

MAIN WRITTEN EXAMINATION (2017-18) FOR DIRECT RECRUITMENT TO GRADE-II OF ARUNACHAL
PRADESH JUDICIAL SERVICE

DATE: 19-05-2018
TIME: 9 AM to 12 Noon

PAPER – I (ENGLISH)
GRADE-II (Arunachal Pradesh)

Duration : 3 Hours.
Total Marks : 100.

1. Write an essay on (any one) (20 Marks)
 - (a) A visit to your favourite destination in Arunachal Pradesh
 - (b) A man is known by the company he keeps.
2. Read the following passage and write a précis (Maximum 80 words) (15 Marks)

The State or for that matter the whole of North-east is a region that boasts of time-tested practices of exquisite handloom and handicrafts. Indeed, these artistic pursuits have found their expression in diverse indigenous products that have also remained ingrained to the region's cultural ethos for centuries. The hand-woven Assamese *gamosa*, for instance, has been a household item with wide-ranging uses and also a symbol of the famed Assamese hospitality. Aside its antiquity, this traditional handloom item has unique features that are its own, and which are enough to distinguish it from similar-looking machine-made products. Unfortunately, the *gamosa* as also many other traditional handloom items are facing an identity crisis in view of large-scale sale of machine-made textile from outside the State. The need to preserve the *gamosa* in all its hand-woven uniqueness is urgent today. The State Government, too, has an abiding responsibility in protecting the State's indigenous products from cheap imitations. Securing the GI tag can also help a lot in retaining the authenticity of traditional products. This is because it ensures that none other than those registered as authorized producers are allowed to use the popular product name, thereby protecting the brand from cheap imitations. *Gamosa* apart, the State's handloom and handicrafts industry as a whole is in urgent need of promotion by all its stakeholders, including the Government.

3. Choose the word exactly opposite in meaning to the word given on the left. (1 x10 =10 Marks)

- | | |
|------------|---|
| (a) Abjure | (i) Deny (ii) Disclaim (iii) Claim (iv) Relinquish |
| (b) Brutal | (i) Gentle (ii) Smooth (iii) Cruel (iv) Frank |

- | | |
|----------------|---|
| (c) Horizontal | (i) Optical (ii) Curved (iii) Straight (iv) Vertical |
| (d) Chastise | (i) Reprimand (ii) Boast (iii) Scold (iv) Praise |
| (e) Powerful | (i) Slow (ii) Weak (iii) Soft (iv) Lazy |
| (f) Shy | (i) Outgoing (ii) Honest (iii) Lazy (iv) Patient |
| (g) Inimical | (i) Comical (ii) Friendly (iii) Harmful (iv) Destructive |
| (h) Psychic | (i) Magical (ii) Mind-reader (iii) Normal (iv) Mystical |
| (i) Thwart | (i) Check (ii) Facilitate (iii) Settle (iv) Push |
| (j) Artificial | (i) Rich. (ii) Clean. (iii) Natural. (iv) Beautiful. |

4. Choose the word similar in meaning to the word given on the left.

(1x10=10 Marks)

- | | |
|--------------|--|
| (a) Abstract | (i) Story (ii) Summary (iii) Paragraph (iv) Article |
|--------------|--|

- | | |
|----------------|--|
| (b) Annoy | (i) Irritate (ii) Headache (iii) Anger (iv) Unwell |
| (c) Ardour | (i) Passion (ii) Happy (iii) Loving (iv) Nice |
| (d) Bizarre | (i) Weird (ii) Horrifying (iii) Scary (iv) Frightening |
| (e) Massacre | (i) Unusual (ii) Strange (iii) Bloodbath (iv) Weird |
| (f) Brow | (i) Utensil (ii) Clothing (iii) Forehead (iv) Field |
| (g) Coiffure | (i) Coffee (ii) Design (iii) Hairstyle (iv) Stylish |
| (h) Daybreak | (i) Dawn (ii) Dusk (iii) Afternoon (iv) Evening |
| (i) Deserted | (i) Abandoned (ii) Delicious (iii) Sweet dish (iv) Sand-dunes |
| (j) Stupendous | (i) Ordinary (ii) Plain (iii) Stupidity (iv) Remarkable |

5. Correct the following sentences and re-write them.

(2 x 5 = 10 Marks)

- (a) I am knowing you.
- (b) Ram is seeing the bus coming.
- (c) Two and two are making four.

