

UTTARAKHAND HIGHER JUDICIAL SERVICES EXAMINATION, 2011
Paper No.2
(Civil, Criminal and Constitutional Law)

Max. Marks - 100

Time :- 2 Hrs.

Note:-1. Attempt all questions.

2. Credit will be given to the answers supported with case laws.

3. The candidates have a choice to answer questions either in Hindi or in English.

CONSTITUTIONAL LAW

(20 MARKS)

- (1) What are the safeguards provided under the Constitution of India against the arrest and detention of a person? Are there any exceptions thereto?
(10)
- (2) Discuss the composition, powers and functions of the Supreme Court of India. What is the procedure for the removal of a Judge of Supreme Court or High Court?
(10)

CRIMINAL LAW

(40 MARKS)

- (3) Giving illustrations, state the essential ingredient of the following offence:-
(10)
(i) Mischief (ii) Criminal Intimidation
- (4) Can a person be convicted for committing theft of his own property? Answer it by giving illustrations.
(10)

- (5) Discuss the criminal liability of 'A' in the following cases citing the relevant provisions under Indian Penal Code.

(20)

(a) 'A' being legally bound to produce a document before a court intentionally omits to produce the same.

(b) 'A' a Police Officer tortures 'Z' in order to induce 'Z' to confess that he committed a crime.

(c) 'A' meets 'Z' on the high way, shows a pistol and demands Z's purse.

(d) 'A' by falsely pretending to be in the Civil Services intentionally deceives 'Z' and thus dishonestly induces 'Z' to let him have on credit goods for which he does not mean to pay.

(e) Z's WILL contains the following :-

"I direct that all my remaining property be equally divided between my son 'A', 'B' and 'C'." 'A' dishonestly scratches out B's name intending that it may be believed that the whole property was left to himself and 'C'.

CIVIL LAW

(40 MARKS)

- (6) Write short notes on (any five)

(20)

a. Partnership at will.

b. Contributory negligence

c. Option of Puberty.

d. Ratification of contract.

e. Doctrine of part performance under Transfer of Property Act.

f. Constitution under Indian Contract Act.

g. Strict Liability

- (7) With the help of decided cases, discuss the concepts of desertion and cruelty under the matrimonial law of Hindus. (20)