

State of Meghalaya Higher Judicial Service Examination 2018

Paper: I

Time: 2Hrs.

Maximum Marks: 100

Note: The Paper comprises of three sections. The candidates are required to answer all questions in the three sections.

Section I

Q. No.1 "A Judicial decision either stigmatizes or legitimizes a decision of the Legislature or of the Executive. In either case, the court neither approves nor condemns any legislative policy nor is it concerned with its wisdom or expediency." In the context of this statement write an essay on the expanding horizons of Judicial activism in India

Marks 20

Q.No.2

Part A

Choose the word you think is nearest in meaning to the key words given in questions below:

1) Skew

- a. Distort
- b. Penalize
- c. Challenge
- d. Slide

2) Rescind

- a. Send again
- b. Take back
- c. Rewrite
- d. Rescue

3) Propinquity

- a. Ancient history
- b. Proximity
- c. Ornament
- d. Dishonesty

4) Virtuous

- a. Substantial
- b. Self-Righteous
- c. Noble
- d. Super natural

5) Obdurate

- a. Unforgettable
- b. Obedient
- c. Unyielding
- d. Obvious

6) Venal

- A. Steady
- b. Clean
- c. Robust
- d. Mild

7) Alacrity

- a. Fear
- b. Deep suspicion
- c. Willingness
- d. Sympathetic understanding

8) Juggernaut

- a. Desperate situation
- b. Curious performer
- c. Frustrating problem

d. Irresistible force

9) Gourmet

a. Someone suffering indigestion

b. A hungry person

c. Baker

d. An expert in appreciating food.

10) Profane

a. Irreverent

b. World

c. Energy

d. Spurious

Marks - 10

Part B:

Fill in the blanks to choosing the most appropriate option:

1) During the recession many companies will _____ to lay off their workers

a) be forced to

b) have the force to

c) forcefully

d) be forced into

2) In big cities the people are cut _____ from the nature

a) off

b) down

c) away

d) out

3) The dissidents _____ a great problem in every political party

a) give

b) cause

c) pose

d) hold

4) Ashok has good _____ over the leading foreign languages

a) Expertise

b) Command

c) Control

d) Authority

5) The most alarming fact remains that the infection is spreading _____ state and reaching villages and towns

a) over

b) across

c) far

d) from

Marks: 05

Part C

1) In which of the following clusters, all the words mean 'ignoring the existence of the god'?

a) Pantheism, Agnosticism, Secularism

b) Atheism, Agnosticism, Secularism

c) Deism, Secularism, Agnosticism

d) Atheism, Deism, Secularism

2) Which set of words among the following are only nouns?

a) Pompous, ridiculous, photographic

b) Penance, Science, porous

c) Analysis, praxis, thesis

d) Poisonous, vocalize, stupidity

3) Which set of words among the following are only adjectives?

a) Ridiculous, native, psychology

b) Astronomy, sympathy, privacy

c) Nation, action, privacy

d) Chemical, mathematical, French

4) Among the following which set of words is a noun, adjective and verb too?

- a) Delegate, defeat, temporary, tertiary
 - b) Chronic, incumbency, parental, proponent
 - c) Topic, alacrity, android, auditory.
 - d) Square, precipitate, collect, free
- 5) Find the odd one out among the following
- a) Wary
 - b) Gullible
 - c) Credulous
 - d) Naive

Marks: 05

Q.NO 3

Part I

1. The country that gets the highest percentage of electricity from nuclear power stations is
 - a) United States of America
 - b) Japan
 - c) France
 - d) India
2. The largest state in India in terms of territory is
 - a) Uttar Pradesh
 - b) Madhya Pradesh
 - c) Rajasthan
 - d) Maharashtra
3. The first judge who was sought to be impeached under the Constitution of India was
 - a) Justice Dinakaran
 - b) Justice Dipak Misra
 - c) Justice Ramaswami
 - d) Justice Sen
4. The official mascot of 2018 FIFA world cup iswhich wears.....
 - a) Zabivaka-Glasses
 - b) Willie-Glasses
 - c) Zaumi-Russia's kit
 - d) Zabivaka-flag of Russia
5. Which of the following companies has hired world's first robot lawyer ROSS to assist its various teams in legal research?
 - a) Davis Polk and Warewell

