

Assam Judicial Service(Grade - III) Mains 2023

Law Paper - I (Paper-III)

Group - A : Constitution of India

I. Attempt any 5 questions.

Total Marks: 5x5 = 25

1. What is preamble? Is it a part of the Constitution? Can it be used to interpret the Constitution ? Also explain its significance.

2. Explain the right to Constitutional remedies available to the citizens.

3. Explain the importance, duties and function of Comptroller and Auditor General of India(CAG).

4. Briefly explain the power of the Parliament to amend the Constitution and the Basic Structure Doctrine.

5. Write an essay on the division of power between the Union and the State Governments, with special reference to Concurrent List.

6. What do you mean by Federal Structure of Government? What are the Federal Features of the Constitution ?

7. Explain any one of the following :

(i) Directive principles of State Policy vis-a-vis Fundamental Rights.

(ii) Right to Education.

(iii) Fundamental Duties.

(i) Directive principles of State Policy vis-a-vis Fundamental Rights.

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Group-B : Code of Civil Procedure

II. Attempt any 5 questions.

Total Marks: 5x5=25

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1. What is a plaint ? What are its contents ? When it is rejected or returned ?

2. Write few lines in respect of any two of the following subject : -

- (i) Executing court cannot travel beyond the decree.
- (ii) Res-judicata.
- (iii) Substituted service.
- (iv) Caveat.

(ii) Res-judicata.

(iv) Caveat..

(iii)Substituted service

3. Explain what is substantial question of law, with reference to second appeal.

4. Write an essay about section 89 CPC and its relevance in today's context.

5. By way of judicial pronouncement another condition for granting temporary injunction is being involved, besides the three golden principles already existed, for granting temporary injunction. Briefly explain about all the four principles.

6. Define the following : -

- (i) Res-subjudice,
- (ii) Mesne profits,

7. How and for what purpose is a commission appointed ? Explain its power and functions.

Group-C : Transfer of property Act

III. Attempt any 5 questions.

Total Marks: 5x5 = 25

1. What do you mean by immovable property under the Transfer of Property Act? Distinguish between moveable and immoveable property.

2. It is the general rule that property of any kind can be transferred. Explain the rule with exceptions.

3. What is the Doctrine of Election ? What conditions are required to be fulfilled for applying the Doctrine of Election.

4. Define Mortgage and distinguish it from the Charge. What are the different kind of Mortgages ?

5. Discuss briefly the Doctrine of Part Performance embodied in section 53 A of the transfer of Property Act. What are its essential conditions ?

6. Define Gift under Transfer of Property Act and give its main characteristics. When Gift can be revoked ?

7. Write brief notes on any five of the following:-

- (i) Actionable claim
- (ii) "Donatio mortis causa"
- (iii) Public Trust,
- (iv) Easement of necessity and easement by prescription.
- (v) Universal Donee,
- (vi) Easement of necessity,

Group-D: Indian Contract Act

IV. Attempt any 5 questions.

Total Marks: 5x5=25

1. Write an essay on any of the following topics : -

- (i) A void contract is not necessarily illegal.
- (ii) Agreement in restraint of legal proceeding and section 28 of the Contract Act.

2. What is Lawful Consideration ? Also explain its exemptions.

3. Explain the distinction between Coercion and Undue influence.

4. Give the meaning of 'Caveat Emptor'. What are the exceptions to it ?

5. Answer the following with reason : -

"A invites B to dinner. B accepts the invitation. A made an elaborate arrangement. But, B failed to turn up. Can A successfully sue B in the court of law for the loss he suffered ?"

6. Explain briefly the following:-

"A contract obtained by misrepresentation is voidable at the option of the buyer."

7. State and explain the consequences of breach of contract.

Law Paper - II (Paper-IV)

Group - A : INDIAN PENAL CODE

1. Choose the most appropriate one out of the choices given below :

(i) Abetment of any offence, if the act abetted is committed in consequence of the abatement, and where no express provision is made by the Indian Penal Code for the punishment of such abatement, is dealt under -

- a. Section 109, Indian Penal Code
- b. Section 110, Indian Penal Code
- c. Section 111, Indian Penal Code
- d. Section 112, Indian Penal Code

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(ii) A is beating Z and Y jumps in to stop the beating. In the process A intentionally strikes Y. As per Section 71 of the Indian Penal Code which of the following should be the punishment ?

- a. A is liable to one punishment for voluntarily causing hurt only to Z.
- b. A is liable to one punishment for voluntarily causing hurt to Z and to another for the blow given to Y.
- c. A is liable to one punishment for voluntarily causing hurt only to Y.
- d. None of them.

