

Odisha Judiciary - Mains 2017

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Jurisprudence And Constitution of India

- Q1. The definition of the expression 'The State' in Article 12 has been extended so much that even a private organisation comes in this expression. Discuss.
- Q2. Over the years the freedom of speech and expression guaranteed in Article 19 (1)(a) has been restricted. Discuss the restrictions in detail.
- Q3. Critically discuss the position of the President of India.
- Q4. Enumerate the circumstances in which Parliament may encroach on the exclusive subjects of the State Legislature. Also discuss, in very brief, whether they affect the federal structure.
- Q5. Explain the controversy on the appointment of judges of the Supreme Court of India. Point out, in very brief, the solution you want to suggest.
- Q6. The journey of the Constituent Power has been from Unlimited scope to a very limited scope. Explain.
- Q7. The term 'natural law*' has been variously applied by different people at different time. Narrate in brief and point out its social relevance.
- Q8. Write a note on the nature and importance of legal possession.
- Q9. The concept of Positivism has seen changes with JohnAustin and H. L. A. Hart. Elaborate.
- Q10. Write a note on the theories of the nature of legal persons.
- Q11. Write a critical essay on the pure theory of law.
- Q12. According to Pound the sociological jurisprudence ensures that 'the making, interpretation and application of law take account of social facts. Explain.

Law of Contract

- Q1. Define Promise. What essential conditions are necessary to convert a proposal into a promise ? Explain. [30 marks]
- Q2. "A contract without consideration is void." Are there any exceptions to this rule? If so, explain. [30 marks]
- Q3. 'Mere silence is not Fraud.' Explain the statement and state exceptions to this rule. [30 marks]
- Q4. Define Quasi Contract. State the circumstances in which quasi contractual obligations arise. [30 marks]
- Q5. (a) Write short notes on any four of the following: General offer [10 marks] 5.(b) Heads of Public Policy [10 marks] 5.(c) Speculative Transactions [10 marks] 5.(d) Standard form of contract [10 marks] 5.(e) Novation [10 marks] 5.(f) Remoteness of Damage[10 marks]

Q6. Discuss the liabilities regarding the relations between servant and master under the law of torts. [30 marks]

Q7. What do you mean by contributory negligence ? When would it be no excuse in an action for damages? [30 marks]

Q8. What do you understand about trespass ? What defences may be available to a defendant in a case of trespass? [30 marks]

Q9. What are the kinds of defamation ? Distinguish between libel and slander. [30 marks]

Q10. (a) Write short notes on any four of the following: Act of God [10 marks] 10.(b) Injuria sine Damnum [10 marks] 10.(c) Strict Liability [10 marks] 10.(d) Assault [10 marks] 10.(e) Conversion [10 marks] 10. (f) Res ipsa loquitur [10 marks]

Law of Crime And Law of Torts

Q1. (a) The main objective of Juvenile Justice Legislation is rehabilitation and social integration of Juveniles. Discuss the main measures taken in this regard. [15 marks] 1.(b) Discuss the special offences in respect of Juveniles. [10 marks]

Q2. (a) Discuss the punishment to which offenders are liable under the provisions of the Indian Penal Code. [10 marks] 2.(b) Where, in a sudden and extreme emergency one or other of two evils is inevitable, it is lawful so as to direct events that the smaller shall occur. Discuss. [15 marks]

Q3. (a) Explain any five of the following: Distinction between Simple and Grievous hurt. [05 marks] 3.(b) Distinction between Culpable homicide and Murder. [05 marks] 3.(c) Differentiate between S. 34 and 149 of the Indian Penal Code. [05 marks] 3.(d) Differentiate between Kidnapping and Abduction. [05 marks] 3.(e) Distinction between theft and extortion. [05 marks] 3.(f) Good faith. [05 marks]

Q4. (a) What amounts to grave and sudden provocation ? Explain. [15 marks] 4.(b) Ingredients of dowry death. Discuss. [10 marks]