- (d) I will come on the Monday at 4 P.M. to be visiting you.
 (e) He asked a cup of coffee.

6. Select the word that is spelt correctly.

(1 x 5= 5 Marks)

- a) (i) Liason.
 (ii) Laison.
 (iii) Liaison.
 (iv) Liazon.
- (b) (i) Amateur.
 (ii) Amateaur.
 (iii) Amature.
 (iv) Amatuer.
- (c) (i) Conoisiseur.
 (ii) Connoisseur.
 (iii) Connoisire.
 (iv) Connoiseur.
- (d) (i) Acummlate.
 (ii) Accumulate.
 (iii) Accumullate.
 (iv) Acummullate.
- (e) (i) Hyigeinic.
 (ii) Hyegienic.
 (iii) Hygienic.
 (v) Hygeinic.

7. Choose the correct word from the 'same-sounding' sets given below.

(1 x10= 10 Marks)

- (a) I have _____ friends in this city.
 • few.
 • a few.
- (b) His _____ sons are thieves.
 • boat.
 • both.
- (c) All the mangoes are _____.
 • sour.
 • soar.
- (d) A little money is better than _____.
 • non.
 • none.

- (e) He has put on a lot of _____.
- wait.
 - weight.
- (f) The _____ of the field was flooded.
- hole.
 - whole.
- (g) Neither of them _____ the answer.
- new.
 - knew.
- (h) Every person has to shape his own _____.
- fate.
 - faith.
- (i) None went to the _____.
- fare.
 - fair.
- (j) All their hard work went in _____.
- vein.
 - vain.
8. Arrange the jumbled sentences given below in the correct format. (2 x5= 10 Marks)
- (a) never/has/faded/their/glory.
- (b) place/our lives/ music/ important/has/in/an.
- (c) Mohit/and/skating/Saturday/went/on/Preeti.
- (d) spoil/broth/the/too/many/cooks.
- (e) the dog /every morning/the old man/for a walk/takes.
9. Write a letter to your friend in Mumbai describing your visit to a popular Wildlife Sanctuary in Assam. (10 Marks)

#

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

**Main Written Examination (2017) for direct recruitment in Grade-II of Arunachal Pradesh
Judicial Service.**

Date: 19-05-2018 (Saturday),

Time: 1.00pm to 4.00pm

Total Marks: 100 marks

Duration: 3 Hours

PAPER- II (General Knowledge)

1. Write a short note on the laws prevalent in Arunachal Pradesh, from the inception, i.e. predominance of tribal law up to present. **20 marks.**
2. Write on *any four* of the following topics:- **10x4=40 marks.**
 - (i) Provisions of the 73rd amendment to the Constitution of India – provisions related to Panchayats.
 - (ii) Trans Arunachal Highway – its scope, benefits and its present state.
 - (iii) Different tribes of Arunachal Pradesh- their customs and traditions.
 - (iv) Steps taken by North Korea for Denuclearisation.
 - (v) How India can balance its foreign policy for maintaining its relation with United States of America and the Peoples Republic of China?
 - (vi) Hydro electricity power generation in Arunachal Pradesh- its potential, the difficulties in implementation and its present state.
 - (vii) Tourism potential in the State of Arunachal Pradesh- its present state and suggestions how it can be further developed.
 - (viii) Brief note on the provision and implementation of the Goods and Services Tax Acts of 2017.
3. Answer the following – **1x10=10 marks.**
 - (i) Largest river island-
 - (ii) Number of Districts in Arunachal Pradesh-
 - (iii) Hornbill festival is celebrated in –
 - (iv) Dandiya is a popular dance of –
 - (v) Number of seats won by BJP in Karnataka Assembly election of 2018 –
 - (vi) Under - 17 world cup football held in India was won by –
 - (vii) Mountaineer from Arunachal Pradesh who recently climbed the Mount Everest-
 - (viii) How many gold medals were earned by India in the Commonwealth Games at Gold Coast -
 - (ix) Can the footprint of entering the website in the internet be wiped out-
 - (x) Name the Deputy Chief Minister of Tripura.