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(iii) Insanity as a defence means that a person at the time of doing an act, by reason of unsoundness of mind is incapable of knowing :

- a. The nature of the act
- b. That what he is doing is wrong
- c. That what he is doing is contrary to law
- d. Either (a) or (b) or (c)

(iv) A by putting B in fear of grievous hurt dishonestly induces B to sign and affix his seal in blank paper, and delivers it to A. A has committed?

- a. Extortion
- b. Robbery
- c. Cheating
- d. Dacoity

(v) A and B agreed to commit the murder of C by poisoning and D was to procure poison, but he did not procure it. A and B are guilty of

- a. No offence
- b. Criminal conspiracy to murder C
- c. Abetment to murder by conspiracy
- d. Attempt to murder with the aid of Section 34, IPC

2. Read the following illustrations. Each illustration shows commission of a particular offence under the Indian Penal Code. Name the offence in terms of the Indian Penal Code against each illustration.

(i) Z picks up a cheque on a banker signed by X, payable to bearer, but without any sum having been inserted in the cheque. Z fraudulently fills up the cheque by inserting the sum of ten thousand rupees.

(ii) B finds the key of A's house door, which A had lost, and commits house-trespass by entering A's house at mid-night, having opened the door with that key.

(iii) X causes cattle to enter upon the belonging to Y, intending to cause and knowing that he is likely to cause damage to Y's crop.

(iv) M, a man, regularly follows W, a woman, and attempts to contract W foster personal interaction with her repeatedly despite a clear indication of disinterest by W.

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3. Answer any two from the following three : -

- (i) Limitations on exercise of right of Private Defence.
- (ii) Salient differences between 'Common Intention' and 'Common Object'.
- (iii) Salient differences between 'Wrongful Restraint' and 'Wrongful Confinement'. With illustrations.

(i) Limitations on exercise of right of Private Defence

(ii) Salient differences between 'Common Intention' and 'Common Object'.

4. 'In all robbery there is either theft or extortion.' Evaluate the statement. P obtains property from Q by saying - 'Your child is in the custody of my gang, and will be put to death unless you send us Rs. 10,000/-'. Examine.

5. Explain the nature and extent of (a) unsoundness of mind, and (b) intoxication, required to exempt a person from criminal liability.

GROUP - B : CRIMINAL PROCEDURE CODE

6. Choose the most appropriate one out of the choices given below :

(i) In an application for maintenance, it is not necessary to aver that :

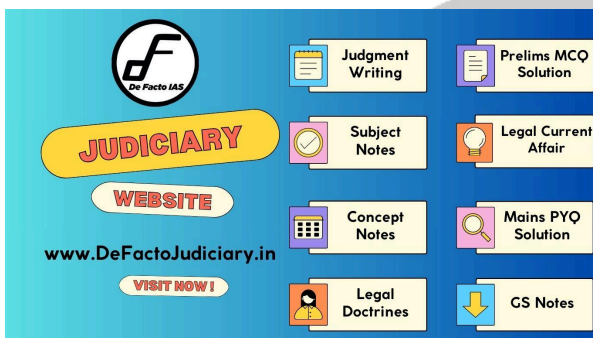
- a. The wife is unable to maintain herself
- b. The husband has neglected or refused to maintain the wife
- c. The husband has sufficient means to maintain the wife
- d. The husband has treated the wife with cruelty

(ii) Criminal Procedure Code has been included in which of the following Lists in the Constitution of India

- a. Union List
- b. State List
- c. Concurrent List
- d. All of these

(iii) Under Section 389(3), Code of Criminal Procedure, 1973, the trial court can release an accused on bail after conviction where : -

- a. The accused is not on bail and he is sentenced with imprisonment for a term not exceeding 3 years and no fine is imposed.
- b. The accused is on bail and he is sentenced with imprisonment for a term not exceeding 3 years and no fine is imposed.
- c. The accused is on bail and he is sentenced with imprisonment for a term not exceeding 4 years and no fine is imposed.
- d. The accused is not on bail and he is sentenced with imprisonment for a term not exceeding 4 years and no fine is imposed.



(iv) Which of the following persons has/have the right to file appeal under Section 372, Criminal Procedure Code, 1973 against an order of acquittal ?

