

Paper - I

JUDICIAL SERVICE GRADE-III, EXAMINATION, 2011
ENGLISH

Marks- 100 marks

Time - 3 hours

Q. No. 1:- The atmosphere is a mixture of several gases. There are about ten chemical elements which remain permanently in gaseous form in the atmosphere under all natural conditions. Of these permanent gases, oxygen makes up about 21 percent and nitrogen about 78 percent. Several other gases, such as argon, carbon dioxide, hydrogen, neon, krypton and xenon, comprise the remaining 1 percent of the volume of dry air. The amount of water vapor, and its variations in amount and distribution, are of extraordinary importance in weather changes. Atmospheric gases hold in suspension great quantities of dust, pollen, smoke, and other impurities which are always present in considerable, but variable amounts.

7 marks

(5) The atmosphere has no definite upper limits but gradually thins until it becomes imperceptible. Until recently it was assumed that the air above the first few miles gradually grew thinner and colder at a constant rate. It was also assumed that upper air had little influence on weather changes. Recent studies of the upper atmosphere, currently being conducted by earth satellites and missile (10) probings, have shown these assumptions to be incorrect. The atmosphere has three well-defined strata.

The layer of the air next to the earth, which extends upward for about 10 miles, is known as the troposphere. On the whole, it makes up about 75 percent of all the weight of the atmosphere. It is the warmest part of the atmosphere because (20) most of the solar radiation is absorbed by the earth's surface, which warms the air immediately surrounding it. As steady decrease of temperature with increasing elevation is a most striking characteristic. The upper layer are colder because of their greater distance from the earth's surface and rapid radiation of heat into space. The temperatures within the troposphere decrease about 35 degrees per (25) 1000-foot increase in altitude. Within the troposphere, winds and air currents distribute heat and moisture. Strong winds, called jet streams, are located at the upper levels of the atmosphere. These jet streams are both complex and widespread in occurrence. They normally show a wave shaped pattern and move from west to east at velocities of 150 mph, but velocities as high as 400 mph have (30) been noted. The influences of changing locations and strengths of jet streams upon weather conditions and patterns are no doubt considerable. Current intensive research may eventually reveal their true significance.

Above the troposphere to a height of about 50 miles is a zone called the stratosphere. The stratosphere is separated from the troposphere by a zone of (35) uniform temperatures called the tropopause. Within the lower portions of the stratosphere is a layer of ozone gases which filters out most of the ultraviolet rays from the sun. The ozone layer varies with air pressure. If this zone were not there, the full blast of the sun's ultraviolet light would burn or skins, blind our eyes, and eventually result in our destruction. Within the stratosphere, the temperature and (40) atmospheric composition are relatively uniform.

The layer upward of about 50 miles is the most fascinating but the least known of these three strata. It is called the ionosphere because it consists of electrically charged particles called ions, thrown from the sun. The northern lights (aurora borealis) originate within this highly charged portion of the atmosphere. (45) Its effect upon weather conditions, if any, is as yet unknown.

1. Which of the following titles best summarizes the content of the passage?

- (A) New Methods for Calculating the Composition of the Atmosphere.
- (B) New Evidence Concerning the Stratification of the Atmosphere.
- (C) The Atmosphere: Its Nature and Importance to Our Weather
- (D) The Underlying Causes of Atmospheric Turbulence

(E) Stratosphere, Troposphere, Ionosphere: Three Similar Zones.

2. The passage supplies information that would answer which of the following question?

- I. How do the troposphere and the stratosphere differ?
- II. How does the ionosphere affect the weather?
- III. How do earth satellites study the atmosphere?

- (A) I only
(B) III only
(C) I and II only
(D) I and III only
(E) I, II and III

3. According to the passage, life as we know it exists on earth because the atmosphere

- (A) contains a layer of ozone gases
(B) contains electrically charged particles
(C) is warmest at the bottom
(D) carries the ultraviolet rays of the sun
(E) provides the changes in weather

4. It can be inferred from the passage that a jet plane will usually have its best average rate of speed on its run from

- (A) New York to San Francisco
(B) Los Angeles to New York
(C) Boston to Miami
(D) Bermuda to New York
(E) London to Washington, D.C.

5. It can be inferred from the passage that at the top of Jungfrau, which is 12,000 feet above the town of Interlaken in Switzerland, the temperature is usually

- (A) below freezing
(B) about 42 degrees colder than on the ground
(C) warmer than in Interlaken
(D) affected by the ionosphere
(E) about 75 degrees colder than in Interlaken

6. The passage states that the troposphere is the warmest part of the atmosphere because it

- (A) is closest to the sun
(B) contains electrically charged particles
(C) radiates heat into space
(D) has winds and air current that distribute the heat
(E) is warmed by the earth's heat.

