

**UTTARAKHAND HIGHER JUDICIAL SERVICE LIMITED COMPETITIVE  
EXAMINATION – 2017**

**PAPER NO. - 1**

**(Civil, Criminal, Constitutional & Procedural Law)**

**Maximum Marks: 100**

**Time: 2 Hours**

**Note:**

- (i) All questions are compulsory.  
(ii) Marks allotted to each question are indicated against the same. Credit will be given, if correct citations, wherever necessary, are mentioned.

**CIVIL LAW – (30 Marks)**

1. (a) The plaintiff dies during pendency of the suit for partition. Under which provision of law the legal representatives of plaintiff can be allowed to proceed with the suit? Explain and discuss. State the case law. Discuss also the significance of the proposition 'Right to sue survives'. 10 Marks
- (b) State the important changes brought about by the Hindu Succession (Amendment) Act, 2005? 10 Marks
2. (a) "Equity aids the vigilant and not the indolent", Discuss. 5 Marks  
(b) What do you understand by the 'Doctrine of Subrogation'? Narrate distinction between Legal and Conventional Subrogation. 5 Marks

**CRIMINAL LAW – 30 Marks**

3. What is false document and when a person is said to make false document? 5 Marks
4. Specify the meaning of "abandoned child", "child", "child in conflict with law", "orphan", and "surrendered child", as prescribed in the Juvenile Justice (Care and Protection of Children) Act, 2015. 5 Marks
5. Under what circumstances and to what extent will a plea of compulsion or necessity be a sufficient defence against the charge of criminal offence? Does it give absolute protection? 5 Marks

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6. Write short notes on any three of the following: (5x3 = 15 Marks)

- (a) "International Convention" mentioned in the Narcotic Drugs and Psychotropic Substances Act, 1985.
- (b) "Alternate Punishment" as provided in the Protection of Children from Sexual Offences Act, 2012.
- (c) Procedure and powers of Special Judge exercising the powers under the Prevention of Corruption Act, 1988.
- (d) "Unsafe Food" as prescribed in the Food Safety and Standards Act, 2006.

**CONSTITUTIONAL LAW – (20 Marks)**

7. Which Articles in the Constitution of India constitute 'Criminal Jurisprudence'? State briefly. 5 Marks
8. Which Articles in the Constitution of India constitute 'Service Jurisprudence'? State briefly. 5 Marks
9. Comment on the nature of Ordinance-making power of the President of India. 3 Marks
10. Differentiate between Constitution Amendment Bill and Ordinary Legislative Bill. 5 Marks
11. What do you mean by 'Curative Petition'? 2 Marks

**PROCEDURAL LAW – (20 Marks)**

12. Illustrate those cases, in which an accused person may be convicted of an offence which is not specified in the charge sheet, on which he has been tried? 5 Marks
13. Which provisions in the Code of Civil Procedure, 1908 constitute 'Poverty Jurisprudence'? Explain procedure briefly. 5 Marks
14. State the circumstances in which a person aggrieved by the judgment of the Court may apply for review of its judgment? 5 Marks
15. Draft a Charge relating to offence punishable under Section 376-D of Indian Penal Code, 1860. 5 Marks

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