4. Match the following or re-arrange the following in the correct order- **2x5=10 marks.**

- (i) Onam - Tamil Nadu
Pongal - Punjab
Lohri - Maharashtra.
Gudi Padwa - Kerela
- (ii) Uber Cup - Tennis
Ryder Cup - Badminton
Davis Cup - Football
Durand Cup - Golf
- (iii) Hari Prasad Chaurasia - Santoor
Ravi Shankar - Flute
Shiv Prasad Sharma - Sitar
Bismillah Khan - Shehnai
- (iv) Run Out - Tennis
Off side - Cricket
Double Fault - Hockey
Penalty Corner - Football
- (v) Victoria Memorial - Hyderabad
Bara Inambara - Jaipur
Hawa Mahal - Kolkata
Charminar - Lucknow

5. Give the correct answer from the choices given below (do not write the question)-

1x20=20 marks

- (i) The 65th National Film Award for the best feature film was awarded to –
(a) Ishq (b) Padmavat
(c) Village Rockstars (d) Dangal.
- (ii) Man –of- the- match award in the under 19 World Cup Cricket 2018 final was given to-
(a) Shubhman Gill (b) Manjot Kalra
(c) Prithvi Shaw (d) Kamlesh Nagarkoti
- (iii) Shashi Tharoor has been charged of –
(a) Committing murder of his wife.
(b) Committing cruelty to his wife.
(c) Abetting suicide of his wife.
(d) Committing domestic violence on his wife.

- (iv) First lady Judge of the Supreme Court of India –
 (a) Ms Justice Sujata Manohar (b) Ms Justice Ruma Pal
 (c) Ms Justice Fatheema Beevi (d) Ms Justice Gyan Sudha Mishra.
- (v) Ornithology is related to –
 (a) Birds (b) Reptiles (c) Fish (d) Insects.
- (vi) Serie A is the football League of –
 (a) Spain (b) Italy (c) Germany (d) France.
- (vii) Raipur is the capital of –
 (a) Jharkhand (b) Chhattisgarh.
 (c) Uttarakhand (d) Telengana.
- (viii) Living being which has no given shape-
 (a) Hydra (b) Mollusca (c) Amoeba (d) Eel
- (ix) The living root bridge is in the State of –
 (a) Meghalaya.
 (b) Nagaland.
 (c) Mizoram.
 (d) Manipur.
- (x) *War and Peace* was written by –
 (a) Pearl S Buck.
 (b) Ayn Rand.
 (c) Leo Tolstoy
 (d) Charles Dickens.
- (xi) The sum of ages of 5 children born at the intervals of 3 years each is 50 years.
 What is the age of the youngest child?
 (a) 4 years (b) 8 years (c) 10 years (d) None of these
- (xii) A grocer has a sale of Rs. 6435, Rs. 6927, Rs. 6855, Rs. 7230 and Rs. 6562 for 5
 consecutive months. How much sale must he have in the sixth month so that he
 gets an average sale of Rs. 6500?
 (a) 4991 (b) 5991 (c) 6001 (d) 6991
- (xiii) A person crosses a 600 m long street in 5 minutes. What is his speed in km per
 hour?
 (a) 3.6 (b) 7.2 (c) 8.4 (d) 10
- (xiv) If one-third of one-fourth of a number is 15, then three-tenth of that number is
 (a) 35 (b) 36 (c) 45 (d) 54

- (xv) Average score of a class of 50 students, in an exam was 34. Average score of the students who passed is 52 and the average score of students who had failed is 16. How many failed in the exam?
(a) 25 (b) 20 (c) 18 (d) 30

Select the related words/letters from the given options (for Q. Nos xvi and xvii):

