

**HIGH COURT OF TRIPURA
COMPETITIVE WRITTEN EXAMINATION FOR GRADE-I OF
TRIPURA JUDICIAL SERVICE, 2024**

PAPER-III

**Total Marks: 100
Duration: 3 (three) hours**

(Note: The candidate is expected to refer to the relevant decisions of the Hon'ble Apex Court and High Court while writing answers)

PART-I

Question No. (1) Attempt any one of the following. Each question carries 12 marks. (Word Limit: 1200 words)

(1x12 = 12 marks)

- A. "Theories of punishment have shifted from retribution to reform". Critically assess this shift and discuss which theory best serves the interests of society.
- B. "Judicial precedents are as important as statutory laws in the evolution of legal principles." Discuss the role of judicial precedent in developing the law and its limitations as a source of law.
- C. "Law is a tool for social engineering." Discuss this theory, considering its implications for the role of the State in shaping societal values.

Question No. (2) Explain briefly any four of the following. Each question carries 2.5 marks.

(4x2.5= 10 marks)

- A. Social Contract Theory
- B. Possession and Ownership
- C. Public Vs. Private Law
- D. Distributive vs. Corrective Justice
- E. Legal Personality
- F. Dicey's concept of Rule of Law

PART-II

Question No. (3) Attempt any one of the following. Each question carries 12 marks. (Word Limit: 1200 words)

(1x12= 12 marks)

- A. Delegation of 'legislative powers' has neither been permitted nor prohibited under the Indian Constitution. Discuss the constitutionality of delegated legislation with the help of decided cases.
- B. "There is an obvious slant in favour of the Centre, in distribution of powers between Centre and States." Do you agree with the statement? Explain.
- C. Article 20 provides protection against self-incrimination and retrospective penal laws. How do these protections operate in modern criminal investigations involving technology like DNA testing, surveillance, and digital evidence collection?

Question No. (4) Explain briefly any four of the following. Each question carries 2.5 marks.

(4x2.5= 10marks)

- A. Public-Interest Litigation
- B. Certiorari and Prohibition
- C. Indian Secularism
- D. Judicial Activism
- E. Doctrine of Waiver
- F. Anti-defection Law

Part-III

Question no. (5) Select the correct option from the following. Each question carries 1 mark.

(1x6= 6 marks)

A. Consider the following statements regarding Legal Positivism

1. Legal Positivism separates law and morality.
2. Legal Positivism views law as a command of the sovereign

Which of the statements above is/are correct?

- (i) 1 only
- (ii) 2 only
- (iii) Both 1 and 2
- (iv) Neither 1 nor 2

B. Which of the following is a central theme of the Realist School of Jurisprudence?

- (i) Law should adhere strictly to written codes
- (ii) Law reflects what courts actually do in practice
- (iii) Law is a scientific concept beyond human behaviour
- (iv) Law is based on moral values

C. In Salmond's view, which of the following is not a source of law?

- (i) Legislation
- (ii) Custom
- (iii) Equity
- (iv) Force

D. The Fundamental Right to form associations or unions is subject to reasonable restrictions in the interest of:

- (i) Public health
- (ii) Public order
- (iii) Morality
- (iv) Both (b) and (c)

E. Which one of the following statements with regard to the pardoning power of the Governor is correct?

- (i) The Governor can pardon the death sentence
- (ii) The Governor has no power in relation to death sentence
- (iii) The Governor can only suspend or remit the death sentence
- (iv) The Governor can only suspend, remit or commute the death sentence

F. The minimum number of Ministers including the Chief Minister in a state shall be:

- (i) Fifteen per cent of total number of members of the Legislative Assembly
- (ii) Fifteen per cent of total number of members of the State Legislature
- (iii) Twelve
- (iv) Twenty

Part-IV

Question No. (6) Write a judgment based on the material available in the booklet annexed to the question paper, assuming the arguments on behalf of the prosecution and defence.

(1x50=50 marks)