

UTTARAKHAND HIGHER JUDICIAL SERVICE DIRECT RECRUITMENT
EXAMINATION – 2018

PAPER NO. - 1

Maximum Marks: 100

Time: 2 Hours

Note:

- (i) All questions are compulsory.
- (ii) Marks allotted to each question are indicated against the same.
- (iii) Candidates can answer the questions either in English or in Hindi, except question numbers 9, 10 & 11 in Part – 2, which can only be answered in English and question number 12 in Part – 2, which can only be answered 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.

Part -1: (Current Affairs, Indian Legal History, Legal Maxims, Medical Jurisprudence, Basic Computer Operation, Legal Phraseology. **(50 Marks)**

Q. 1: Give the meaning of the following legal maxims:-

(10 x 1 = 10 Marks)

- (i) Consensus est voluntas plurium ad quos res pertinet, simul juncta.
- (ii) absens haeres non erit.
- (iii) absolvo.
- (iv) accusare nemo se debet nisi coram Deo.
- (v) ad litem.
- (vi) Corpus delicti.
- (vii) de minimis non curat lex.
- (viii) ex facie.

(ix) In re.

(x) parens patriae.

Q. 2: Write a short note on the Criminal Judicature System after Cornwallis. (5 Marks)

Q. 3: Write short notes on any two of the following: (10 Marks)

- (i) A unique number & The Right to Privacy
- (ii) 'None of the Above' (NOTA)
- (iii) LGBT (lesbian, gay, bisexual and transgender) Rights
- (iv) Cryptocurrency

Q. 4: Write a note on Social Networking Websites and Cyber Law. (5 Marks)

Q. 5: What is an operating system? List out the various functions normally performed by an operating system. (5 Marks)

Q. 6: Choose the correct options:- (5 Marks)

- (i) Straight and Uniform margins on both the sides indicate that there is in the document.

- | | |
|------------------------|-------------------------|
| (A) full justification | (B) full alignment |
| (C) left justification | (D) right justification |

- (ii) VIRUS stands for:

- (A) Vital Information Recourse Under Siege
- (B) Vital Information Reason Under Siege
- (C) Vital Information Recourse Under System
- (D) Virus Information Recourse Under Siege

(iii) Microsoft Office is an example of a—

- (A) closed-source software (B) open-source software
(C) horizontal-market software (D) vertical – market software

(iv) The folder retains copies of messages that you have started but are not yet ready to send.

- (A) Inbox (B) Outbox (C) Drafts (D) Sent Items

(v) The Secure Electronic Transaction (SET) specification—

- (A) is a notice, issued and verified by a certificate authority, that guarantees a user or Web site is legitimate.
(B) provides private-key encryption of all data that passes between a client and a server.
(C) allows users to choose an encryption scheme for the data that passes between a client and a server.
(D) uses a public-key encryption to secure credit-card transaction systems.

Q. 7: Explain briefly the meaning of the following:- (5 Marks)

- (i) Damages
(ii) Garnishee
(iii) Purge
(iv) Concurrent Jurisdiction
(v) Mareva Injunction

Q. 8: The DNA Technology (Use and Application) Regulation Bill, 2018, is the latest version of a Bill that originated as a DNA “profiling” Bill. It will help in forensic-criminal probe. Explain. (5 Marks)

Part – 2 (Language)

(50 Marks)

Q. 9: Write an essay in about 400 words (in English) on anyone of the following topics: (15 Marks)

- (i) Corporate Social Responsibility.
- (ii) War in All Circumstances is an Evil which should be shunned at All Costs.

Q. 10: Write a précis in English of the following write-up. You should reduce its word count to one third without omitting important points.

[Total words 171, Précis to have 57 to 62 words maximum.] (15 Marks)

One of our most difficult problems is what we call discipline and it is really very complex. You see, society feels that it must control or discipline the citizen, shape his mind according to certain religious, social, moral and economic patterns.

Now, is discipline necessary at all? Please listen carefully. Don't immediately say YES or NO. Most of us feel, especially while we are young, that there should be no discipline, that we should be allowed to do whatever we like and we think that is freedom. But merely to say that we should be free and so on has very little meaning without understanding the whole problem of discipline.

The keen athlete is disciplining himself the whole time, isn't he? His joy in playing games and the very necessity to keep fit makes him go

to bed early, refrain from smoking, eat the right food and generally observe the rules of good health. His discipline and punctuality is not an imposition but a natural outcome of his enjoyment of athletics.

