

ARUNACHAL PRADESH PUBLIC SERVICE COMMISSION

Subject : Indian Contract Act,1872, Indian Evidence Act,1872 and Assam Frontier (Administration of Justice) Regulation,1945

Time- 3 (Three) Hours

Full Marks- 100

(Group-A is compulsory. Attempt any FOUR questions from Group –B)

Group –A (Compulsory Group)

Q. No.1 Attempt any 10 (ten) from the following:

(10x2=20)

- Distinguish between Bailment and pledge.
- "Undue influence is a subtle form of coercion." Discuss.
- "Acceptance is to an offer is what a stick of match box is to the heap of gun-powder." Explain.
- What is the status of a "finder of goods" under the Indian Contract Act, 1872. What are his rights?
- Distinguish between general lien and particular lien.
- "All contracts are agreements but all agreements are not contracts." Explain.
- "Agreements in restraint of trade is void." Discuss.
- What do you mean by 'leading question'? Explain with the help of illustrations.
- What documents may be used by a witness to refresh his memory?
- Discuss in brief the relevancy of Expert opinion under Indian evidence Act, 1872.
- Discuss 'Fact in Issue' and 'Relevant Facts' under Indian Evidence Act, 1872.
- Explain in brief the public duties of 'village authorities' under Assam Frontier (Administration of Justice) Regulation, 1945.

Group –B (Attempt any four questions)

Q.No.2 Attempt any 4(four) from the following:

(4x5=20)

- Examine briefly the position of minor with regard to contract entered into by him under Indian Contract Act, 1872. Support your answer with the help of decided cases.
- When is communication of proposal, acceptance and revocation completes? What are the grounds for proposal stand revoked?
- What do you understand by the doctrine of "supervening impossibility"? Under what circumstances the supervening impossibility may arise?
- Explain in brief about the hearsay evidence and also the various grounds of exclusion of hearsay evidence.
- Discuss the power of village authority for the criminal proceedings under Assam Frontier (Administration of Justice) Regulation, 1945
- Explain in brief primary and secondary evidences under Indian Evidence Act, 1872.

Q. No. 3 Attempt any 4(four) from the following:

(4x5=20)

- a. Explain the power of Deputy Commissioner and Assistant Commissioner for Civil Proceedings under Section 38 & 39 of the Assam Frontier (Administration of Justice) Regulation, 1945.
- b. Discuss the doctrine of Estoppel and its exceptions under the Indian Evidence Act, 1872.
- c. Explain in brief the facts which need not to be proved.
- d. Distinguish between fraud and misrepresentation.
- e. Describe briefly the various modes by which an agency may be terminated.
- f. Briefly explain the duties of an agent towards his principle. What are his Rights against the principal?

Q.No.4 Attempt any 4(four) from the following:

(4x5=20)

- a. What is agency by ratification? What are the requisites of valid ratification?
- b. Discuss the nature and extent of surety's liability under Indian Contract Act, 1872. Support your answer with the help of decided cases.
- c. What do you mean by the term *Res Gestae* ? Explain the concept with the help of leading cases on the subject.
- d. "An invitation to treat is not an offer." Explain this statement with the help of decided cases.
- e. Discuss the provisions relating to motive, preparation and conduct under the Indian Evidence Act, 1872.

Q. No. 5 Attempt any 4(four) from the following:

(4x5=20)

- a. Explain the doctrine of '*Quantum Meruit*.' Are there any limitations to this doctrine?
- b. What do you understand by the performance of the contract? By whom, contract must be performed?
- c. Explain the doctrine of Privity of Contract. What are the exceptions of this doctrine?
- d. Distinguish between cross-examination and Re-examination.
- e. Discuss briefly the privileged communication between husband and wife under the Evidence Act, 1871.
- f. Discuss the appeals from village authority under Assam Frontier (Administration of Justice) Regulation, 1945

Q. No.6. "An agreement without consideration is void." Explain this rule with the help of decided cases on the subject and state the exceptions, if any.

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Q.No.7. Distinguish between 'admission' and 'confession'. What is extrajudicial confession? Mention the evidentiary value of extrajudicial confession. Support your answer with The help of relevant case laws.

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Q.No.8. Discuss the admissibility and evidentiary value of dying declarations. Explain whether conviction can be based on such a dying declaration.

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