

Examination for Recruitment to Grade-III of Tripura Judicial Service,  
2009.

Law Paper – I

Full Marks – 100  
Time – 3 hours

1. Answer shortly the following (any five):

5X2=10

- (a) Preamble of the Constitution of India
- (b) Freedom of Speech and Expression
- (c) Lok Adalat
- (d) Public Interest Litigation
- (e) Natural Justice
- (f) Reasonable restriction
- (g) Uniform Civil Code

2. Choose the correct answer

10X1=10

- (a) The Constitution of India was adopted on
  - (i) November, 26, 1949
  - (ii) August 15, 1947
  - (iii) January 30, 1948
  - (iv) January 26, 1950
- (b) "Right to education" has been provided in the Constitution by the Constitution (86<sup>th</sup> amendment), 2002 by inserting -
  - (i) Article 19
  - (ii) Article 21 (A)
  - (iii) Article 22
  - (iv) Article 14

(c) India is a Secular State, because -

- (i) It has no State religion
- (ii) Hinduism is tolerant towards other religion
- (iii) Indian Government has nothing to do with religion
- (iv) Minority rights are guaranteed in the Constitution.

(d) In India, President can impose the Presidents' Rule upon a State, acting on

- (i) a report from the Governor
- (ii) intelligence report to the effect
- (iii) information from whatever sources he deems fit
- (iv) none of the above.

(e) The doctrine of separation of power signifies –

- (i) division of power between Centre and the State Government
- (ii) distribution of Governmental power between branches of Government
- (iii) providing for judicial supremacy
- (iv) de-centralisation of power.

(f) The Chief Election Commissioner is appointed by –

- (i) the Prime Minister of India
- (ii) the President of India
- (iii) the Chief Justice of Supreme Court
- (iv) Parliamentary legislation

(g) Impeachment in the context of Indian Constitution signifies –

- (i) judicial determination of guilt (ii) political determination of guilt  
 (iii) legislative determination of guilt  
 (iv) executive determining whether a person is guilty or not

(h) The authority to determine whether a member of legislature is disqualified under 10<sup>th</sup> schedule of the Constitution –

- (i) the Speaker of the House (ii) the President (iii) the Governor of the State  
 (iv) the Election Commissioner

(i) Which of the following is not a fundamental right -

- (i) right to constitutional remedies (ii) right to life  
 (iii) right to property (iv) right to form political parties

(j) Right to vote in election to parliament is a –

- (i) fundamental right (ii) constitutional right  
 (iii) legal right (iv) natural right.

3. Write short notes on (any three) :

3 X 4 = 12

- (i) Harmonious construction (ii) Ratio decidendi  
 (iii) Writ of habeas corpus (iv) prospective overruling

4. Explain shortly the following (any five):

5 X 3 = 15

- (i) Doctrine of Res-judicata (iii) Inherent power of Court  
 (ii) Indigent person (iv) Set-off (v) Caveat  
 (f) Injunction

5. Choose the correct answer :

10X1=10

(i) The Civil Procedure Code (CPC) is a

- (a) substantive law (b) adjective law (c) municipal law  
 (d) civil law

(ii) A court under Section 89 (1) CPC can refer a dispute for -

- (a) conciliation or arbitration (b) arbitration or conciliation  
 (c) arbitration or conciliation or lok adalat or mediation  
 (d) mediation or lok adalat.

(iii) Which of the following is not one of the essentials for institution of suit -

- (a) the subject matter in dispute (b) the cause of action  
 (c) the demand of relief (d) the evidence of the suit.

(iv) Which of the following party is indispensable to join in a suit –

- (a) first party (b) second party (c) necessary party  
 (d) proper party.

(v) A suit filed by or against one or more persons on behalf of themselves and others having the "same interest" in the suit, is known as –

- (a) interpleader suit      (b) representative suit  
(c) summary suit          (d) proper suit.

(vi) Which of the following Section/Provision is applicable to prevent courts of concurrence jurisdiction from adjudicating upon two parallel litigations in respect of same cause of action, same subject matter and same relief –

- (a) section 10      (b) section 11      (c) order 1 rule 3 of CPC (d) section 80

(vii) Rule 10 Order 7 of CPC deals with the --

- (a) rejection of plaint      (b) admission of plaint  
(c) return of plaint      (d) none of the above.

(viii) According to Section 27 of 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 on which process fee is paid.

(ix) Pleadings must be signed --

- (a) by the party      (b) by the pleader      (c) only by the pleader and not by the party  
(d) both by the party and his pleader.

(x) Adjournment can be granted –

- (a) under order 17 rule 2 CPC      (b) under order 17 rule 1 CPC  
(c) under order 18 rule 3 CPC      (d) under order 18 rule 1 CPC.

6. Write short notes on the following (any two)

2X3 = 6

- (i) Actionable claim      (ii) Doctrine of *lis pendens*  
(iii) Rule against perpetuity.

7. "Once a mortgage is always a mortgage" – Explain

6

8. Answer with reasons

2X4 = 8

- (a) A person makes a gift of all his properties to his friend. However, he made no mention of his debts. Is any remedy available to the creditors?

(b) A sells his land to B for a sum of Rs. 10,000/- and delivers possession to B. Subsequently A again sells the land to C for a sum of Rs. 12,000/- by executing a registered deed. Is the second sale valid?

9. Distinction between (any two)

2 X 3 = 6

- (a) Lease and Licence
- (b) Sale and Gift
- (c) Condition Precedent and Condition Subsequent.

10. What are the different modes of transfer of immovable property as embodied in the Transfer of Property Act, 1882

6

11. "Acceptance is to an offer what a lighted match is to a train of gun powder" – Explain

6

12. Write briefly, what is (any two)

5

- (i) valid contract
- (ii) undue influence
- (iii) misrepresentation
- (iv) mistake of law.