- (xvi) Volume: Litre : : Power : ?
(a) Watt (b) Jule (c) Coulomb (d) Pascal

- (xvii) AE : BD :: EI : ?
(a) FJ (b) FH (c) BC (d) BD

- (xviii) Find the next term in the series:
A, Z, C, Y, E, X, G, ?
(a) I (b) K (c) V (d) W

- (xix) N is more intelligent than M. M is not as intelligent as Y. X is more intelligent than Y but not as good as N. Who is the most intelligent of all?
(a) X (b) M (c) Y (d) N

- (xx) Sumi's birthday falls on 17th August. Tina's birthday falls on 26th June. If Tina's birthday was on Tuesday, what was the day on Sumi's birthday in the same year?
(a) Monday (b) Tuesday (c) Friday (d) Saturday

-----XXXXXXXXXX-----

WRITTEN EXAMINATION, 2018
FOR GRADE-II
OF
ARUNACHAL PRADESH JUDICIAL SERVICE
GAUHATI HIGH COURT

Paper-III (Law Paper 1)

Total Marks-100

Time-3 (three) hours

All questions carry equal marks.

GROUP-A
CONSTITUTION OF INDIA

Answer any **five** questions:-

5 x 5=25 Marks

1. Whether the Doctrine of Legitimate Expectation has been accepted as part of our law and whether the same can be compelled to give effect by the decision maker of his representation and if yes, under what circumstances? Whether the said expectation can be defeated if so, under what circumstances and the role of the Court in enforcing the same? 1+1+3=5
2. "Freedom of Speech and Expression"-Discuss, highlighting briefly the meaning and scope giving emphasis of the broad special purposes to serve. Whether the right is absolute? 4+1=5
3. "Protection of Life and Personal Liberty"-Discuss chronologically the view of the Supreme Court of India as held in the case of A.K. Gopalan vs. Union of India, Kharak Singh vs. State of Uttar Pradesh and Maneka Gandhi vs. Union of India 5
4. Differentiate Article 29 (1) and 30 (1) of the Constitution of India with reference to the decisions of the Supreme Court of India. 5
5. Write short notes on (any two): 2 ½ + 2 ½ =5
 - (a) Doctrine of Severability
 - (b) Doctrine of lifting the veil
 - (c) Doctrine of pleasure
6. How many types of Emergencies are provided by the Constitution of India? Mention the effects of Proclamation of Emergency. 5
7. Discuss the Principles of : 2 ½ + 2 ½ =5
 - (a) Colourable Legislation
 - (b) Piths and Substance
8. Discuss the law of passive euthanasia laid down by the Supreme Court of India while deciding the case, Common Cause (A Registered Society)-vs- Union of India. 5

GROUP-B
INDIAN CONTRACT ACT

Answer any **five** questions:-

5 x 5=25 Marks

9. Define "Bank Guarantees". Whether the bank is liable to pay the amount of liability undertaken in the gurantee without any dispute? If yes, state the nature of such guarantees. State the difference between the "Bank Guarantees" and the term "Guarantee" defined under section 126 of the Contract Act.
1+1+1+2=5
10. What are the requirements for enforceability of agreements which are contracts and write brief note on such requirements.
5
11. (a) A, who owes Rs.500.00 to B, sells Rs.1,000.00 worth of rice to B. A is acting as agent for C in the transaction, but B has no knowledge nor reasonable ground of suspicion that such is the case. Whether C can compel B to take the rice without allowing him to set off A's debt?
1
- (b) A consigns goods to B for sale, and given him instructions not to sell under a fixed price. C, being ignorant of B's instruction, enters into a contract with B to buy the goods at a price lower than the reserved price. Whether A is bounded by the contract so entered between B and C?
1
- (c) What is the effect on agreement of misrepresentation or fraud by agent on the principal?
1
- (d) What are the rights of parties to a contract made by an agent not disclosed?
2
12. (a) Define "contract of guarantee", "surety", "Principal-debtor" and "Creditor".
 $\frac{1}{2} + \frac{1}{2} + \frac{1}{2} + \frac{1}{2} = 2$
- (b) When the liability of surety is discharged? Mention point wise.
3
13. Discuss the principles embodied for awarding compensation against breach of contract under the Indian Contract Act, 1872.
5
14. Define:
(a) Fraud
1 ½
(b) Misrepresentation
1 ½
(c) Free consent
2
15. What is valid "Offer". State the effect of refusal to accept offer of performance. Illustrate with an example.
5
16. What are the requirements of "Novation" of a contract? Answer keeping in view with the findings of a decision of Supreme Court binding to that effect.
5

