

**UTTARAKHAND HIGHER JUDICIAL SERVICE DIRECT RECRUITMENT  
EXAMINATION – 2019**

**PAPER-2**

**Maximum Marks:100**

**Time: 2 Hours**

**Note: (i) All questions are Compulsory.**

**(ii) Candidate can answer the Questions either in English or in Hindi.**

**CIVIL LAW (40 Marks)**

- Q.1.** A decree of judicial separation passed under Section 10 of the Hindu Marriage Act, 1955 does not sever or dissolve the marriage, whereas, a decree of divorce sever or dissolves the marriage. Explain it, elaborating the grounds for “judicial separation” and “divorce”.  
(10 Marks)
- Q.2.** What are the Rules which govern the grant of perpetual injunction? (10 Marks)
- Q.3.** What is the doctrine of frustration of contract? (5 Marks)
- Q.4.** Easements may be acquired by prescription or it may be a necessity. Comment.  
(5 Marks)
- Q.5.** What is transfer of property? Is the Rule against Perpetuity a limitation on transfer of property? (5 Marks)
- Q.6.** The maxim “Ubi jus ibi remedium” contributed in the development of the Law of Tort. Discuss (5 Marks)

**CRIMINAL LAW (40 Marks)**

- Q.7** The difference between culpable homicide not amounting to murder and culpable homicide amounting to murder is fine but distinct. Explain? (10 Marks)
- Q.8** A person was convicted for the offence under Section 302 IPC and sentenced to imprisonment for life. In an appeal he files an application that he was a Juvenile at the time when the offence was committed, therefore, his conviction and sentence be set aside and the case be remanded to Juvenile Justice Board. What are the legal provisions and case laws, if any, which govern such a situation? (4 Marks)
- Q.9** The offences under Narcotic Drugs and Psychotropic Substances Act, 1985 are very serious and prescribe stringent punishment. In order to rule out misuse of its provision, the Act has various safeguards. Discuss with the help of legal provisions and case laws?  
(4 Marks)

- Q.10.** What is the procedure and powers of the special court, constituted under the Protection of Children from Sexual Offences Act, 2012? (4 Marks)
- Q.11.** Write notes on any two of the followings. (3x 2= 6 Marks)
- (i) Common intention
  - (ii) Criminal conspiracy
  - (iii) Theft
- Q.12.** Preparation to commit an offence may not be an offence but attempt to commit an offence is an offence. Discuss. (4 Marks)
- Q.13.** Doctrine of “mens rea” is relevant in the interpretation of provisions of penal laws. Discuss. (4 Marks)
- Q.14.** What offences have been committed by “A” in the following cases? (attempt any two) (2 x 2= 4 Marks)
- (i) A, a surgeon, in good faith, communicate to a patient his opinion that he cannot live. The patient dies in consequence of the shock.
  - (ii) A, intending or knowing himself to be likely permanently to disfigure Z’s face, gives Z a blow which does not permanently disfigure Z’s face but which causes Z to suffer severe bodily pain for the space of twenty days.
  - (iii) A, a land holder, knowing of the commission of a murder within the limits of his estate, willfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake.

#### **CONSTITUTIONAL LAW (20 Marks)**

- Q.15.** Write a note on any one of the following topics: (10 Marks)
- a) Difference between Article 358 and 359 of the Indian Constitution. How did the 44<sup>th</sup> Constitutional Amendment change the nature of these provisions?
  - b) The Maneka Gandhi Vs. Union of India (AIR 1978 SC 597) is a landmark case in respect of interpretation of “personal liberty”, as envisaged under Article 21 of the Constitution.
- Q.16.** What is the jurisdiction of Supreme Court of India? (5 Marks)
- Q.17.** Briefly describe the provisions in the Constitution to settle Inter-State water disputes? (5 Marks)