

MIZORAM PUBLIC SERVICE COMMISSION
GRADE-III OF MIZORAM JUDICIAL SERVICE (CIVIL JUDGE)
MAIN EXAMINATION UNDER LAW & JUDICIAL DEPARTMENT,
GOVERNMENT OF MIZORAM. NOVEMBER, 2022

LAW PAPER- I

Time Allowed : 3 hours

Full Marks : 100

Marks for each question is indicated against it.
Attempt all questions.

THE CONSTITUTION OF INDIA- 30 MARKS

1. Discuss the right to life and personal liberty under Article 21 of the Constitution of India and critically assess whether death penalty is violative of this constitutional guarantee. (4+6=10)
2. What is the significance of Article 13 of the Constitution of India? Does the Doctrine of Eclipse apply to a post-constitution law? Discuss. (3+4=7)
3. Elucidate the controversy wherein the 42nd Amendment to the Constitution of India was involved, citing the judgment thereof rendered by the Hon'ble Supreme Court of India which made it clear that it is the Constitution that is supreme in India and not the Parliament. (4+3=7)
4. Discuss the power of Governor to promulgate ordinances, and the validity of repromulgating ordinances several times while supporting your answer with relevant case laws. (2+2+2=6)

CODE OF CIVIL PROCEDURE – 30 MARKS

5. What is the principle of res-judicata and constructive res-judicata? Discuss the difference between the two principles as found under the Code of Civil Procedure, 1908. (5+5=10)
6. Discuss the importance of Order 16 Rule 17 of the Code of Civil Procedure supported by relevant case laws. (3+3=6)
7. Illegal exercise of jurisdiction by a Court would constitute jurisdictional error and not absence of jurisdiction altogether. Discuss with examples. (5+2=7)
8. Can a issue of limitation be decided as a preliminary issue by a Civil Court? Explain. (7)

THE TRANSFER OF PROPERTY ACT 1882 – 20 MARKS

9. What do you mean by ‘Profits a prendre’? Explain the principle of doctrine of fixtures supported by suitable cases. (4+4=8)
10. Explain the meaning of ‘Rule against perpetuity’ supported by relevant case laws. (4+2=6)
11. Discuss how transfer of property, movable and immovable, is effected through Gift. Mention the grounds for revocation of a gift with the limitations thereto, if any. (3+3=6)

THE INDIAN CONTRACT ACT, 1872 – 20 MARKS

12. Discuss the principles incorporated by the Indian Contract Act for determining the amount of damages to be awarded in the event of breach of contract supported by relevant case laws. (4+4=8)
13. The works carried out by a contractor at the oral request of an officer of the State government was refused to be paid up by the state on the ground that the arrangement violated Article-299(1) of the Constitution of India and thereby was not a valid contract even though the work was voluntarily enjoyed by the said State. Can the contractor recover his dues from the said State. Elucidate. (6)
14. State the three main exceptions to the requirement of ‘consideration’ for a valid contract. (3)
15. Is the Doctrine of Privity of Contract applicable in India? Explain while mentioning whether there can be exceptions to this Privity Doctrine. (3)

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