7. According to the passage, the atmosphere consists of all the following EXCEPT

- (A) 21 percent oxygen
(B) a definite amount of water vapor
(C) ten permanent elements
(D) less than 1 percent xenon
(E) considerable waste products

Q. No. 2:- Read the passage and then determine the best answer choice for each question. Base your choice on what this passage states directly or implies, not on any information you may have gained elsewhere. **3 marks**

One phase of the business cycle is the expansion phase. This phase is a twofold one, including recovery and prosperity. During the recovery period there is ever-growing expansion of existing facilities, and new facilities for production are created. More businesses are created and older ones expanded. Improvements of various kinds are made. There is an ever-increasing optimism about the future of economic growth. Much capital is invested in machinery or "heavy" industry. More labor is employed. More raw materials are required. As one part of the economy develops, other parts are affected. For example, a great expansion in automobiles results in an expansion of the steel, glass, and rubber industries. Roads are required; thus the cement and machinery industries are stimulated. Demand for labor and materials results in greater prosperity for workers and suppliers of raw materials, including farmers. This increases purchasing power and the volume of goods bought and sold. Thus prosperity is diffused among the various segments of the population. This prosperity period may continue to rise and rise without an apparent end. However, a time comes when this phase reaches a peak and stops spiralling upwards. This is the end of the expansion phase.

1. Which of the following statements is the best example of the optimism mentioned in line 5 of the passage as being part of the expansion phase?

- (A) Public funds are designated for the construction of new highways designed to stimulate tourism.
- (B) Industrial firms allocate monies for the purchase of machine tools.
- (C) The prices of agricultural commodities are increased at the producer level.
- (D) Full employment is achieved at all levels of the economy.
- (E) As technology advances, innovative businesses replace antiquated firms.

2. It can be inferred from the passage that the author believes that

- (A) when consumers lose their confidence in the market, a recession follows
- (B) cyclical ends to business expansion are normal
- (C) luxury goods such as jewellery are unaffected by industrial expansion
- (D) with sound economic policies, prosperity can become a fixed pattern.
- (E) the creation of new products is essential for prosperity

3. Which of the following statements would be most likely to begin the paragraph immediately following the passage?

- (A) Union demands may also have an effect on business cycles.
- (B) Some industries are, by their very nature, cyclical, having regular phases of expansion and recession.
- (C) Inflation is a factor that must be taken into consideration in any discussion of the expansion phase.
- (D) The farmer's role during the expansion phase is of vital importance.
- (E) The other phase of the business cycle is called the recession phase.

Q. No. 3:- Write an essay on "Public Interest Litigation".

30 marks

Q. No. 4:- Each of the questions below consists of a word in capital letters, followed by five lettered words or phrases. Choose the lettered word or phrase that is most nearly similar in meaning to the word in capital letters and write the letter of your choice on your answer paper:- $\frac{1}{2} \times 10 = 5$ marks

1. **ABJURE** (A) discuss (B) renounce (C) run off secretly (D) perjure
(E) project
2. **COERCE** (A) recover (B) begin (C) force (D) license
(E) ignore
3. **DENIGRATE** (A) refuse (B) blacken (C) terrify (D) admit
(E) review
4. **FLORID** (A) ruddy (B) rusty (C) ruined (D) patient
(E) poetic
5. **GARRULOUS** (A) arid (B) hasty (C) sociable (D) quaint
(E) talkative
6. **INCULCATE** (A) exculpate (B) educate (C) exonerate (D) prepare
(E) embarrass
7. **MUGGY** (A) attacking (B) fascinating (C) humid (D) characteristic
(E) gelid
8. **PLAGIARISM** (A) theft of funds (B) theft of ideas (C) belief in God
(D) arson (E) ethical theory
9. **REGAL** (A) oppressive (B) royal (C) major (D) basis
(E) entertaining
10. **TEMPORAL** (A) priestly (B) scholarly (C) secular (D) sleepy
(E) sporadic

Q. No. 5:- Each of the questions below consists of a word in capital letters, followed by five lettered words or phrases that is most nearly opposite in meaning to the word in capital letters and write the letter of your choice on your answer paper.

