

DISTRICT JUDGE (ENTRY LEVEL), DIRECT FROM BAR EXAM-2019**Theory Paper-I**Time Allowed : Three HoursTotal Marks : 100**Question paper specific instructions :**

(Please read each of the following instructions carefully before attempting questions)

The number of marks carried by a part is indicated against it.

Any page or portion of the page left blank in the Answer Booklet must be clearly struck off.

Part-A (The Indian Contract Act, 1872)

Answer any two questions out of three questions. Each question carries 6 (six) marks.

1. 'P' places an order for a laptop from 'S' a seller selling his goods on an online selling portal for a price of Rs.50,000/-. The laptop was actually priced at Rs.1,00,000/-. However, after offering some discount the seller and the online retail portal were selling the same on reduced price. 'P' had made payment for the order. After the order was placed but before the delivery was made, 'S' cancelled the order stating that as per the policies of the company manufacturing the laptops of the brand being purchased by 'P' discounts cannot be offered at more than 10% of the price of the laptops. The suit filed by 'P' claiming performance of contract was decreed by the trial court directing delivery of the laptop at the reduced price offered by 'S'. Decide the appeal filed by 'S' discussing the relevant provisions of the law along with judgments if any applicable to the case.
2. 'Z', a mobile application (app) introduced an offer for its existing subscribers that it would award points on every correct guess about any progress made during an ongoing cricket tournament and upon end of the tournament based upon the points accumulated by any user it would give awards to every user. The contest was open for a person above eighteen years of age and required

identification through email id. 'M', a minor logged into the application through his email id on which he had presented himself to be above 18 years of age. However, on the date of commencement of the contest he was one month short of completing 18 years of age. Upon end of the contest after about two months 'M' found himself to be the person with highest accumulated points and he claimed the prize for such accumulation of the highest points. The application company refused to honour his claim on the ground that on the date of entry into the contest he was a minor. 'M' filed a suit on the ground that since 'Z' allowed 'M' to participate in the contest without proper verification of the status of 'M', therefore, 'M' was entitled for the benefits which had accrued in him due to fault on part of 'Z'. Decide the issue.

3. Discuss the concept of choice of jurisdiction vis-à-vis Section 28 of the Indian Contract Act, 1872.

Part-B (The Indian Evidence Act, 1872)

Answer any three questions out of four questions. Each question carries 7 (seven) marks. Question no.4, 4(a) and 4(b) are compulsory.

4. What norms of 'burden of proof' in a criminal case are applicable when the accused defends himself on the ground of any general or special exceptions in the Indian Penal Code? [3 marks]
- 4(a) Can a witness be excused from answering a question on ground that the answer will incriminate him? [2 marks]
- 4(b) "The rule of evidence are in general the same in civil and criminal proceedings". Give the exceptions, if any. [2 marks]
5. What is meant by burden of proof ? Explain the law relating to burden of proof with the help of decided cases.

6. Write short notes on the following :-
- (a) Electronic evidence [3½ marks]
 - (b) Confession to police [3½ marks]
7. Documents must be proved by primary evidence. Explain what are the exceptions to the said rule.

Part-C (Specific Relief Act, 1963)

Answer any two questions out of three questions. Each question carries 6 (six) marks.

8. 'P', a publisher had entered into an agreement with 'J' a retired Judge to edit a leading book on Code of Civil Procedure, 1908. While editing the book 'J' received a mail from the son of the original author of the book containing a probate of the Will of the original author of the book according to which the book should not be edited after his death and it could always be published only in its original form. 'P' sued for specific performance of the agreement. Decide.
9. A purchaser of a property filed a suit for rectification of a sale deed on the ground that although he had purchased the whole plot of the vendor, however, inadvertently in the said sale deed only a part of the whole property got mentioned. The vendor objected to the claim on the ground that the purchaser had paid only for a part of the vacant portion of the suit land and the part with construction was to be retained by the vendor and thus the sale deed was prepared only with respect to the vacant land with full consciousness of the parties giving the boundary of the vacant land only. Decide the issue in accordance with law.
10. Discuss in brief the instances when specific performance of a contract can be denied by a court.

Part-D (The Limitation Act, 1963)

Answer any one question out of two questions. Each question carries 8 (eight) marks.

11. When once time has begun to run, no subsequent disability to institute a suit can stop it. Explain.
12. Discuss the applicability of Section 14 of Limitation Act when second suit is filed after withdrawal of previous suit with permission of court.

