

UTTARAKHAND HIGHER JUDICIAL SERVICE DIRECT RECRUITMENT
EXAMINATION – 2018

PAPER NO. - 2
(Civil, Criminal and Constitutional Law)

Maximum Marks: 100

Time: 2 Hours

Note:

- (i) All questions are compulsory.
 - (ii) Marks allotted to each question are indicated against the same. Credit will be given, if correct citations, wherever necessary, are mentioned.
 - (iii) Candidates can answer the questions either in English or in Hindi.
 - (iv) Candidates are required to clearly mention the question number, which is being answered.
 - (v) Candidates are directed that they should not write his/her name, roll number or any such identification/mark anywhere in the Answer Booklet, except the cover page, which tend to disclose their identity. If at any stage, it is found that any candidate has violated this direction, his/her candidature shall be liable to be rejected.
- **Note:** Credit will only be given, when there is mentioning of clear provision of law and citation. No marks will be given on general & casual answers.

CIVIL LAW (40 Marks)

- Q. 1: (a) What do you mean by Attestation? What are the Requisites of a Valid Attestation? (5 Marks)
- (b) Discuss the provisions of saving of negotiable instruments in Transfer of Property Act? (3 Marks)
- (c) What is the difference between "Limitation" and "Estoppel"? (2 Marks)

Q. 2: Enumerate the various Schools of Hindu Law. What are the essential difference between 'Mitakshara' and 'Dayabhaga' Schools as regards "Joint Property", "Alienation" and "Inheritance"? (10 Marks)

Q. 3: Define 'agnate', 'cognate', 'full blood', 'half blood', 'uterine blood', 'heir', 'intestate' and 'related' in relation to the Hindu Succession Act, 1956 and show the purport of them. (10 Marks)

Q. 4: (a) Can a person make a valid waqf in favour of his children and family i.e. waqf-alal-aulad? (5 Marks)

(b) Can specific relief be granted for the mere purpose of enforcing a penal law? (2 Marks)

(c) A person is dispossessed without his consent of two immovable properties 'X' and 'Y' respectively, otherwise than in due course of law. He is dispossessed of 'X' by the person really entitled to it. He is dispossessed of 'Y' by the Central Government which has no title to it. Has he any right of suit in either case under Section 6 of the Specific Relief Act, 1963? If so, under what condition? (3 Marks)

CRIMINAL LAW (40 Marks)

Q. 5: What is 'cumulative punishment'? Illustrate your answer with examples and discuss the law in the I.P.C. which has been effected by the Cr.P.C. (10 Marks)

Q. 6: (a) What constitutes the offence of disobedience to an order duly promulgated by public servant and how is it punishable? Illustrate your answer. (5 Marks)

(b) A being legally bound to appear before a District Judge as a witness, in obedience to a summons by that Court, intentionally omits to appear. What offence has he committed? (2 Marks)

(c) Define the terms "Fit person", "Children's Court", "Place of Safety" and "After-Care" in the context of Juvenile Justice Legislation. (3 Marks)

Q. 7: How is the Court empowered to deal with a probation case in Trial, Appeal or Revision and to pass orders under the Probation of Offenders Act, 1958? Sum up the provisions relevant to it. (5 Marks)

Q. 8: Prevention of Corruption Act, 1988 has been amended by Prevention of Corruption (Amendment) Act, 2018, which received the assent of the President on the 26th July, 2018. State in brief the amendments brought by the Amending Act. (5 Marks)

Q. 9: (a) Whether Breach of contract to attend on and supply wants of helpless person invites penal action. If yes, under which provision. State its ingredients. (3 Marks)

(b) What offences have been committed in the following cases and how is A punishable? (2x2=4 Marks)

(i) Z is riding in a chariot. A lashes Z's horses and thereby causes them to quicken their pace. A has done this without Z's consent intending or knowing it to be likely that he may thereby injure, frighten or annoy Z.

(ii) A shows his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is to strike Z.

(c) Discuss the liability of an intoxicated person under the Indian Penal Code. (3 Marks)

CONSTITUTIONAL LAW (20 Marks)

Q. 10: (a) What provisions have been made regarding Goods and Service-Tax in the Constitution? (5 Marks)

(b) When can the Centre control the State legislation? (5 Marks)

Q. 11: What is the language for communication between the Union and a State *inter se*? Discuss the constitution and function of the Commission and Committee of Parliament on official language.

(10 Marks)

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