GROUP-C
TRANSFER OF PROPERTY ACT

Answer any **five** questions:-

5 x 5=25 Marks

17. (a) A contracts to buy goods from B. On the due date A fails to take delivery and B sells the goods at a loss of Rs.5,000.00. B sells the right to recover these damages to C. Whether the transfer is valid? Give reasons. 2 ½
(b) Distinguish "a mere right to sue" and "actionable claim". 2 ½
18. Point out the legal consequence of an interest being vested and an interest being contingent. Which one is attachable under section 60 of the Code of Civil Procedure? 2 ½ + 2 ½ =5
19. A is the owner of two properties X and Y, and sells X to B. A imposes a restriction on B that he shall, for the more beneficial enjoyment of Y, keep open a portion of X adjoining Y and not build on it, B sells X to C who has notice of the restrictive covenant. C threatens to build on the whole of X. Can A restrain C from committing the breach of the covenant? Mention the principle involved while giving your answer. 5
20. A, a minor, transfers a certain immovable property to B representing that he is of full age and authorized to transfer the same. On the date of the transfer A, being a minor, could not transfer the property. When A, afterwards attains the age of majority B claims the property.
- Discuss the applicability of "feeding the grant by estoppels" as embodied in Sec.43, Transfer of Property Act in the aforesaid situation. 5
21. A leased property to B with the condition that if B transferred his interest the lease would be forfeited. B transferred his interest to C but without a registered deed and gave his possession of the property. Thereupon, A, purportedly to forfeit B's lease, granted a fresh lease to D who sued B for ejectment. Decide the case giving reasons. 5
22. What is the difference between a mortgage by conditional sale and a sale with a condition of repurchase? What test has been laid down to determine whether a transaction is mortgage by conditional sale or outright sale? 3+2=5
23. Define "Exchange" of immovable property and how it is made? Mention the right of party deprived of thing received in exchange. 2+3=5
24. Discuss the doctrine "Clog on the equity of Redemption" supplementing with the law laid down by the Apex Court. 5

GROUP-D
CODE OF CIVIL PROCEDURE

Answer any **five** questions:-

5 x 5=25 Marks

25. Write a note on "summons", its essentials and mode of service. 5
26. (a) Parties in a suit must remain present personally or through pleader. When both parties remain absent and when the plaintiff is absent and defendant is present and vice-versa what are the options before the court? 3
- (b) Enumerate the remedies open to the defendant in case of an ex-parte order or decree highlighting the period of limitation for the period prescribed for the defendant to come for such remedies. 2
27. "Discovery" in the course of a suit-explain the object impregnated therein. What are the types of "discovery"? Mention the nature of objections a party to a suit is permitted to raise against such "discovery". 2+1+2=5
28. What are the steps to be taken where witness fails to comply with summons in a suit?
29. When and how a judgment of suit is pronounced and signed? State the nature of decree passed in a partition suit. 3+2=5
30. 'A' brings a suit against 'B' and 'C' for recovery of possession of a plot of land. The suit is dismissed against 'C' for want of cause of action and is decreed against 'B'. 'A', in execution of the decree taken delivery of possession of land in excess of the decree. The excess land belongs to 'C'. Explain what remedy is available to 'C'. 5
31. Explain the procedure of sale of the property attached in execution of a decree. 5
32. Differentiate: $2\frac{1}{2} + 2\frac{1}{2} = 5$
- (a) Revision and Review
- (b) Review and Appeal.

