

3. Define and illustrate the offences of 'wrongful restraint' and 'wrongful confinement' and distinguish between the two.

10

Or

4. Are section 498-A and Section 304-B mutually exclusive? Whether a person charged under section 304-B can be convicted under section 498-A without charge being there?

5.

1 X 5 = 5

- (a) An Indian citizen commits an act of adultery in England, which is not an offence in that country. Can he be prosecuted in India?

- (b) What is the minimum number of persons required for the offence of criminal conspiracy to be committed?  
(i) 3 (ii) 2 (iii) 5 (iv) more than 5.

- (c) Under Indian Law, a child under seven years of age is \_\_\_\_\_ (doli capax/doli incapax).

- (d) Give three offences, which can be punished with death under the Indian Penal Code, 1860.

- (e) Is abduction an act, which is in itself an offence?

6.

10.

- (a) Explain first information report and its evidentiary value in a criminal trial?

- (b) Distinguish between summons procedure and a warrant procedure with reference to the relevant provisions of Cr.P.C.

Or

7.

- (a) Distinguish between an anticipatory bail and an ordinary bail.
- (b) What are the considerations for granting and cancelling bail?

8.

10

- (a) The statements recorded by a police officer in course of investigation cannot be used at any trial, Comment.
- (b) Outline the powers and functions of a Sessions Court under the Code of Criminal Procedure.

Or

9.

- (a) Outline the procedure of trial of an accused who is a public servant.
- (b) Answer with reference to the provisions of the Code of Criminal Procedure the procedure for dealing with complaints relating to public nuisance?

10.

2X2.5=5

- (a) "A" lodged a complaint on 23/6/99 against her husband B and her in laws alleging commission of an offence under section 498A IPC. The complaint disclosed that A had left the matrimonial home on 2/10/1997. On completion of investigation, the police submitted charge sheet on 28/12/2001 and the learned Trial Court took cognizance of the offence on 13/2/2002. "B" seeks your advice for quashing the criminal proceeding. What aspects of the case would you examine in favour of quashing.
- (b) On the basis of a report submitted by the police under section 190(1)(b) Cr.P.C., the Court of the Magistrate took cognizance of the offence on 5/4/2004 and issued summons on the accused. The order summoning the accused is sought to be challenged under the Cr.P.C. Advise.

11.

- (a) Relevancy and admissibility of evidence are coextensive terms. Elucidate.
- (b) Distinguish between estoppel and waiver.

10.

Or

12.

- (a) The rule of reasonable doubt is only a guideline and not a fetish. Discuss.
- (b) Opinion evidence is not admissible in law. Is there any exception to this rule?

- 13.
- (a) Explain the rule of evidence relating to exclusion of oral evidence by documentary evidence under the Indian Evidence Act.
- (b) Who is a competent witness? Answer with special reference to a child witness.

Or

- 14.
- (a) Explain "attestation". How is a document required by law to be attested, required to be proved.
- (b) Discuss the relevancy of character evidence in a civil proceeding.

- 15.
- (a) "A" at the time of his appointment disclosed his date of birth as 1/10/1934. On complaints being made, it transpired in the enquiry that his actual date of birth was 25/11/1931. The school-leaving certificate produced in support of the date of birth as 1/10/1934 was found to be forged. "A" seeks to prove his date of birth as 1/10/1934 by relying on a horoscope. Advise "A" with reference to the related provisions of the Indian Evidence Act, 1872.
- (b) One "T" filed a petition over grant of succession certificate in respect of properties of "P" claiming to be his daughter and the only surviving Class I legal heir under the Hindu Succession Act, 1956. The brothers of the deceased challenged "T"'s claim to be the daughter of "P". They contended that "T" was the daughter of "R" and claimed that both "R" and "T" should be subjected to DNA test. The prayer for DNA test is allowed by the learned Trial Court as the applicants were willing to bear the cost of the test. "T" wishes to challenge the order. Advise her the grounds.

2.2.5=5

16. Distinguish between 'tort' and 'crime'. Does every tortious act amount to crime or vice-versa?

7

Or

17. Explain the general defences to a tort, which are provided under law of torts.
18. Explain the major modes of discharge of torts?

7

Or

19. Distinguish between assault and battery.
20. What is defamation? What are the remedies available to a plaintiff in a suit filed for defamation?

7

Or

21. Explain trespass ab initio.
22. Discuss the law of Res Ipsa Loquiter.

4.

Or

23. Define the tort of Nuisance. What are the remedies available to a plaintiff in a suit filed for nuisance?