

UTTARAKHAND HIGHER JUDICIAL SERVICE DIRECT RECRUITMENT
EXAMINATION – 2017

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 1, 2 & 3 in Part-2, which can only be answered in English and question no. 4 in Part-2, which can only be answered in Hindi.

**Part – 1 (Current Affairs, Indian Legal History, Legal maxims, Medical Jurisprudence,
Basic Computer Operation, Legal phraseology) (50 Marks)**

1. Explain briefly **any five** of the following legal maxims:- (5 x 2 = 10 Marks)
 - (i) Acta exteriora iudicant interiora secreta.
 - (ii) Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto juri praefert.
 - (iii) Fraus et jus nunquam cohabitant.
 - (iv) Cursus curiae est lex curiae.
 - (v) Iudex non potest injuriam sibi datam punire.
 - (vi) Necessitas publica est major quam privata.
 - (vii) Qui sentit commodum, debet et sentire onus.
 - (viii) Suppressio veri expressio falsi.
2. What are the Panama Papers? Why these were in the news recently? (5 Marks)
3. Write short notes on any two of the following:- (10 Marks)
 - (i) Pre-Natal Sex determination and Foetocide.
 - (ii) Surrogate motherhood & its medico-legal aspect.
 - (iii) Euthanasia.
 - (iv) Custodial Death.

4. After Demonetization, what next steps should be taken to clean up the system. Discuss in brief. (5 Marks)
5. Write a note on the judicial plan of 1793 of Lord Cornwallis. (5 Marks)
6. Explain in brief the China's 'One Belt One Road' Policy. How it may harm India? (5 Marks)
7. Choose the correct options:- (5 Marks)
- (i) From where we can change the name of an User Account ?
- A. Settings B. Computer Name
- C. Code Panel D. Control Panel
- (ii) Text in a column is generally aligned.
- A. Justified B. Right
- C. Center D. Left
- (iii) In page preview mode.
- A. You can see all pages of your document.
- B. You can only see the page you are currently working on.
- C. You can only see pages that do not contain graphics.
- D. You can only see the title pages of your document.
- (iv) By default, your documents print in mode.
- A. Landscape B. Portrait
- C. Page Setup D. Print View
- (v) When a file is saved for the first time.....
- A. A copy is automatically printed.
- B. It must be given a name to identify it.
- C. It does not need a name.
- D. It only needs a name if it is not going to be printed.

8. Explain briefly the meaning of the following:-

(5 Marks)

- (i) Ambulatory will
- (ii) Antenuptial agreement
- (iii) Bona vacantia
- (iv) Cartel
- (v) Codicil

Part – 2 (Language)

(50 Marks)

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

- (i) Empowerment alone cannot help our women.
- (ii) With great power comes greater responsibility.

2. Write a precis in English of the following passage within limit of 100 - 125 words.
(15 Marks)

What is fear? Fear exists only in relationship to something, it does not exist by itself. Fear comes into being in relationship to an idea, to a person, with regard to the loss of property, and so on. One may be afraid of death, which is the unknown. There is fear of public opinion, of what people will say, fear of losing a job, fear of being scolded or nagged. There are various form of fear, deep and superficial, but all fear is in relationship to something. So when we ask, "Can I be free from fear?" it really means, "Can I be free from all relationship?" Do you understand? If it is relationship that is causing fear, then to ask if one can be free from fear is like asking if one can live in isolation. Obviously no human being can do that. There is no such thing as living in isolation, one can live only in relationship. So to be free from fear one must understand relationship, the relationship of the mind to its own ideas, to certain values, the relationship between husband and wife, between man and his property, between man and society. If I can understand my relationship with you, then there is no fear, because fear does not exist by itself, it is self-created in relationship. Our problem, then, is not how to overcome fear, but to find out

first of all what our relationship is now, and what right relationship is. We do not have to establish right relationship, because in the very understanding of relationship, right relationship comes into being.

I think it is important to see that nothing can live in isolation. Even though you may become a monk or hermit, put on a loincloth and seclude yourself, isolate yourself in a belief, no human being can live in isolation. But the mind is pursuing isolation in the self-enclosure of "my experience," "my belief," "my wife," "my husband," "my property," which is a process of exclusion. The mind is seeking isolation in all its relationships, and hence there is fear. So our problem is to understand relationship.

3. Translate the following Hindi passage into English.

(10 Marks)

उच्चतम न्यायालय ने, प्रवासी भलाई संगठन बनाम भारत संघ और अन्य, एआईआर 2014 एस सी 1591, में यह कहा था कि घृणापूर्ण भाषण के विवाद विषय पर भारत के विधि आयोग द्वारा गहराई से विचार किए जाने की आवश्यकता है। उसने यह भी कहा था कि "..... हम विधि आयोग से उसमें उठाए गए विवाद विषयों की व्यापक रूप से परीक्षा करने का भी और यदि यह उचित समझे तो "घृणापूर्ण भाषण" अभिव्यक्ति को परिभाषित करने और "घृणापूर्ण भाषणों" के खतरे को, इस बात को ध्यान में रखे बिना कि उन्हें कब दिया गया है, नियंत्रित करने के लिए निर्वाचन आयोग को सशक्त बनाने हेतु सिफारिशें करने का भी अनुरोध करते हैं।

उच्चतम न्यायालय ने लगातार दिए गए अपने उन स्पष्टीकरणों के प्रति भी निर्देश किया कि निदेश तभी जारी किए जाते हैं जब विधि में उस बारे में पूर्ण रिक्तता प्रतीत होती है अर्थात् "आधारभूत मानव अधिकारों के प्रभावी प्रवर्तन का उपबंध करने के लिए सक्रिय विधि की पूर्ण अनुपस्थिति"। यदि कार्यपालिका की ओर से किसी भी कारण से निष्क्रियता होती है तो न्यायालय विधि का प्रवर्तन करने की अपनी संवैधानिक बाध्यता का निर्वहन करने के लिए सदैव अग्रसर हुआ है।

4. Translate the following English passage into Hindi.

(10 Marks)

Coroboration of evidence of a witness is required when his evidence is not wholly reliable. On appreciation of evidence, witnesses can be broadly categorized in three categories viz., unreliable, partly reliable and wholly reliable. In case of a partly reliable witness, the Court seeks corroboration in material particulars from other evidence. However, in a case in which a witness is wholly reliable, no corroboration is necessary. Seeking corroboration in all circumstances of the evidence of a witness forced to give bribe may lead to absurd result. Bribe is not taken in public view and, therefore, there may not be any person who could see the giving and taking of bribe. As in the present case, a shadow witness did accompany the contractor but the appellant did not allow him to be present in the chamber. Acceptance of this submission in abstract will encourage the bribe taker to receive illegal gratification in privacy and then insist for corroboration in case of prosecution. Law cannot countenance such situation. Therefore, it is not necessary that the evidence of a reliable witness is necessarily to be corroborated by another witness. Not only this corroboration of the evidence of a witness can be found from the other materials on record. Here in the present case, there does not seem any reason to reject the evidence of the contractor P.W. 1. His evidence is further corroborated by the evidence of the shadow-witness P.W. 2. The shadow-witness has stated in his evidence that when he entered in the chamber, appellant was asked by the Inspector as to whether he had received any amount from the contractor, he denied and then removed the currency notes from his trouser's pocket and then threw the same. He had further stated that sodium carbonate test was conducted in which the solution turned pink when the appellamt's fingers and the right side trouser's pocket were rinsed. From the aforesaid, one can safely infer that the evidence of the contractor is corroborated in material particulars by the shadow-witness.

* * * * *