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

**Main Written Examination (2017) for direct recruitment in Grade-II of Arunachal Pradesh
Judicial Service.**

Date: 20-05-2018 (Sunday),

Time: 1.00pm to 4.00pm

Total Marks: 100 marks

Duration: 3 Hours

PAPER-IV (Law Paper-II)

Group A – CRIMINAL PROCEDURE CODE

1. Choose the correct answer –

Marks: 1x6 = 6

- (a) In a summon case if the investigation is not concluded within six months from the date on which the accused is arrested, Magistrate shall make an order-
- (i) Stopping further investigation.
 - (ii) Calling for a report from the investigation officer for a report as to the cause of delay.
 - (iii) Stopping further investigation, unless the investigation officer prays extension for time to continue the investigation.
 - (iv) None of the above.
- (b) Period of limitation for taking cognizance of an offence U/S 376 I.P.C committed by a husband against his wife who is under 18 years of age-
- (i) 3 years
 - (ii) One year
 - (iii) No limitation.
 - (iv) None of the above.
- (c) Offence against any other laws is non cognizable when punishable with imprisonment for -
- (i) One year.
 - (ii) Two Years.
 - (iii) Less than 3 years.
 - (iv) 7 years.
- (d) Provision for examination of a person accused of rape by medical practitioner is provided in section-
- (i) 51 of Crpc
 - (ii) 53 A of Crpc
 - (iii) 53 B of Crpc
 - (iv) 54 of Crpc
- (e) A second class Magistrate can take cognizance of –
- (i) Such offences as within his competence to enquire into and try.
 - (ii) Any offence irrespective of power to try.
 - (iii) Offences which he can try or commit.
- (f) Provision for compensation to person groundlessly arrested is provided in section –
- (i) 357 A Crpc.
 - (ii) 357 B Crpc.

- (iii) 358 of Crpc.
- (iv) None of the above.

2. Write short notes reflecting relevant provisions of law (Any Three)

Marks -3x3= 9

- (i) Enquiry and Investigation.
- (ii) First Information Report (FIR)
- (iii) Local Jurisdiction of Judicial Magistrate.
- (iv) Continuing Offence.

3. Answer any two

Marks -5x2= 10

- (i) What are the essential contents of charge? Discuss the effect of not framing or error in framing charge. What are the procedures to be followed when charge is altered or fresh charge/charges is/are added.
- (ii) What is/are the term of punishment that a Magistrate can impose in default of fine. Discuss the procedure for recovery of fine as provided in Crpc.
- (iii) Discuss the procedure for trial of a warrant case instituted otherwise than on police report.

GROUP-B – INDIAN PENAL CODE

4. (a) A instigates B to murder D. B is pursuance of the instigation stabs D with a dagger. D recovers from the wound. Whether A is liable for commission of any offence? If yes, under what provision of IPC ?

Marks – 1 ½

- (b) A put jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstances may cause Z to be convicted of theft. Is A liable for commission any offence? If yes, under what provision of IPC ?

Marks – 1 ½

5. Choose the correct answer –

Marks -1x3= 3

- (i) Attempt to commit culpable homicide is punishable under section –
 - (a) 307 of IPC
 - (b) 308 of IPC
 - (c) 306 of IPC
 - (d) 309 of IPC
- (ii) A meets Z on the Highway, shows a pistol and demands Z's purse. Z in consequence surrenders his purse. What offence A is liable for –
 - (a) Robbery.
 - (b) Extortion.
 - (c) Theft.
 - (d) Dacoity.
- (iii) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house trespass. What offence A is liable for-
 - (a) Lurking house trespass
 - (b) House Breaking.
 - (c) House Trespass.
 - (d) None of the above.

6. Answer any three –

Marks – 5x3= 15

- (i) When right of private defence of body extends to causing of death? Discuss referring the relevant provisions of law.
- (ii) Distinguish between common intention and common object.
- (iii) Explain the maxim "actus non facit reum, nisi mens sit rea". Mention at least two offences where mens rea need not be established in order to prove the crime.
- (iv) Define criminal conspiracy. What are the essential ingredients required to be proved to establish a charge for criminal conspiracy U/S 120 B of IPC.