$\frac{1}{2} \times 10 = 5$ mark

1. ALACRITY (A) slowness (B) plenty (C) filth (D) courtesy
(E) despair
2. DEBILITATE (A) bedevil (B) repress (C) strengthen (D) animate
(E) deaden
3. EPHEMERAL (A) sensuous (B) passing (C) popular (D) distasteful
(E) eternal
4. EXCULPATE (A) blame (B) prevail (C) acquire (D) ravish
(E) accumulate
5. GUSTO (A) noise (B) panic (C) atmosphere (D) storm
(E) distaste
6. ILLUSIVE (A) not deceptive (B) not certain (C) not obvious
(D) not coherent (E) not brilliant
7. JUDICIOUS (A) punitive (B) unwise (C) criminal
(D) licit (E) temporary
8. LETHARGIC (A) convalescent (B) beautiful (C) enervating
(D) invigorating (E) interrogating
9. OBLIGATORY (A) demanding (B) optional (C) facile
(D) friendly (E) divorced
10. PERPETUAL (A) momentary (B) standard (C) serious
(D) industrial (E) interpretive

Q. No. 6:- Substitute the following with a single word:

$\frac{1}{2} \times 10 = 5$ marks

1. Incapable of being read
2. Incapable of committing error
3. One who knows or sees everything
4. Sure to happen
5. To sail round
6. All of one mind
7. The habit of walking about in sleep
8. A paper written by hand
9. One unable to pay one's debt
10. Incapable of being corrected.

Q. No. 7:- Write sentences with the following:

10 marks

- | | | |
|---------------------|----------------------------|----------------------|
| (1) bag and baggage | (2) head and shoulders | (3) on all fours |
| (4) nook and corner | (5) through thick and thin | (6) dark horse |
| (7) fresh blood | (8) tooth and nail | (9) wild goose chase |
| (10) fag end | (11) black sheep | (10) right and left |

Q. No. 8:- Correct the following sentences.

20 marks

1. My circumstance is not favourable
2. Everybody were in their best cloth.
3. Either Ram or Shyam have forgotten to pay their fine.
4. You will be turned out of the class if you won't stop talking.
5. I would rather die than suffering such disgrace.
6. He dares not come to my house.
7. I solved all the questions before the time was over.
8. My father has been ill since the last three weeks.
9. You should not boast your merit.
10. He not only spoke loudly but clearly also.
11. Unless you do not work hard you will fail.
12. She knows cooking.
13. Ram as well as his friends were rewarded.
14. No less than twenty people were killed in the accident.
15. No sooner I reached home than it rained.
16. This is more preferable than that.
17. Give me hundred rupees.
18. I, you and he should attend the meeting.
19. You, he and I broke the rules of this game.
20. I availed the opportunity.

Q No. 9:- Write a precis. (should be about 1/3rd of the original passage)

15 marks

It is the height of selfishness for men, who fully appreciate in their own case the great advantage of a good education, to deny these advantages to women. There is no valid argument by which the exclusion of the female sex from the privilege of education can be defended. It is argued that women have their domestic duties to perform, and that, if they were educated, they would bury themselves in their books and have little time for attending to the management of their households. Of course it is possible for women, as it is for men, to neglect necessary work in order to spare more time for reading sensational novels. But women are no more liable to this temptation than men, and most women

would be able to do their household work all the better for being able to refresh their minds in the intervals of leisure with a little reading. Nay, education would even help them in the performance of the narrowest sphere of womanly duty. For education involves knowledge of the means by which health may be preserved and improved, and enables a mother to consult such modern books as will tell her how to rear up her children into healthy men and women and skilfully nurse them and her husband when disease attacks her household. Without education she will be not unlikely to listen with fatal results to the advice of superstitious quacks, who pretend to work wonders by charms and magic.

But according to a higher conception of woman's sphere, woman ought to be something more than a household drudge. She ought to be able not merely to nurse her husband in sickness, but also to be his companion in health. For this part of her wifely duty education is necessary, for there cannot well be congenial companionship between an educated man and an uneducated wife, who can converse with her husband on no higher subjects than cookery and servants' wages. Also one of a mother's highest duties is the education of her children at the time when their mind is most amenable to instruction. A child's whole future life, to a large extent, depends on the teaching it receives in early childhood, and it is needless to say, that this first foundation of education cannot be well laid by an ignorant mother. On all these grounds female education is a vital necessity. **(about 400 words)**

Paper - II

GENERAL KNOWLEDGE AND APTITUDE
MARKS – 100
TIME - 3 HOURS

SECTION – A

Write on **any 2** of the following topics (maximum **300** words) $20 \times 2 = 40$

- (i) Anna Hajare's battle against corruption in governance.
- (ii) Decade old struggle of Irom Sharmila for repeal of the Armed Forces Special Powers Act.
- (iii) India's cricket obsession and its impact on the growth of other sports in the country.
- (iv) Fasting is in flavour in our country.