Q. 11: Translate the following Hindi passage into English.

(10 Marks)

विद्वान सत्र न्यायाधीश ने अभिलेख पर की सामग्री की परीक्षा करने और दिये गये तर्कों की सुनवाई करने के बाद यह निष्कर्ष निकाला कि यद्यपि वर्तमान मामला परिस्थितिजन्य साक्ष्य पर ही आधारित है, फिर भी अभियोजन ने अपीलार्थी के विरुद्ध पेश किये गये प्रत्येक परिस्थिति को साबित किया है और किसी सन्देह के बिना परिस्थितियों की श्रृंखला की कड़ियां अपीलार्थी के अपराध को साबित करती थीं। इस निष्कर्ष पर पहुंचने के बाद, कि अपीलार्थी भारतीय दंड संहिता की धारा 302 और 394 के अधीन दण्डनीय अपराध का अपराधी है और दंड के प्रश्न पर प्रतिरक्षा के विद्वान अधिवक्ता को सुनने के बाद और इस बिन्दु पर व्यापक रूप से विवेचन करने और मामले के तथ्यों पर भी विचार करने के बाद, विचारण न्यायालय पुनः इस निष्कर्ष पर पहुंचा कि अपीलार्थी का कार्य अत्यधिक निर्दयतापूर्ण था और पूर्व विचारित एवं सुनियोजित ढंग में उसने तीन वर्षीय शिशु को शामिल करके सम्पूर्ण परिवार की हत्या कारित की थी। न्यायालय इस निष्कर्ष पर पहुंचा था कि अपीलार्थी का कार्य किसी भी ढंग में मृतकों से किसी प्रकोपन द्वारा, चाहे जो भी हो, कारित नहीं था और एकमात्र लालच द्वारा ही उत्प्रेरित था। न्यायालय इस निष्कर्ष पर भी पहुंचा था कि अभिलेख पर की सामग्री के सम्पूर्ण परिशीलन पर कोई लघुकरण परिस्थितियां नहीं हैं और चूंकि मामला विरलतम मामलों में से एक है, इसलिये अधिकतम दण्ड योग्य हैं। न्यायालय इस निष्कर्ष पर भी पहुंचा था कि चूंकि भारतीय दंड संहिता की धारा 302 के अधीन अपराध के लिये, वह मृत्यु का अधिकतम दण्ड प्रदान कर रहा था, इसलिये अपीलार्थी को भारतीय दंड संहिता की धारा 394 के अधीन दण्डनीय अपराध के लिये पुनः दण्डित करने की कोई आवश्यकता नहीं थी। तदनुसार, विचारण न्यायालय ने अपीलार्थी को मृत्यु तक गर्दन से लटकाये जाने के लिये दण्ड दिया था। जैसा कि विधि द्वारा अपेक्षित है, विचारण न्यायालय ने दण्ड की अभिपुष्टि

के लिये दंड प्रक्रिया संहिता की धारा 366 के अधीन उच्च न्यायालय को मामला निर्दिष्ट किया था।

Q. 12: Translate the following English passage into Hindi.

(10 Marks)

It is true that the Government in the matter of grant or refusal to grant sanction exercises statutory power and that would not mean that power once exercised cannot be exercised again or at a subsequent stage in the absence of express power of review in no circumstance whatsoever. The power of review, however, is not unbridled or unrestricted. It is sound principle to follow that once the statutory power under Section 19 of the 1988 Act or Section 197 of the Code of Criminal Procedure, 1973 has been exercised by the Government or the competent authority, as the case may be, it is not permissible for the sanctioning authority to review or reconsider the matter on the same materials again. It is so because unrestricted power of review may not bring finality to such exercise and on change of the Government or change of the person authorised to exercise power of sanction, the matter concerning sanction, may be reopened by such authority for the reasons best known to it and a different order may be passed. The opinion on the same materials, thus, may keep on changing and there may not be any end to such statutory exercise. In Supreme Court's opinion, a change of opinion *per se* on the same materials cannot be a ground for reviewing or reconsidering the earlier order refusing to grant sanction. However, in a case where fresh materials have been collected by the investigating agency subsequent to the earlier order and placed before the sanctioning authority and on that basis, the matter is reconsidered by the sanctioning authority and in the light of the fresh

materials an opinion is formed that sanction to prosecute the public servant may be granted, there may not be any impediment to adopt such course.

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