Q5. (a) What is robbery? How does it differ from dacoity? [15 marks] 5.(b) Discuss the provisions relating to criminal breach of trust under the Indian Penal Code. [10 marks]

Q6. (a) Acts against which there is no right of private defence. Discuss. [15 marks] 6.(b) Discuss the law relating to gang rape under the Indian Penal Code. [10 marks]

Q7. (a) Discuss the essentials of defamation. [15 marks] 7.(b) Explain Res ipsa loquitur. [10 marks]

Q8. (a) Discuss the rule of Rylands V. Fletcher. [10 marks] 8.(b) Discuss the exceptions to the rule of Rylands V. Fletcher. [15 marks]

Q9. Explain any five of the following: [5x5 - 25 marks] (a) Injuria sine damno (b) Volenti non fit injuria (c) Conversion (d) Innuendo (e) Malicious falsehood (f) False imprisonment

Q10. With the help of the judicial pronouncements discuss the essentials of negligence. 25

Q11. (a) Explain Remedies for trespass to land. [15 marks] 11.(b) Explain Assault and Battery. [10 marks]

Q12. (a) What is contributory negligence? How far is contributory negligence a defence? [15 marks] 12.(b) Explain 'In the Course of Employment'. [10 marks]

Personal Law

Q1. Whether the cruelty is grounds for divorce under Hindu law. Discuss the concept of mental cruelty, with the help of cases decided by the Supreme Court of India. [25 marks]

Q2. State the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955. How does decree for judicial separation differ from a decree of divorce? [25 marks]

Q3. Distinguish between void and voidable marriage. Whether a son born of a void marriage Can claim share in property of his uncle who formed coparcenary with his father and died intestate without any issue. [25 marks]

Q4. "The Doctrine of relation back in law of adoption was laid to rest by the provisions of Hindu Adoption and Maintenance Act, 1956. But it now "has been revived by a decision of Supreme Court." Elucidate. [25 marks]

Q5. "With the enactment of Hindu Marriage Act, 1955, the institution of marriage which was once supposed to be an indissoluble spiritual union under Vedic law is transformed into that of civil contract." Comment. [25 marks]

Q6. Discuss the provision relating maintenance of wife under the Hindu Adoption and Maintenance Act, 1956. When can she claim separate residence and maintenance? [25 marks]

Q7. Describe clearly sources from which Islamic law is derived. State the general rule followed by courts in interpretation of Hanafi law. [25 marks]

Q8. Write a critical note on Talaq-e-Ahsan, Talaq-e- Hasan and Talaq-al-Biddat. Can husband divorce his wife without her consent and without assigning any reason under Islamic law? Express reason for your answer. [25 marks]

Q9. Briefly describe the right of maintenance of a muslim wife against her husband. Is she entitled to get maintenance after her divorce after passing her Iddat. Discuss with the help of cases decided by the Supreme Court. [25 marks]

Q10. State basis of the right of Pre-emption. On sale of a house by a Sunni Muslim, his neighbour brings a suit for pre-emption on the ground of vicinage. During the pendency of the suit the neighbour transfers his own house to a third person. Decide. [25 marks]

Q11. A waqf is completed by mere declaration of endowment by the owner." Examine this Proposition. 'A' executed a deed of waqf for the benefit of his wife with the condition that in case of she remarried after his death, the beneficial interest given to her would be forfeited. Is the waqf valid ? [25 marks]

Q12. Who are the sharers under the Hanafi Law of inheritance? Calculate the individual shares of each of the following where there are no other heirs: (a) Father (b) Mother (c) Wife . (d) Sister [25 marks]