7. Write short notes (any two)-

Marks – 2x2= 4

- (i) "Cruelty" with special reference to section 498 A of IPC.
- (ii) Wrongful gain and wrongful loss with illustration.
- (iii) Defamation.

GROUP-C – LAW OF TORTS

8. Choose the right answer –

Marks: 1x5= 5

- (a) Doctrine of vicarious liability is based on the maxim –
 - (i) Qui facit per alium facit per se.
 - (ii) Ubi Jus ibi remedium.
 - (iii) Respondent superior.
 - (iv) Both (i) and (iii) of above.
- (b) The rule laid down in Ryland Vs Fletcher is known as –
 - (i) Absolute liability.
 - (ii) Strict liability.
 - (iii) No Fault liability.
 - (iv) None of the above.
- (c) The Maxim "ex turpi causa non oritur action" means –
 - (i) When there is wrong there is a remedy.
 - (ii) No action arises from an immoral cause.
 - (iii) Consent to the infliction of harm upon himself.
- (d) Tort is a violation of –
 - (i) Right in rem.
 - (ii) Right in personam.
 - (iii) Both (i) and (ii) of above.
 - (iv) None of the above.
- (e) Malice in fact means-
 - (i) Without evil motive.
 - (ii) In bad faith.
 - (iii) With evil motive.
 - (iv) With evil intention.

9. Write short note (any four)-

Marks – 2 ½ x 4 = 10

- (i) Qui facit per alium facit per se.

- (ii) Liquidated and unliquidated damages
- (iii) Prospective and continuing damages
- (iv) Composite and contributory negligence
- (v) General and Special damages

10. Answer any two –

Marks – 5x2= 10

- (i) Tort is a civil wrong, it essentially differs from crime. Explain.
- (ii) What is nuisance? Distinguish between private and public nuisance.
- (iii) What is malicious prosecution? Discuss the essential ingredients required to be established to succeed in a suit for malicious prosecution.

GROUP-D – LAW OF EVIDENCE.

11.

Marks: 1x5= 5

(a) Which of the document mentioned below is required to be proved as per section 68 of the Indian Evidence Act-

- (i) Sale deed
- (ii) Will
- (iii) Promissory Note
- (iv) Agreement for sale.

(b) for drawing a presumption of genuineness of an electronic document U/S 90 A of the Indian Evidence Act, the document is required to be proved as –

- (i) 5 years old.
- (ii) 10 years old.
- (iii) 20 years old.
- (iv) 30 years old.

(c) The court may presume that evidence which could be and is not produced would, if produced be unfavourable to the person who withholds it U/S 114 of the Indian Evidence Act. The above has been explained under Illustration_____

- (i) a
- (ii) d
- (ii) f
- (iv) g

(d) Secondary evidence is defined in section_____ of the Indian Evidence Act.

- (i) 59.
- (ii) 62.
- (iii) 63.
- (iv) 65.

(e) Leading question is defined under section_____ of the Indian Evidence Act.

(i) 138

(ii) 139

(iii) 141

(iv) 142.

12. Answer any two –

Marks: 3x2= 6

- (a) What are the exceptions to the professional communication under the proviso to section 126 evidence act. A, a client says to B an Advocate – “ I shall obtain possession of property by the use of a forged document on which I request you to sue”. Whether this communication of the client to his Advocate is protected from disclosure as professional communication ? Yes/No. Give reasons.
- (b) Confession before police officer is not admissible. Is there any exceptions ? Discuss with relevant provisions of law.
- (c) What is admission ? Admission in civil cases when not relevant ? A question arises, whether a horse sold by A to B is sound ? A says to B – “go and ask C, C knows all about it”. Whether C’s statement is an admission ? if yes, under what section of the evidence act.

13. What is secondary evidence? When secondary evidence relating to document may be given?

Marks: 5

14. Write short note (any three)

Marks: 3x3= 9

- (a) Promissory estoppel
(b) Res gestae
(c) Falsus in uno falsus in omnibus.
(d) Burden of proof and Onus of proof.