SECTION – B

2 marks for each correct answer

$15 \times 2 = 30$

1. One of Mr. Horton, his wife, their son, and Mr. Horton's mother is a doctor and another is a lawyer.
 - (a) If the doctor is younger than the lawyer, then the doctor and the lawyer are not blood relatives.
 - (b) If the doctor is a woman, then the doctor and the lawyer are blood relatives.
 - (c) If the lawyer is a man, then the doctor is a man.

Whose occupation you know and which one it is ?

2. There are 200 questions on a 3 hour examination. Among these questions are 50 mathematics problems. It is suggested that twice as much time be spent on each maths problem as for each other question. How many minutes should be spent on mathematics problems

- (A) 36
- (B) 72
- (C) 60
- (D) 100

3. In June a baseball team that played 60 games had won 30% of its game played. After a phenomenal winning streak this team raised its average to 50%. How many games must the team have won in a row to attain his average ?

- (A) 12
- (B) 20
- (C) 24
- (D) 30

4. A company contracts to paint 3 houses. Mr. Brown can paint a house in 6 days while Mr. Black would take 8 days and Mr. Blue 12 days. After 8 days Mr. Brown goes on vacation and Mr. Black begins to work for a period of 6 days. How many days will it take Mr. Blue to complete the contract ?

- (A) 7
- (B) 8
- (C) 11
- (D) 12

5. To 15 ltrs. of water containing 20% alcohol, we add 5 ltrs. of pure water. What is % alcohol
6. If the total distance of a journey is 120 km. If one goes by 60 kmph and comes back at 40 kmph what is the average speed during the journey ?
7. A school has 30% students from Maharashtra. Out of these 20% are Mumbai students. Find the total percentage of Mumbai ?
8. City A's population is 68000, decreasing at a rate of 80 people per year. City B having population 42000 is increasing at a rate of 120 people per year. In how many years both the cities will have same population ?
9. Animesh and Anand together got a profit of Rs.9,600 and they distributed between themselves in the ratio of 5 : 7. What is the share of Animesh ?
- (A) Rs. 4,000
(B) Rs.5,600
(C) Rs.4,800
(D) 5,200
10. A sample of milk contains 5% water. What quantity of pure milk should be added to 10 litres of milk to reduce the water content to 2%
- (A) 5 litres
(B) 7 litres
(C) 15 litres
(D) 12 litres
11. Four of the following five are alike in a certain way and so form a group. Which is the one that does not belong to that group ?
- (A) Radish
(B) Orange
(C) Pear
(D) Mango
(E) Apple
12. Four of the following five are alike in a certain way and so form a group. Which is the one that does not belong to that group ?
- (A) Earth
(B) Moon
(C) Saturn
(D) Pluto
(E) Venus
13. Two cars are 15 kms apart. One is turning at a speed of 50 kmph and the other at 40 kmph. How much time will it take for the two cars to meet ?
14. What is the selling price of a product ? If the cost of the product is Rs.60 and a profit of 10% over selling price is earned

15. Four of the following five are alike in a certain way and so form a group. Which is the one that does not belong to that group ?
- (A) Baking
 - (B) Steaming
 - (C) Cooking
 - (D) Frying
 - (E) Boiling

SECTION – C

1 mark for each correct answer

30 X 1 = 30

1. The age of a tree can be calculated by—
- (A) Number of branches
 - (B) Its height
 - (C) Girth of its trunk
 - (D) Number of its annual rings
2. Which one of the following types of unemployment is common in Indian agriculture ?
- (A) Frictional
 - (B) Structural
 - (C) Disguised
 - (D) Seasonal
3. A rolling plan refers to a plan which—
- (A) Does not change its targets every year
 - (B) Changes its allocations every year
 - (C) Changes its allocations and targets every year
 - (D) Changes only its targets every year
4. Which one of the following is not a source of the tax revenue in Indian States?
- (A) Land Revenue
 - (B) Motor Vehicle Tax
 - (C) Entertainment Tax
 - (D) Corporate Tax
5. Which agency acts as coordinator between Union Government, Planning Commission and State Governments ?
- (A) National Integration Council
 - (B) Finance Commission
 - (C) National Development Council
 - (D) Inter-State Council
6. When will demand become a grant ?
- (A) When a demand is proposed
 - (B) After the discussion on demand is over
 - (C) After the demand is granted
 - (D) When the Budget Session is closed