Law of Property

Q1. "Movability may be defined to be the capacity in a thing of suffering alteration of the relation of place immovability in capacity for such alteration. If, however, a thing cannot change its place without injury to the quality by virtue of which it is, what it is, it is immovable. Certain things such as a piece of land are in all circumstances immovable. Other things such as trees attached to the ground are, so long as they are so attached, immovable; when the severance has been effected they become movable." Define movable and immovable property in the light of Madras High Court decision quoted above in *Mukry v. Goondakull* (1872) 6 Mad HC 71, and explain whether the following are movable or immovable property : (a) Mortgage debt (b) Fruit bearing tree (c) A right to cut grass (d) A share in a company (e) Suspension bridge [25 marks]

Q2. (a) Explain *Spes Successionis*. [12 marks] 2.(b) Explain whether an interest can be created for the benefit of an unborn person under the Transfer of Property Act and Indian Succession Act, 1925 with the help of decided cases. [13 marks]

Q3. (a) Explain The following: Ostensible Owner [05 marks] 3.(b) Explain The following: Subrogation [05 marks] 3.(c) Explain The following: Part Performance [05 marks] 3.(d) Explain The following: Tangible and Intangible Property [05 marks] 3.(e) Explain The following: Marshalling [05 marks]

Q4. Describe the essentials of different kinds of mortgage. Who have the right of redemption under the TP Act, 1882. What are the mortgagor's powers? [25 marks]

Q5. (a) What are the different methods of recovery of specific immovable property? [13 marks] 5.(b) A contract to deliver specific goods will be enforced by way of specific performance. Explain. [12 marks]

Q6. Describe contracts specifically not enforceable under the Specific Relief Act, 1963. [25 marks]

Q7. Describe the discretion and power of the Court in decreeing specific performance. [25 marks]

Q8. Explain various preventive reliefs available under the Specific Relief Act. [25 marks]

Q9. Explain, what is positive or acquisitive and restrictive limitation in the light of Indian Limitation Act, 1963. [25 marks]

Q10. What are the grounds of condonation of delay with regard to limitation ? Explain the Interpretation of "Sufficient cause" in the light of judicial decisions. [25 marks]

Q11. Describe the calculation of limitation period in different categories of suits. [25 marks]

Q12. Explain the limitation period on suits relating to movable property, tort and execution petitions. [25 marks]

Procedural Laws

Q1. What is a Charge ? Discuss the effects of errors in a charge. How is charge different from F.I.R.? [25 marks]

Q2. Discuss the differences between the proceedings invoked in a warrant case and summons case. [25 marks]

Q3. Explain the procedures invoked for a trial before the Sessions Court. [25 marks]

Q4. Critically analyse the concept of Plea Bargaining and its significance as envisaged under the Code of Criminal Procedure. [25 marks]

- Q5. Explain the procedure on abatement of suit by death of a defendant. How can you set aside abatement and how to implead legal heirs of deceased defendant ? [25 marks]**
- Q6. Enumerate the significance of Garnishee proceedings under 0.21 R46 of the Code of Civil Procedure.[25 marks]**
- Q7. Critically analyze the impact of 2002 amendment to the Civil Procedure Code, 1908. [25 marks]**
- Q8. Briefly analyze the circumstances under which the amendment of pleadings is permitted and refused in the light of the provisions envisaged under the Code of Civil Procedure, 1908. [25 marks]**
- Q9. The probative value of evidence of character must not be overrated. It is not a sufficient ground for disbelieving solid evidence of facts. Were it so, no would be convicted for every criminal had a good character until he lost it - Prof. Kenny. Critically examine this statement in the light of the provisions relating to relevancy of character evidence envisaged under the Indian Evidence Act. [25 marks]**
- Q10. Explain the touchstones upon which the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping. [25 marks]**
- Q11. Explain the different kinds of presumptions and its utility / significance under the Indian Evidence Act with the help of illustrations / case laws. [25 marks]**
- Q12. Analyze the significance and implications of concepts like logical relevancy, legal relevancy, admissibility and reliability as envisaged under the framework of the Indian Evidence Act. [25 marks]**