

UTTARAKHAND HIGHER JUDICIAL SERVICE EXAMINATION – 2014

Paper No. 1

**Maximum marks –100**

Time : 2 hours.

- Note: (i) All questions are compulsory.  
 (ii) Candidates can answer the questions either in English or in Hindi.

Q.1. Write an essay in about 400 words on anyone of the following topics:

- (i) Formation of 'National Judicial Appointment Commission', in the manner it is proposed, is encroachment on independence of Judiciary.
- (ii) Corruption in Public Offices is matter of great concern.
- (iii) "The Reality Behind Kid's Reality TV shows: an Assault on naive Childhood and Violation of Human Rights."

(15 marks)

Q.2. Write short notes (30-40 words) on the following topics.

(Total marks 10)

- (i) National Food Security Bill  
 (04 marks)
- (ii) What does UNMISS stand for? The role of India in this context.  
 (03 marks)
- (iii) Hon'ble Supreme Court's Judgment in **G. Sundarrajan v. Union of India and others; (2013) 6 Supreme Court Cases 620.** (Also known as Kudankulam case).

(03 marks)

Q.3. Write short notes (30-40 words) on the following topics:

(Total marks 10)

- (i) What do you understand by the phrase 'Welfare State'? Whether the concept is new under the Constitution of India or the same existed under the Government of India Act, 1935 also?  
 (03 marks)
- (ii) Whether the Preamble of the Constitution of India can be amended? If so, under what rider and when it was

amended in the free India? Also narrate the famous case wherein the validity of the Constitutional amendment was challenged and considered by the Hon'ble Apex Court?

(03 marks)

- (iii) What do you understand by Dhar Committee and basis of its appointment?

(02 marks)

- (iv) When we enforced our Constitution in 1950? What was the number of States and the Union Territories at that time?

(02 marks)

Q.4. Write answers of the following in 3-4 lines.

(Total marks 10)

(Each carries 02 marks)

- (i) What does PKI stands for? For what technique it is used in computers?
- (ii) What is 'Hash Function'?
- (iii) What is the meaning of 'Spoofing'?
- (iv) What is 'Logic Bomb'?
- (v) What does 'Hate Speech' means in computer technology?

Q.5. Explain the meaning of following legal maxims/legal phraseology.

(Total marks 10)

(Each carries one mark)

- (i) Qui prior est tempore potior est jure.
- (ii) Res nullius
- (iii) Qui senise commodun sentise debetes onus
- (iv) Subpoena Ducis Tecum
- (v) Doli in capax
- (vi) Wajibularz
- (vii) Trustee de son tort, defacto trustee and constructive trustee – distinction.
- (viii) Stare decisis
- (ix) Suppressio veri; suggestio falsi
- (x) Truly or Untruly

Q.6.

Write the Precis of the following.

(10 marks)

“ A stamp is, to many people, just a slip of paper that takes a letter from one town or country to another. They are unable to understand why we stamp collectors find so much pleasure in collecting them and how we find the time in which to indulge in our hobby. To them it seems a waste of time, a waste of effort and a waste of money. But they do not realize that there are many who do buy stamps, many who find the effort worth-while and many who, if they did not spend their time collecting stamps, would spend it less profitably. We all seek something to do in our leisure hours and what better occupation is there to keep us out of mischief than what of collecting stamps? An album, a packet of hinges, a new supply of stamps, and the time passes swiftly and pleasantly.

Stamp-collecting has no limits and a collection never has an end; countries are always printing and issuing new stamps to celebrate coronations, great events, anniversaries and death. And the fascination of collecting is trying to obtain these stamps before one's rivals. Every sphere of stamp-collecting has its fascination – receiving letters from distant countries and discovering old stamps in the leaves of dusty old books. A stamp itself has a fascination all its own. Gazing at its little picture we are transported to the wilds of Congo, the homes of the Arabs, and the endless tracks of the Sahara desert. There is a history in every stamp. The ancient Roman Empire and the Constitution of America, India's Independence and the Allied victory, are all conveyed to our mind's eye by means of stamps. We see famous men, pictures, writers, scientists, soldiers, politicians and famous incidents. Stamps, so small and minute, contain knowledge that is vast and important.”

Q.7.

Translate the following passage into Hindi.

(10 marks)

The provisions referred to above occurring in Chapter XII of the Code show that detail and elaborate provisions have been made for securing that an investigation takes place regarding an offence of which information has been



given and the same is done in accordance with the provisions of the Code. The manner and the method of conducting the investigation are left entirely to the officer-in-charge of the police station or a subordinate officer deputed by him. A Magistrate has no power to interfere with the same. The formation of the opinion whether there is sufficient evidence or reasonable ground of suspicion to justify the forwarding of the case to a Magistrate or not as contemplated by Sections 169 and 170 is to be that of the officer-in-charge of the police station and a Magistrate has absolutely no role to play at this stage. Similarly, after completion of the investigation while making a report to the Magistrate under Section 173, the requisite details have to be submitted by the officer-in-charge of the police station without any kind of interference or direction of a Magistrate and this will include a report regarding the fact whether any offence appears to have been committed and if so, by whom, as provided by Clause (d) of sub-section (2) (i) of this section.

Q.8. Translate the following passage into English.

(10 marks)

“केवल पूर्व अनुमति की अपेक्षा करने वाले कार्यपालिका आदेश या अपराध के अन्वेषण के लिये स्वीकृति और ऐसी स्वीकृति, जो अभियोजन के लिये परिनियम के अधीन आवश्यक है, के बीच समानता नहीं होती है। अभियोजन के लिये स्वीकृति की अपेक्षा उसी परिनियम में उपबन्धित है, जो अपराध को अधिनियमित करता है, इसलिये अभियोजन के लिये स्वीकृति अपराध का संज्ञान लेने के लिये न्यायालय द्वारा पूर्व अपेक्षित है। अन्वेषण के लिये पूर्व अनुमति या स्वीकृति की किसी कानूनी अपेक्षा के अभाव में इसे अन्वेषण प्रारम्भ करने के लिये पूर्व शर्त के रूप में अधिरोपित नहीं किया जा सकता, यदि अधिकारिता अधिनियम की धारा 3 के अधीन अधिसूचना के परिणामस्वरूप अपराध का अन्वेषण करने के लिये सी० बी० आई० को प्रदान की जाती है। इस संदर्भ में अधिनियम की धारा 4 (1) में “अधीक्षण” शब्द का अर्थान्वयन अधिनियम के अन्य प्रावधानों और अन्वेषण की सामान्य कानूनी शक्तियों के संगत ढंग में किया जाना चाहिये जो सी० बी० आई० द्वारा अन्वेषण को शासित करता है।

154

Q.9. (a) Explain the following medical terms:

(i) What does 'Conduct Money' mean?

(05 marks)

(ii) What does 'Putrefaction' mean?

(05 marks)

Q.9. (b) What is desirable for the Court in order to arrive at a right decision in the following cases? Explain in your words in 3-4 lines.

(i) When there is conflict between the opinions of two medical witnesses.

(01 mark)

(ii) When there is inconsistency between the direct evidence and medical evidence.

(02 marks)

(iii) When medical evidence on the side of prosecution and the accused is equally balanced.

(02 marks)