7. What makes the Judiciary the guardian of the Constitution ?
- (A) Independence
 - (B) Service Conditions
 - (C) Salary
 - (D) Judicial Review
8. What is the name of Judicial organ of UNO ?
- (A) Supreme Court
 - (B) Court of International Justice
 - (C) Judicial Forum
 - (D) International Court of Justice
9. The precipitation consisting of a mixture of snow and rain is—
- (A) Sleet
 - (B) Smog
 - (C) Snow-line
 - (D) Fog
10. 'Operation Flood' was launched in 1970 to—
- (A) Control floods
 - (B) Increase milk production
 - (C) Improve water sources
 - (D) Construct more dams
11. Camel can walk easily in the desert, because—
- (A) It has thick skin
 - (B) It can maintain water level in the body
 - (C) It has a layer of fat under the skin to combat heat
 - (D) It has long legs with padded paws
12. The function of arteries in our body is to—
- (A) Carry blood away from the heart
 - (B) Purify the blood
 - (C) Manufacture White Blood Corpuscles
 - (D) Carry blood back to the heart
13. Sex in human beings is determined by—
- (A) Vitamins
 - (B) Chromosomes
 - (C) Hormones
 - (D) Nutrients
14. The most important function of perspiration is—
- (A) Get rid of the body wastes
 - (B) Regulate body temperature
 - (C) Regulate body wastes
 - (D) Lubricate the skin

15. Indian Penal Code came into operation in -
(A) 1858
(B) 1860
(C) 1859
(D) 1862
16. Kilo Watt Hour represents the unit for—
(A) Force
(B) Power
(C) Time
(D) Energy
17. Floppy disk is an example of—
(A) Read Only Memory
(B) Random Access Memory
(C) Cache Memory
(D) Secondary Storage Memory
18. During sleep, man's blood pressure—
(A) Increases
(B) Decreases
(C) Fluctuates
(D) Remains constant
19. Full statehood was coffered to Arunachal Pradesh by which Amendment of the constitution
(A) Fifth-Fifth
(B) Sixtieth
(C) Forty-Fourth
(D) Sixth-Fifth
20. An error in a computer program is called
(A) Crash
(B) Power Failure
(C) Bug
(D) Virus
21. What is backup ?
(A) Adding more components to your network.
(B) Protecting data by copying it from the original source to a different destination.
(C) Filtering old data from the new data.
(D) Accessing data on tape.
22. Which is the oldest mountain rage of India ?
(A) Himalaya
(B) Vindhya
(C) Satpura
(D) Aravalli

23. Which type of coffee is grown maximum in the world ?
(A) Coffea arabica
(B) Coffea robusta
(C) Coffea liberia
(D) Mountain coffee
24. Who is Cricketer of the year 2011-
(A) Jonathan Trott
(B) Mahendra Singh Dhoni
(C) Kumar Sangakara
(D) Sachin Tendulkar
25. 2011 US Open Women's Singles Champion -
(A) Liezel Huber
(B) Lisa Raymond
(C) Sarena Williams
(D) Samantha Stosur
26. The Sarkaria Commission was appointed to review the question of -
(A) Centre / State relations
(B) Legislative problems
(C) Union territories' problems
(D) Tribal areas
27. In ends and means relationship, Gandhiji believed -
(A) Means become good if they serve the end
(B) Means and ends are watertight compartments
(C) Means determine the end
(D) End is everything, no matter what or how the means are
28. Which one among the following has the largest shipyard in India
(A) Kolkata
(B) Kochi
(C) Mumbai
(D) Visakhapatnam
29. The tutor of Alexander the great was-
(A) Darius
(B) Cyrus
(C) Socrates
(D) Aristotle
30. Veselin Topalov who became the World Champion recently, is associated with which of the following games / sports ? -
(A) Chess
(B) Golf
(C) Snooker
(D) Badminton

JUDICIAL SERVICE GRADE-III EXAMINATION, 2011
GAUHATI HIGH COURT.

- *N.B. 1. Answer the questions with reference to the relevant provisions/Sections of law.
2. Answers need not be in narrative form, but must clearly indicate point-wise response to the questions attempted.*

GROUP A- Constitution of India

P

Law paper-I
Total marks – 100
Time – Three hours

Answer any five questions :-

- (1) (a) What are the basic structures of Constitution of India ? (b) When and who adopted our Constitution ? 5
- (2) (a) Under what provision, the Constitution can be amended ? (b) State the procedure for amendment of Constitution indicating, therein, the part which cannot be amended. 5
- (3) State with reference to the articles, the subject matters in respect of which the Parliament and the Legislature of the State may make laws ? 5
- (4) Explain how and who can form new States and alter areas, boundaries or names of existing State ? 5
- (5) Is there any protection under the Constitution of India against arrest and detention ? Mention the categories of persons, who are so protected ? 5
- (6) (a) What are the Constitutional protection in respect of conviction for offence ? (b) State the condition under which a person can be deprived of his life or personal liberty ? 5
- (7) Distinguish fundamental rights from the directive principles ? 5
- (8) (a) What are the legislative powers of the President of India ? (b) Whether recommendation of the President is necessary in moving a bill, if so, explain. 5

GROUP B- Indian Contract Act

Answer any five questions.