Part-E (Indian Penal Code, 1860)

Answer any three questions out of four questions. Each question carries 6 (six) marks.

13. Answer the following in about 150 words each. Support your answer with legal provisions and judicial pronouncements :
 - (a) "Whether the maxim 'actus non facit reum nisi mens sit rea' in general and the common law doctrine of 'mens rea' as an independent doctrine in particular are relevant in the interpretation of provisions of the Indian Penal Code? [3 marks]
 - (b) Discuss "attempt to commit suicide" referring to the decisions of the Supreme Court on the constitutional validity of Section 309 of the Indian Penal Code. [3 marks]
14. "Culpable homicide is the genus and murder is species, and that all murders are culpable homicide but not vice versa". Discuss.
15. 'W' complained that she suffered miscarriage because of heavy household works assigned to her by her in-laws. The medical opinion suggested that under normal conditions the nature of tasks undertaken by 'W' would not result into miscarriage. 'W' avoided any medical test concerning her fitness to carry the child. Decide upon the fate of prosecution of the in-laws of 'W'.
16. "Right to private defence cannot be an offence in return". Discuss with

relevant provisions and case laws.

Part-F (The Prevention of Corruption Act, 1988)

Answer any one question out of two questions. Question carries 9 (Nine) marks.

17. Is "Demand" the sine qua non for an offence under the Prevention of Corruption Act? Explain citing decisions in this regard.
18. Whether sanction is necessary for filing a complaint against a public servant in a corruption case? Whether the Magistrate can order investigation against a public servant while invoking powers under Section 156(3) Cr.P.C. Explain citing decisions.

Part-G (The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989)

Answer any one question out of two questions. Question carries 10 (Ten) marks

19. Which remedy is available to complainant/prosecution vis-à-vis accused, if bail has been granted by the special court or the exclusive special court in a case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Is there any time limit to avail such remedy? Explain discussing the statutory provisions.
20. What is SC and ST Amendment Act, 2018? Explain the background under which the amendment was made by the Parliament.

Part-H (The Negotiable Instruments Act, 1881)

Answer any one question out of two questions. Question carries 10 (Ten) marks.

21. Discuss the criminal liability of drawer for issuing cheques without funds.
22. Discuss the scheme of Section 143-A of the Negotiable Instruments Act.

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Theory Paper-II

Time Allowed : Three Hours

Total Marks : 100

Question paper specific instructions :

(Please read each of the following instructions carefully before attempting questions)

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Part-A (The Constitution of India)

Answer any two questions out of three questions. Each question carries 6 (six) marks.

1. Doctrine of equality under the Constitution cannot be applied to legitimise an illegal act. Can equality be invoked to justify another wrong? Critically examine with reference to cases.
2. The dignity of the individual, which is spoken of in the preamble to the Constitution of India, is a facet of Article 21 of the Constitution. A statutory provision belonging to the hoary past which demeans or degrades the status of a woman obviously false foul of modern constitutional doctrine and must be struck down. Discuss the constitutional pledge of equality of status.
3. Article 226 of the Constitution of India is couched in comprehensive phraseology and it ex facie confers a wide power on the High Courts to reach injustice wherever it is found. Discuss.

Part-B (The Code of Civil Procedure, 1908)

Answer any two questions out of three questions. Each question carries 9 (Nine) marks.

4. All suits of civil nature are triable by a civil court. Discuss the scope of Section 9 of the Code of Civil Procedure and the exclusion of jurisdiction on account of

finality clause.

5. What do you mean by pleading? Discuss the essentials of a pleading.
6. Discuss the ambit and scope of Order 41 Rule 27 of the Code of Civil Procedure.

Part-C (The Code of Criminal Procedure, 1973)

Answer any two questions out of three questions. Each question carries 8 (eight) marks.

7. What is the nature of satisfaction required to invoke the power under Section 319 Cr.P.C. to arraign an accused? Whether the power under Section 319 Cr.P.C can be exercised only if the court is satisfied that the accused summoned in all likelihood be convicted? Explain in the light of 5 Judge Bench decision of the Supreme Court in Hardeep Singh Versus State of Punjab [(2014)3 SCC 92].
8. Who is a 'wife' for the purposes of Section 125 of the Cr.P.C? Explain discussing the decisions in this regard.
9. Whether an order for further investigation under Section 173(8) Cr.P.C. can be passed by the Magistrate suo motu? Whether such power can be exercised after cognizance of the offence has been taken by the court? Explain with the help of decided cases.