- a. Victim
- b. Victim's guardian
- c. Victim's legal heir
- d. All the above

(v) An Assistant Sessions Judge may pass :

- a. A sentence of imprisonment for life
- b. A sentence of imprisonment not exceeding 14 years
- c. A sentence of imprisonment not exceeding 10 years
- d. A sentence of imprisonment upto 12 years

7. Discuss the salient differences between the following two (any two) : -

- (i) Investigation, Inquiry and Trial
- (ii) Appeal and Revision
- (iii) Compoundable and Non-Compoundable Offences

8. A letter which is in the custody of the Postal Authority, is required by an Inspector of Police, who is investigating a serious crime involving the offences of cheating, forgery and misappropriation of money amounting to more than Rs. 100 crores, as an important piece of evidence for the purpose of the said investigation. The Inspector of Police directs the Postal Authority to deliver him the above letter. In such a situation, whether the Postal Authority is legally bound to deliver the letter to the Inspector of Police. If the Postal Authority refuses to abide by the direction of the Inspector of Police and does not deliver the letter to him, what is the procedure the Inspector of Police would require to follow to secure delivery of the letter which is a vital piece of evidence ?

9. Discuss briefly the constitution and powers of Criminal Courts under the Code of Criminal Procedure, 1973.

GROUP - C : EVIDENCE ACT

10. Choose the most appropriate one out of the choices given below : -

(i) Leading questions must be asked

- A. In cross-examination
- B. In re-examination, except with the permission of the court.

Choose the correct option in respect of the above statements.

- a. A is correct and B is incorrect
- b. A is incorrect and B is correct
- c. Both are correct
- d. Both are incorrect.

(ii) A confession made by an accused is relevant and admissible :

- a. When made to a third person after being detained by a police officer
- b. When made on being threatened with assault and beatings by public
- c. When it is extra judicial, voluntary and truthful and beyond reproach
- d. None of the above

(iii) Documents in respect of which privilege has been provided under Section 123 of the Evidence Act -

- a. Are published official records
- b. Are unpublished official records
- c. Both a. and b.
- d. Either a. or b.

(iv) Under the Evidence Act, the doctrine of res gestae applies to -

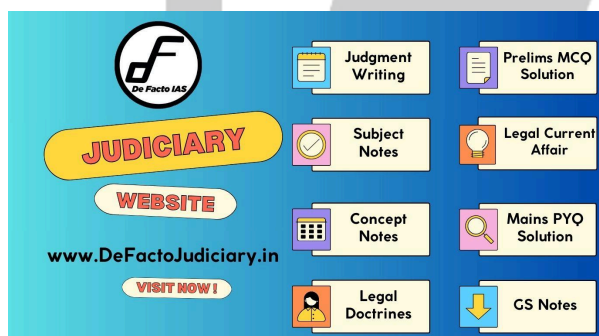
- a. Only civil proceedings
- b. Only criminal proceedings
- c. Only to administrative tribunals
- d. Both a. and b.

(v) Presumption as to genuineness of Official Gazettes in electronic form is contained in -

- a. Section 81A of the Evidence Act
- b. Section 88A of the Evidence Act
- c. Section 90A of the Evidence Act
- d. Section 73A of the Evidence Act

11. Write short notes on any two of the following giving suitable examples : -

- (i) Privileged communications
- (ii) Judicial Notice
- (iii) Presumption as to Dowry Death
- (iv) Onus Probandi



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12. Discuss the salient differences between the following (any two):-

- (i) Fact in Issue and Relevant Fact.
- (ii) Primary Evidence and Secondary Evidence.
- (iii) Proved Fact and Disproved Fact.

13. What, if any, are the difference between Estoppel, Acquiescence and Waiver ? Explain with illustration.

GROUP - D : LAW OF TORTS

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14. Choose the most appropriate one out of the choices given below : -

(i) The case of 'Rylands vs. Fletcher' has laid down the principle of -

- a. Defamation
- b. Conspiracy
- c. Strict liability of landowner
- d. None of these

(ii) The principle 'facts speak for themselves' is expressed by the maxim -

- a. Ubi Jus Ibi Remedium
- b. Res Ipsa Loquitur
- c. Novus Actus Interveniens
- d. Causa causans

(iii) Easement is a right -

- a. In rem
- b. In personam
- c. Neither (a) nor (b)
- d. In rem in general but is personal in exceptional cases.

(iv) why is defamation a tort ?

- a. Individuals have the right to be free from bodily harm.
- b. Individuals have the right to conduct business without interference .
- c. Individuals have the right to own property.
- d. Individuals have the right to enjoy a good reputation.

15. Write brief notes on the following : -

- (i) Doctrine of Vicarious liability
- (ii) Inevitable accident
- (iii) Innuendo
- (iv) Contributory negligence

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16. Answer any three from the following :-

- (i) What is nuisance ? Distinguish between public nuisance and private nuisance.
- (ii) Explain the difference between libel and slander. When slander becomes actionable per se?
- (iii) Define assault and distinguish it from battery.
- (iv) Distinguish between tortious and contractual liability.
- (v) The case of Gloucester Grammar School [1410] and the principle involved.
- (vi) The case of 'Ashby vs. White' [1703] and the principle 'Injuria Sine Damnum'.

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