1. Explain the stage when a communication of a proposal becomes complete ? A proposes, by a letter, to sell a house to C at a certain price. When will the communication of the said proposal be complete ? 5
2. When does a proposal become absolute? Can a proposal be revoked, if so, how ? 5
3. Explain what are misrepresentation and undue influence ? State the effect of any act done under such circumstances. 5
4. Write short notes on any two of the followings :- 5
- (i) Fraud, (ii) Free consent (iii) (a) Bailment, (b) bailor, (c) bailee,
5. Can there be an agreement in restraint of legal proceedings and marriage ? What are the effect of such agreement and alternative promise ? 5
6. What are the obligation of the parties to a contract and what is the effect of refusal to accept the offer of performance ? 5
7. What is contract of indemnity and what are the rights of indemnity holder when sued ? 5
8. What is continuing guarantee ? Can such guarantee be revoked ? 5

GROUP C- Transfer of Property ActAnswer any five questions.

1. What is transfer of property ? A gives Rs.5,000/ to B on condition that he shall marry A's daughter C. At the time of the transfer, C was dead. Explain if the transfer of money was valid, if not, why ? 5
2. Explain what is election and how it is effected in respect of a property if, before the election, the transferor of the property dies ? 5
3. What is sale and how sale is made ? Whether registration of the instrument, by which sale is made, is compulsory, if not, what are the exceptions ? 5
4. Write short notes on any two of the followings:- 5
(i) Mortgage, (ii) Simple mortgage, (iii) Transfer by co-owner.
5. What is right to fore closure on sale ? Whether a mortgagor is bound to bring one suit on several mortgages, if so, when ? 5
6. Explain what are lease and rent ? In the absence of written or oral contract, what is the duration of lease of immovable property for agriculture. Can such lease be terminated, if so, what is the procedure to be followed ? 5
7. What is exchange ? Indicate the right of the party deprived of things received in exchange ? 5

GROUP D-Code of Civil ProcedureAnswer any five questions.

1. Who are the persons, exempted from personal appearance in court ? 5
2. How a suit is instituted and who may be joined as plaintiff in a suit ? 5
3. Under what provision of law and by which court the question as to whether a person is or is not the representative of a party in the decree, is determined ? 5
4. What is res judicata and under what circumstances, the doctrine of res judicata is applicable ? How does res judicata differ from stay of suit? 5
5. What is the consequence, if summons is not served upon the defendant due to the failure of the plaintiff to pay court fee or postal charges, if any, and also, where neither party appears when the suit is called on for hearing ? What relief is available to the plaintiff in such cases ? 5
6. How and in what manner suits by or against minors, and persons of unsound mind are instituted ? What steps the defendant can take if the suit of a minor is not properly instituted ? Indicate the procedure for receipt of money in a decree, made in favour of a minor ? 5
7. Under what circumstances a temporary injunction can be issued ? Explain if injunction can be granted without issuing notice. Can injunction be granted against the State without issuing notice under Section 80 CPC, if so, explain. 5
8. In what manner and by which court claims and objections to attachment of property is adjudicated ? What action can be taken to stop the sale of the attached property, which has been advertised, for sale, before the claim or objection was raised ? 5

Paper - IV
WRITTEN EXAMINATION FOR RECRUITMENT TO GRADE -III
OF
JUDICIAL SERVICE
2011

LAW PAPER-II

Full Marks: 100

Time : 3 Hours

1. Identify the right answer : 5x1

(i). A is at work with a hatchet; the head flies off and kills a man who is standing by. What offence is committed by A in this situation?

- (a) A has committed the offence of culpable homicide.
- (b) A has committed the offence of culpable homicide not amounting to murder.
- (c) A has committed no offence as it was an accident.
- (d) A has committed no offence as use of hatchet was a necessity of his livelihood.

(ii). What is the age of child if he is to be exempted from criminal liability'?

- (a) Below 10 years (b) Below 7 years
- (c) Below 6 years (d) Below 12 years

(iii) Defence of insanity is developed on which of the following?

- a) Automatism (b) McNaughten's Rules
- c) Irresistible impulse (d) Equivocality test

(iv). Which one of the following statements regarding Section 34 and 149 of the Indian Penal Code is correct?