- b) Microsoft
 - c) Baker Hosteller
 - d) Latham and Watkins
6. Who is presently the Secretary General of the United Nations?
- a) Ban Ki Moon
 - b) Kofi Annan
 - c) Antonio Guterres
 - d) U.Thant
7. What was the number of the Non Permanent members of the Security Council before the amendment of the Charter?
- a) Eleven
 - b) Ten
 - c) Seven
 - d) Six
8. What made the Minister of State for external affairs in India to resign from the Cabinet in October, 2018.
- a) Sabarimala Case
 - b) Ceasefire violations by Pakistan
 - c) Me Too Campaign
 - d) Non performance by the Ministry
9. To whom the Nobel Prize in Physiology or Medicine 2018 was awarded?
- a) James Allison
 - b) Tasuku Honjo & James Allison
 - c) Tasuku Honjo
 - d) None of the above
10. The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated to make _____ a criminal offence.
- a) Polygamy
 - b) Frequent use of Divorce
 - c) Talak ul Biddat
 - d) Desertion

(10 Marks)

SECTION-II

Part I

Explain the following maxims in brief:

- (a) Functions officio
- (b) Rule Nisi
- (c) Audi Alteram Partem
- (d) Ubi Jus ibi remedium

- (e) Ex post facto laws

(10 Marks)

Part II

If a person is standing at the sixth number in the queue from both the ends, then the total number of persons in the queue is

- a) 8
- b) 11
- c) 12
- d) 13

2. A Waiter's salary consists of his salary and tips during one week his tips were $\frac{5}{4}$ th of his salary what fraction of his income comes from tips?

- a) $\frac{2}{3}$
- b) $\frac{5}{4}$
- c) $\frac{1}{3}$
- d) $\frac{5}{9}$

3. Read the following statements carefully and state which of the options is true

Statement : It is desirable to put the child in school at the age of 5 or so:

Assumption:

- I. At that age the child reaches appropriate level of development and is ready to learn;
- II. The schools don't admit children after the age of 6
- a) Only assumption (i) is implicit
- b) Only assumption (ii) is implicit
- c) Neither (i) nor (ii) is implicit
- d) Both (i) and (ii) are implicit

4. Read the following statements carefully and state which of the options is true

I: Recently the government has fixed the fee for professional courses offered by the un-aided institutions which are much lower than the fees charged last year.

II: The parents of the aspiring students launched an agitation last year against the high fee charged by the un-aided institutions

- a) Statement (i) is the cause and statement (ii) is its effect.
- b) Both the statements are independent causes
- c) Statement (ii) is the cause and statement (i) is the effect.
- d) Both the statements are effects of independent causes.

5. Herein below some statements are followed by two arguments point out which of the arguments strongly support the statement?

Statement:- Should a strong institution of Ombudsman be created in India

Arguments:

- I. Yes, it will bring transparency and accountability in the administration.
- III. No, it will result in lack of initiative and flexibility in the administration
- a) Argument (i) is strong
- b) Argument (ii) is strong
- c) Both (i) and (ii) are strong
- d) Neither (i) and (ii) are strong.

(Marks 10)

SECTION III

Given below are legal principle and factual situations. Apply the given legal principle to the factual situation and select the most appropriate answer and explain the same briefly.

Legal Principle I : A minor is not competent to enter into contract and the law presumes that the contract never happened and everything is returned to as it was:

Factual situation

A minor fraudulently misrepresenting his age, enters into a contract with B for the purchase of a car. After the car was delivered, he refuses to pay the price contending the non existence of a legally binding contract.

- a) The contract is valid and binding against the minor as he has misrepresented his age voluntarily;
- b) The contract is voidable at the option of B and thus the minor is liable to pay if the other party intends to carry out the obligation;
- c) The contract is void ab initio and the court can direct the minor to return the car;
- d) The contract is valid and the guardian of the minor is liable to pay for the car.

Legal principle II : Theft occurs when a person dishonestly takes any movable property out of the possession of any person without his consent.

Factual situation

Ram finds Bushan's cattle roaming in the streets like stray animals and takes them home to prevent them from being run over by speedy vehicles. Bushan on finding his cattle missing makes a complaint to the police reporting them to be missing:

- a) Ram is guilty of theft as he did not inform Bushan about the whereabouts of his cattle.

- b) Ram is not guilty of theft since the cattles were not in Bushan's possession.
- c) Ram is not guilty of theft since cattle are not property.
- d) Ram is not guilty of theft as there was no dishonest intention on his part.

Legal principle III: Under the Constitution of India all citizens have the freedom of speech and expression.

Factual Situation

X says his freedom to speech includes freedom not to speak. X's assertion is :

- a) Wrong
- b) Right
- c) Wrong because the freedom to speak cannot mean freedom not to speak
- d) Right because X may opt to speak or not to speak

Legal principle IV: Whosoever enters into or upon the property in the possession of another, with intent to commit an offence or intimidate or annoy any person in possession of the property, and remains there with intent thereby to intimidate or annoy another person or with intent to commit an offence is guilty of criminal trespass.

