

Departmental Examination
For HAS Officers

October, 2013

Paper-8 (Constitutional and Civil Law)

Time allowed- 3 hours

Maximum Marks-100

- Note:** 1. Attempt any five questions. All questions carry equal marks.
2. Minimum two questions are to be attempted from each part.
3. Only bare Acts/ rules are allowed.

PART-I

Question.1

- (a) Classification based on experience and merit and granting higher pay scale is valid. (Discuss) (10 marks)
- (b) The limitations in clause (2) to (6) of Article 19 are subject to substantive and procedural reasonableness. (Discuss). (10 Marks)

Question.2

'Expansion of life and liberty as enshrined in Article 21 of the Constitution, has meant that many of the non-justifiable directive principles in Part-IV of the Constitution have now been resurrected as enforceable fundamental rights, by the magic wand of Judicial Activism'. (Discuss)

(20 marks)

Question.3 Write brief notes on any four of the following:

1. Preamble.
2. Distribution of legislative powers under the constitution.
3. Fundamental duties.
4. Writ jurisdiction of High Court.
5. Emergency Provisions under the Constitution.
6. Directive Principles of the State Policy.
7. Legislative relations between Union and the States.

(5 marks each)

PART-II

Question.4

- (a) A contract is an agreement, an agreement is a promise and a promise is an accepted proposal. **(Discuss)** (15 marks)
- (b) Who under the Indian Contract Act, are competent to contract? (2 ½ marks)

- (c) A minor misrepresents his age and induces another to contract with him, will there be any estoppel against the minor?
(2 ½ marks)

Question. 5 Answer any *two* of the following.

- i. Explain essentials of a valid Hindu Marriage and distinguish between void and voidable marriage.
- ii. State Finance Commission.
- iii. Memorandum of Association.
- iv. Constitutional Provisions relating to democratic decentralization.
(10 marks each)

Question.6 Write short notes on any *four*.

- (a) Forfeiture of shares.
- (b) Mehar.
- (c) Essential elements of sale under the Transport of Property Act.
- (d) Electoral offences.
- (e) Divorce under Mohammedan Law.
- (f) Maintenance under Mohammedan Law.
- (g) Permanent injunction.
(5 marks each)

Question.7 Answer any *two* of the following:

- (1) What are the grounds for setting aside elections under H.P. Panchayati Raj Act ?
- (2) What are corrupt practices and electoral offences under the Representation of Peoples Act ?
- (3) Discuss requisites of a valid adoption ?
(10 marks each)

Question.8 Answer any *four* of the following

- a) If a male adopts a female, and the age difference between the adoptive father and adopted daughter is 10 years, is it a valid adoption ?
- b) Is a single act of adultery a ground for divorce under section 13 (i) of the Hindu Marriage Act ?
- c) It is settled law that 'sufficient cause' for condonation of delay under section 5 of Limitation Act, is adequately elastic in the interest of justice **(Comment)**.
- d) What is the capacity and powers of a Gram Sabha and under what circumstances an extra ordinary meeting of the Sabha can be called ?
- e) Abatement of suit.
- f) Void contract.
(5 marks each)