Part-D (The Transfer of Property Act, 1882)

Answer any two questions out of three questions. Each question carries 5 (five) marks.

10. Explain the meaning and essentials of a gift as given in Section 122 of the Transfer of Property Act. Can a gift be suspended or revoked?
11. Explain the meaning and essentials of lease. Who can grant lease? Distinguish between lease and licence.
12. Explain the following :-
(a) Clog on perpetuity

[3 marks]

(b) Once a mortgage always a mortgage.

[2 marks]

Part-E (The Arbitration and Conciliation Act, 1996)

Answer any two questions out of three questions. Each question carries 5 (five) marks.

13. Discuss the law pertaining to referral of a dispute for arbitration in the event of absence of an arbitration agreement under Section 8 of the Arbitration and Conciliation Act, 1996 vis-à-vis Section 89 of the Code of Civil Procedure, 1908.
14. Discuss the grounds for challenge to an arbitral award with the relevant case laws.
15. What are the roles of the court in an arbitration proceeding. Discuss with relevant provisions and case laws, if any.

Part-F- Personal Laws (Hindu, Muslim and Christian)

Answer any two questions out of three questions. Each question carries 6 (six) marks.

16. One of the parties to a petition under Section 13-B of the Hindu Marriage Act, 1955 after the second hearing of the motion but before pronouncement of the order and preparation of the decree files a petition appended with an affidavit withdrawing consent for mutual divorce and seeks to contest the divorce petition. What would be the procedure?
17. Discuss various forms of *talaq* under the Muslim law.
18. Discuss the requirements of a valid Christian marriage.

Part-G (The Family Courts Act, 1984)

Answer any one question out of two questions. Question carries 6 (six) marks.

19. What are the factors to be taken into consideration by the family court while dealing with a petition under Section 127 of the Code of Criminal Procedure, 1973?
20. During pendency of a petition for divorce on the grounds of cruelty the petitioner seeks to add adultery as a ground for divorce. What would be the procedure? Discuss with relevant provisions and case laws, if any.

Part-H (The Indian Partnership Act, 1932)

Answer any two questions out of three questions. Each question carries 5 (five) marks.

21. Explain the difference between dissolution of partnership and dissolution of firm. [2 marks]
- 21(a) 'A' and 'B' were partners under an agreement which provided that the partnership should be terminated by mutual agreement only. Can 'A' terminate the partnership by giving notice to 'B'? [1½ marks]
- 21(b) 'A', an Indian and 'B', a Chinese subject, are partners in trade. War breaks out between India and China. What is the position of the partnership? [1½ marks]
22. What are essentials of Partnership? [2 marks]
- 22(a) 'A' and 'B' were partners, and 'A' was convicted of travelling on the railway without ticket and with intent to defraud. Will the court order dissolution of the firm? [1½ marks]
- 22(b) 'A' and 'B' carried on business as partners. After some time the relation between them became so strained that neither would speak to the other. Communications having to be conveyed between them through the accounts clerk. The firm had made and continued to make large profits. Can the court order its dissolution? [1½ marks]
23. Explain the advantages of partnership over a company. [2 marks]
- 23(a) 'A' and 'B' carried on business in partnership. On B's death, the partnership

was dissolved but 'A' carried the business for a further period of one year. How should the profits earned since B's death be divided? [1½ marks]

- 23(b) 'B', 'C' and 'J' carried on business as J and Co. 'J' retired and 'B' and 'C' carried on business under a new name with the addition of "Late J and Co." 'J' found a new firm carrying on same kind of business in premises adjoining the old firm's premises in the name of J and Co, and sent circulars about his business to the customers of the old firms. What are J's rights and those of 'B' and 'C'.

[1½ marks]

Part-I (The Motor Vehicles Act, 1988)

Answer any one question out of two questions. Question carries 6 (six) marks.

24. Whether in a claim proceeding under Section 163A of the Motor Vehicles Act, it is open for the insurer to raise the plea of negligence? Explain citing decisions.
25. Discuss briefly salient features of the 5 Judge Bench decision of the Supreme Court in case of National Insurance Company Limited Versus Pranay Sethi [AIR 2017 SC 5157].

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