- (a) Common intention and common object are the same.
- (b) Both are distinct offences in themselves.
- (c) Section 34 enunciates a mere principle of liability, and creates no offence, while Section 149 creates a specific offence.
- (d) Sections 34 and 149 are mutually helping Sections.

P.T.O.

(v). With an intention to kill B, P administers sugar mistaking it for arsenic:

- a) P has committed no offence.
- b) P is liable for attempt to murder.
- c) P is liable for attempt to culpable homicide.
- d) P is liable for attempt to grievous hurt.

2. Write short notes on the following: 5
 (a) Mens rea (b) Dishonesty (c) Criminal Intimidation (d) Document
 (e) Electronic Record.
3. What is culpable homicide? When does culpable homicide amount to murder and when does it not amount to murder? Illustrate. 5
4. Distinguish between (any two) : 2 ½ x2
 (a) Theft and Extortion, (b) Criminal Misappropriation and Criminal Breach of Trust (c) Preparation and Attempt to commit a crime.
5. What is an unlawful assembly as defined in I.P.C. 5
 Assess the criminal liability, if force or violence is used by any member of unlawful assembly? 5
6. Explain the ingredients of abetment? What is the consequence when one offence is committed and another offence is abetted? 5.
7. Identify the right answer : 5x1

(i) **A confessional statement recorded in accordance with the procedure prescribed by section 164 Cr. P.C. -**

- (a) Can be used as substantive evidence without being formally proved.
- (b) Cannot be used as substantive evidence at all.
- (c) Cannot be used as a substantive evidence without being formally proved.
- (d) None of the above.

P.T.O.

(ii). Classification of summons case and warrants case is useful -

- (a) To determine the procedure of the trial.
- (b) To determine the procedure of investigation.
- (c) To decide the question of issuance of process to the accused.
- (d) (a) & (c) are correct.

(iii). When a complaint is presented to a Magistrate and the Magistrate proceeds to examine the complainant and the witnesses -

- (a) He is conducting an investigation.
- (b) He is conducting an inquiry.
- (c) He is conducting a trial.
- (d) Both (a) & (c)

(iv). Offences other than those mentioned in section 320 of Cr.P.C. are-

- (a) Not compoundable.
- (b) Compoundable with the permission of the Court.
- (c) Compoundable by the Court of Sessions.
- (d) None of the above.

(v). A declaration of forfeiture under section 95 of the Cr.P.C. can be set aside by -

- (a) Magistrate issuing a search warrant.
- (b) Chief Judicial Magistrate/Chief Judicial Metropolitan Magistrate.
- (c) Court of Sessions.
- (d) High Court.

8. What do you understand by arrest? How is an arrest made?

When can the police arrest a person without an order from a Magistrate and/or without a warrant? Explain the rights of an arrested person .

5

P.T.O.

9. Explain briefly First Information Report and its evidentiary value in the trial of an accused person . 5
10. What are the essentials of a Judgment? What is the mode of its delivery ? Can a criminal court alter or revise its own Judgment after it is signed? 5
11. Write short notes on: 5
(a) Warrant case, (b) Search Warrant (c) Cognizable Offence (d) Inherent Power of Court, (e) Charge.
12. What do you understand by 'taking cognizance of an offence'? Explain the procedure that is adopted in taking cognizance or dismissal of complaint? What are the powers of a magistrate regarding taking cognizance? 5
- 13.. Explain briefly the rules relating to exclusion of oral evidence by documentary evidence under the Indian Evidence Act. 5
14. Write short notes on- 5x1
(a) Secondary Evidence, (b) Facts in issue, (c) Omissions (d) Res gestae (e) Admission .
15. "Evidence is weighed, not counted ". Explain. 5
16. Distinguish between the following: 5
(a)"Disproved" and " Not Proved" (b) Extra Judicial Confession and Confession .
17. Explain briefly (i) Res ipsa loquitur (ii) Injuria sine damno 5
(iii) Damnum sine injuria (iv) Force Majeure (v) Statutory authority.

18. On the eve of Diwali while letting off fireworks, A negligently let a lighted squib ball (a firecracker) down in the crowded street. The fiery explosive burst suddenly with a loud noise near B. However, B escaped with minor injuries, but the fear of narrow escape operated so strongly on his mind that he suffered anxiety neurosis requiring hospitalization. C a small child playing in the street was seriously injured and immediately removed to the nearby hospital where he was declared brought dead. A bystander informed M, and mother of C, about the accident. M rushed to the hospital where she saw the body of C. As a result of what she saw, she suffered severe and persisting psychiatric illness. B and M sue A for damages for nervous shock.

