

UTTARAKHAND HIGHER JUDICIAL SERVICE
LIMITED COMPETITIVE EXAMINATION-2015

Paper No. 1

**(CIVIL LAW, CRIMINAL LAW, CONSTITUTIONAL LAW AND
PROCEDURAL LAW)**

Time Allowed: 2.00 Hours
Max. Marks: 100

- Note: 1. Credit will be given to the answers supported with case laws.
2. The candidate has a choice to answer the questions either in Hindi or in English.
3. Brevity in replying the questions shall be appreciated.
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CIVIL LAW

(Attempt any three of the following questions)

1. What is an interpleader suit? Can agent file an interpleader suit against his master? If Yes, Explain with reasons. 10 Marks
2. Whether Res Judicata applies on Ex Parte Proceedings? Explain with reasons. 10 Marks
3. 'Agreement is made by parties. Contract is made by law'. In light of above statement define the essential elements of a valid contract under Indian Contract Act 1872. 10 Marks
4. Discuss the grounds of Divorce under the Special Marriage Act, 1954. 10 Marks

CRIMINAL LAW

(Attempt any three of the following questions)

5. Discuss the provisions of Discharge of an Accused Person under Cr.P.C. Can a person added as accused under Section 319 Cr.P.C. be discharged by the Court? 10 Marks
6. Discuss the recent discussion and litigation on decriminalizing the provisions of defamation under the IPC. Do you support decriminalizing defamation in India? 10 Marks
7. What are the factors to distinguish the offence falling under Section 302 and 304 of the IPC? 10 Marks
8. Whether the Capital Sentence is provided in any other law except the Indian Penal Code. If yes, provide the name and relevant provisions of such laws. 10 Marks

CONSTITUTIONAL LAW
(Attempt any two of the following questions)

9. What restrictions have been imposed by the Hon'ble Supreme Court on the invocation of Article 356 of the Constitution of India? Discuss two leading case laws.

10 Marks

10. Uniform Civil Code under Article 44 of the Constitution of India is a directive principle enshrined in our Constitution to promote the idea of Unity in Diversity. Comment.

10 Marks

11. What is the notion of keeping the state assembly under 'Suspended Animation'? Does this concept find place in any of the articles of the Constitution of India?

10 Marks

PROCEDURAL LAW
(Attempt any two of the following questions)

12. Give your succinct suggestions as to how to make Lok Adalats a more vibrant mechanism to bring down pendency of cases while not compromising on quality of justice.

10 Marks

13. Discuss the scope and relevance of Order XII Rule 6 of the C.P.C.

10 Marks

14. State your observations about the importance of Section 313 Cr.P.C. in the book and the actual importance given to this provision by the trial courts.

10 Marks