Factual Situation

The accused A entered at night into a house to carry on intimate relations with an un-married major girl at her invitation and information that her family members were away. However, he was caught by her uncle before he could get away.

- a) Is A guilty of criminal trespass as he annoyed the uncle?
- b) Is he guilty because he entered the house to commit the crime?
- c) Is he guilty because no one should enter the house of another at night?
- d) Not at all guilty of criminal trespass

Legal principle V: A right of action cannot arise out of an illegal activity

Factual Situation

Two thieves A and B were engaged in stealing cars. While driving a stolen car, they engaged a driver to drive them through the city since they were not acquainted with the road inside. The indicator lamp of the car was not working and the same was not disclosed to the driver. While driving through the city, the car was hit by another vehicle because of the faulty indicator. The driver was injured and filed a suit against A and B

- a) The driver would fail in his action as he was driving a stolen car.
- b) He would succeed as he was not a party to the crime of stealing
- c) He would succeed as he did not know about the stealing of the car
- d) None of the Above

Legal principle VI: Performance of a legal duty cannot be consideration for a promise

Factual Situation

A's wallet is stolen by a pick pocket. He lodges a complaint in the police station. Through an advertisement in the local newspaper he promises to pay Rs. 1000 to a person who is able to trace the pick pocket and get back his wallet. The policeman's servant X apprehends the thief and gets back the wallet. A refuses to pay X the promised amount.

- a) The servant is entitled to the reward and has right to demand the same.
- b) The servant has no right to demand the reward.
- c) Instead of servant, the policeman is entitled to the reward even if he has apprehended the pickpocket himself.
- d) The policeman would have been entitled to the reward had he been the person to apprehend the pick pocket.

Legal principle VII: In order to be eligible to appear in the semester examination of law as per the guidelines laid down by the Bar Council of India, a student is required under all circumstances to attend 75 % of all classes in that semester.

Factual Situation

Satish, an economically poor but a very brilliant student of LL.B final semester, while going to university by bicycle received leg injuries in a road accident. As a result he could not attend his classes for ten days as he was advised rest by the consulting doctor. Because of this he failed to complete the requisite 75% attendance and was debarred from appearing in the examination by the university authorities. Satish challenges this action of the university in a court of law.

- a) Satish would succeed in the court of law as the accident was beyond his control.
- b) The court would favor a decision for Satish on humanitarian grounds as he comes from an economically poor family.
- c) Satish will not succeed as he could easily fulfill the eligibility criterion by being reasonably regular in the class throughout the semester.
- d) Satish will succeed as the requirement of 75% attendance may be declared arbitrary and therefore un-reasonable by the court.

Legal principle VIII: Whoever, by words either spoken or intended to be read or by signs or by visible representation makes or publishes any imputation concerning any person intended to harm or knowing or having reason to believe that such imputation will harm the reputation of such person is said to defame such person.

Factual Situation

In a community in Northern India there is a custom of stealing the shoes of the bridegroom during the marriage ceremony. The shoes of the bridegroom at a function were stolen by Y. A the bride's father

makes an announcement in presence of all the guests that the shoes were stolen by Z. Everyone present at the function started staring at Z with great surprise and Z feels utterly embarrassed.

- a) Would Z succeed in an action for defamation against A
- b) Z would not succeed in such an action
- c) Following customs does not attract the sanction of law
- d) Customs override the law.

Legal principle IX: *ignorantia juris non excusat* and *ignorantia facit excusat*

Factual Situation

John was flying from Zurich to Manila in a Swiss plane. The plane landed at Bombay airport on 28th November, 2017, it was found that John carried 15 Kgs of Gold bars in person which he had not declared in the "manifest for transit" as required by a notification issued by the government of India on 26th November, 2017 modifying its earlier exemption for such declaration.

- a) John cannot be prosecuted because he had actually no knowledge about the new notification issued just before two days.
- b) John cannot be prosecuted because it's the mistake of fact which is excusable.
- c) John will be prosecuted because of mistake of law is no excuse.
- d) John's liability will depend upon the discretion of the court.

Legal principle X: When a person consents to an act to be done by another, he cannot claim any damages resulting from the doing of any such act provided the act done is the same for which the consent is given.

Factual Situation

A submits a written consent to a surgeon S for surgery for the removal of appendicitis. While performing the surgery the surgeon also removes the gall bladder of A. A brings an action for damages against the doctor.

- a) A cannot claim damages
- b) A can claim damages from the surgeon.
- c) A is not bound to pay the expenses of the surgeon
- d) A is required to pay for the surgery of appendicitis only and not for the gall bladder

(3X10=30 Marks)