Briefly discuss the liability, if any, of A towards them.

5

19. The employee of the Telecommunication Department opened a manhole in the street for repairs and in the evening left the manhole covered by a tent unattended. They placed warning lamps around the tent. Z, a boy of eight years, along with his uncle, took a lamp and entered the manhole. As they emerged, the lamp was knocked into the hole and a violent explosion took place, with flames shooting thirty feet into the air. Z was knocked back into the hole where he sustained serious burns. His uncle had a serious heart attack due to the sound of explosion of the lamp. Both Z and his uncle filed a suit against the Telecommunication department for the damages.

How will you decide? Refer to decided cases.

5

20. Identify the right answer :

5x1

(i). Malice in law means-

- (a) wrongful act done intentionally but without just cause or excuse.
- (b) wrongful act done intentionally with just cause & excuse.
- (c) wrongful act done intentionally with good motive.
- (d) wrongful act done intentionally with evil motive.

(ii). Malice in fact means a wrongful act done intentionally-

- (a) without evil motive.
- (b) with evil motive.
- (c) Without any just cause or excuse.
- (d) with good motive.

P.T.O.

Paper-V
অসম ন্যায়িক সেৱা - ৩

বিষয় :- অসমীয়া

সময় : ২ ঘণ্টা

মুঠ নম্বৰ : ৫০

১। তলত উল্লিখিত যিকোনো এটা বিষয়ৰ ওপৰত এখনি ৰচনা লিখক -

১০

- (ক) বাতৰি কাকত
- (খ) দূৰদৰ্শন : ইয়াৰ ভাল আৰু বেয়া প্ৰভাৱ
- (গ) সম্ভাষবাদ।

২। ইংৰাজীৰ পৰা অসমীয়ালৈ অনুবাদ কৰক -

১x১০= ১০

- (ক) I asked Ram to go to the market.
- (খ) "But it is raining now" - he replied.
- (গ) I asked him to take my umbrella and go.
- (ঘ) Then he replied - "My temperature is also running."
- (ঙ) I took a stick in my hand.
- (চ) He began to tremble.
- (ছ) I asked him to take a dose of quinine.
- (জ) He told that he would rather go to the market.
- (ঝ) There lived an old man in a village.
- (ঞ) One day he went to a distant village.

৩। অসমীয়াৰ পৰা ইংৰাজীলৈ অনুবাদ কৰক -

১x১০= ১০

- (ক) মামুৱে পুৱাই উঠে।
- (খ) ল'ৰাবিলাকে সাঁতুৰি আছে।
- (গ) চিকাৰীজনে বাঘটো মাৰিলে।
- (ঘ) তেঁওলোকে ইয়াত এমাহ থাকিব।
- (ঙ) প্ৰকাশ বৰুৱাই জানুৱাৰীৰ পৰা বেমাৰত ভুগি আছে।
- (চ) তেঁওক সকলোৱে জানে।
- (ছ) ডাক্তৰজন অহাৰ আগতেই ৰোগীজন মৰিল।
- (জ) মাধুবালা আহোতে বৰষুণ দি আছিল।
- (ঝ) তেঁও ইংৰাজী জানে নে?
- (ঞ) শিক্ষকজনে কৈছিল, "সদায় সঁচা কথা কবা।"

৪। তলত উল্লিখিত যিকোনো পাঁচটা শব্দৰ সমার্থক শব্দ লিখক -

১x৫= ৫

ঘৰ, ইচ্ছা, অগ্নি, কপাল, নদী, বায়ু, মেঘ।

৫। তলত দিয়া যি কোনো পাঁচটা শব্দ ব্যৱহাৰ কৰি পাঁচটা বাক্য ৰচনা কৰক -

১x৫= ৫

আকাশত চাং পতা, কাঠ-চিতিয়া, কাণে কাণ মাৰি, খাই পাত ফলা, চকুত লগা, চুকৰ ভেকুলী, জাকত জিলিকা।

৬। তলত দিয়া যি কোনো পাঁচটা শব্দৰ বিপৰীত লিংগ লিখক -

১x৫= ৫

লেখক, বোন্দা, পাপিষ্ঠ, হোতা, শিপিনি, দমৰা, গোলাম।

৭। তলত দিয়া যি কোনো পাঁচটা শব্দৰ বিপৰীত অৰ্থ লিখক -

১x৫= ৫

অনুকূল, উখান, দয়ালু, সুগম, উত্তম, আকৰ্ষণ, গৰিষ্ঠ।