

Uttarakhand Higher Judicial Services Examination, 2009

209

Paper No.2

(Civil, Criminal and Constitutional Law)

Maximum Marks-100

Time-2 Hours

Note: Attempt all question

Marks for each question are indicated in the margin

and credit will be given where correct citations are given.

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

1. (a) "The fact that judiciary has a say in the matter of amendment of the Constitution is the most notable aspect of the doctrine of basic structure." Discuss. 8
- (b) Discuss briefly the fundamental rights under the Constitution of India. 12
2. (a) Discuss and distinguish 'attempt' from 'preparation to commit offence'. To what extent are these punishable? 5
- (b) What is abetment? Explain when does an abettor become liable for the offence committed or even not committed. 5
3. (a) 'A' while bleeding profusely goes to 'B' a surgeon and there loses consciousness. Thereupon 'B' immediately performs an operation upon him thinking that it will bring him back consciousness. But 'A' dies immediately after the operation. Discuss the liability of B. 5
- (b) An accused was found in possession of some property which a person was carrying at the times of his murder. There was neither any eye-witness of the murder nor did the prosecution succeeded in establishing any other incriminating circumstances against the accused. Of what offence, if any, can the accused be convicted? 5
- (c) A sees B commit what appears to A to be a murder. A, in the exercise, to the best of his judgment, exerted in good faith, of the power which the law given to all persons apprehending murderers in the act, seizes B, in order to bring B before the proper authorities. Subsequently B was found acting in self defence. Whether A can be held guilty for any offence? 5

Write short notes on the following

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| (a) | Dowry death | 3 |
| (b) | Punishment | 2 |
| (c) | Mensrea | 3 |
| (d) | Possession of forged or counterfeit notes | 2 |
| (e) | Public servant | 2 |
| (f) | Defamation | 3 |
5. (a) Which marriages are void and which marriages are voidable according to Hindu Marriage Act, 1955. Give illustration. 4
- (b) Can divorce be obtained by mutual consent under the Hindu Marriage Act? If so, on what grounds & under what provision of law. 3
- (b) Discuss Hiba under Mohamden Law. 3
6. (a) Explain in detail doctrine of frustration. 5
- (b) What are the legal consequences of non-registration of an instrument under Indian Registration Act, 1908? 5
7. (a) Who can file complaint under the Consumer Protection Act, 1986 and what are the various forums under the said Act? 5
- (b) What is the differences between Gaon Sabha and Land Management Committee. 5
8. Explain the differences between:
- (a) lease and licence. 4
- (b) appeal and revision. 4
- (c) Explain in brief the ingredients for granting injunction. 2