

MIZORAM PUBLIC SERVICE COMMISSION

GRADE-III OF CIVIL JUDGE CADRE OF THE MIZORAM JUDICIAL SERVICE MAIN EXAMINATION

UNDER LAW & JUDICIAL DEPARTMENT, GOVERNMENT OF MIZORAM, JULY, 2017

LAW PAPER - I

Time Allowed : 3 hours

Full Marks : 100

Marks for each question is indicated against it.

Answer any three (3) questions from question 1 - 6

1. What are the grounds, duration and consequence of the Proclamation issued by the President of India pertaining to the failure of Constitutional machinery in States? Is such a proclamation justiciable? (8+2=10)
2. Discuss the power and position of the President of India under the Constitution. Is he bound to act on the advice of the Council of Ministers? (7+3=10)
3. Describe the procedure for carrying out amendments in the Constitution of India? Can Fundamental Rights and Preamble be amended? Discuss. (4+6=10)
4. What do you mean by Parliament privilege? Discuss the privileges that are enjoyed by the members individually and the house collectively. Also, mention leading case laws on the matter. (2+8=10)
5. Define 'State' under Article 12 of the Constitution of India with decided case laws. Is Judiciary a State? Discuss. (8+2=10)
6. Discuss (any two) in brief the following: (2×5=10)
 - (a) Writ of *Habeas Corpus*
 - (b) Writ of *Certiorari*
 - (c) Collegium system regarding appointment of judges in India
 - (d) Fundamental Duties

Answer any three (3) questions from question 7 - 12

7. Define 'Decree'. What are the essential elements of a decree? Distinguish between a decree, an order and a judgment. (3+2+5=10)
8. (a) What do you understand by the temporary injunction? Discuss the circumstances when temporary injunction can be granted by the Court. (2+3=5)
(b) What do you mean by indigent person? Discuss the provisions relating to pauper suits. (2+3=5)
9. (a) What is the meaning of 'review'? Under what circumstances a review is maintainable? (2+3=5)
(b) Discuss the provision relating to interpleader suit. (5)
10. What facts are essential in a notice under Section 80 of Civil Procedure Code? What would be the effect upon suit against the Central Government, the State Government or their officers if the said notice is not given? Discuss. (5+5=10)

11. "Pleading should be confined to facts only. It should not contain law". In the light of above statement discuss the basic rules of pleadings under C.P.C. (10)
12. Write short notes of any two (2×5=10)
- (a) Constructive *res judicata*
 - (b) Powers of Executing Courts
 - (c) Inherent Powers of Civil Court
 - (d) Representative Suit

Answer any two (2) questions from question 13 - 16

13. What do you mean by "Ostensible owner"? Under what circumstances a transfer of immovable property by an ostensible owner is binding on the real owner? Discuss. (3+7=10)
14. "Doctrine of part performance can be used as shield not as sword" Explain the above statement with the help of relevant provision of Transfer of Property Act, 1882 as well as decided cases. (10)
15. What are the essential elements of a mortgage? Explain the concept "once mortgage always mortgage". Also, distinguish between gift and sale. (3+5+2=10)
16. Explain with appropriate illustration the doctrine of election under the Transfer of Property Act, 1882. (10)

Answer any two (2) questions from question 17 - 20

17. (a) Define contract. Discuss its essential elements. Also, distinguish between void agreement and illegal agreement. (2+3+2=7)
- (b) What are the exceptions of the concept "no consideration no contract". (3)
18. (a) What do you mean by bailment? Discuss its essential elements. (2+5=7)
- (b) A parks his car in parking lot and keeps the key of the car in his pocket. Is it a bailment? Justify your answer with reasons. (3)
19. When is consideration or object of an agreement said to be opposed to public policy? Discuss with leading case laws. (10)
20. Write short notes on any two (2×5=10)
- (a) Frustration of contract
 - (b) Contract which need not be performed
 - (c) Consequences of breach of contract
 - (d) Free consent