



J&K Civil Services (Judicial) (Mains) Examination, 2018

COMPULSORY - I

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

Please read each of the following Instructions carefully before attempting the paper.

- i) Candidates should attempt ALL questions as per the instructions given.
- ii) The number of marks carried by each question is indicated at the end of the question.
- iii) Attempt of a part question shall be counted in sequential order. Unless struck off, attempt of a part/question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
- iv) Answers must be written in ENGLISH only. No marks will be given for answers written in a medium other than the authorized one in respect of the questions relating translation.
- v) Word limit in questions, wherever specified, should be adhered to.
- vi) Candidates are required to arrange their ideas in an orderly fashion and to write concisely as per the instructions. Credit will be given for effective and exact expression.
- vii) Your answer should be precise and coherent.
- viii) If you encounter any typographical error, please read it as it appears in the text book.
- ix) Candidates are in their own interest advised to go through the General Instructions on the back side of the title page of the Question-Cum-Answer-Booklet for strict adherence.

1. Write an essay on any ONE of the following in about 400 words:

(40)

- a) Ten percent reservation for economically backward classes?
- b) On-Screen Evaluation and its advantages vis-à-vis Manual System of Evaluation.
- c) Paid media content and fake news
- d) The need for Gender sensitivity in the work places.
- e) Tradition and modernity in social practices in India.

2. Write a precis of the following passage in your own words without reproducing the sentences, in about one-third of its original length suggesting an appropriate title. Don't divide your precis into separate paragraphs. Marks will be deducted if your precis is longer or shorter than the prescribed limit.

Use the special sheets provided for writing your precis.

(20)





Judicial activism is an approach to the exercise of judicial review, or a description of a particular judicial decision, in which a judge is generally considered more willing to decide constitutional issues and to invalidate legislative or executive actions. Although debates over the proper role of the judiciary date to the founding of the American republic, the phrase judicial activism appears to have been coined by the American historian Arthur M. Schlesinger Jr., in a 1947 article in Fortune. Although the term is used quite frequently in describing a judicial decision or philosophy, its use can cause confusion, because it can bear several meanings, and even if speakers agree on which meaning is intended, they will frequently not agree on whether it correctly describes a given decision.

The term activism is used in both political rhetoric and academic research. In academic usage, activism usually means only the willingness of a judge to strike down the action of another branch of government or to overturn a judicial precedent, with no implied judgment as to whether the activist decision is correct or not. Defined in this way, activism is simply the antonym of restraint. It is not pejorative, and studies suggest that it does not have a consistent political valence. In political rhetoric, activism is used as a pejorative. To describe judges as activist in this sense is to argue that they decide cases on the basis of their own policy preferences rather than a faithful interpretation of the law, thus abandoning the impartial judicial role and "legislating from the bench." Because judges may be called activist for either striking down government action or permitting it and because activism in political usage is always considered wrongful, this sense of activism is not the antonym of restraint. (291 words)

3. Translate the following passage into Hindi or Urdu. (20)

The history of Leh dates back to the 1st century AD. There are few signs which suggest that the Chinese knew about a trade route that passes through Ladakh in India. The formation of Ladakh kingdom took place in the early 10th century by the Tibetan prince, Nyima Gon, who conquered the western part of Tibet with an army of 300 men. It is believed that several castles and towns were founded by him and the main sculptures at Shey monastery were constructed at his order.

Leh, the capital of Ladakh, has been an important junction on the famous Silk Route of the olden times. It is also the second largest district of the country spreading in an area of 45,110 sq kms. Located at an altitude of 11,562 ft, it is dominated by the ruins of the Leh Palace, the former residence of the royal family of Ladakh, built on the lines of the Potala Palace. It also boasts of being home to several known ancient Buddhist monasteries, and is one of the most-visited destinations in Ladakh and has a lot to offer.

Leh Palace is a former royal palace overlooking the Ladakhi Himalayan town of Leh. The construction of the palace on the Tsemo Hill was initiated by Tsewang Namgyal, the founder of the Namgyal dynasty of Ladakh in 1553, and was completed by his nephew Sengge Namgyal. Modelled on the Potala Palace in Lhasa,





Tibet, it is nine storeys high; the upper floors accommodated the royal family, while the lower floors held stables and store rooms. The roof provides panoramic views of Leh and the surrounding areas, as the mountain of Stok Kangri in the Zangskar mountain range is visible across the Indus valley to the south, with the Ladakh mountain range rising behind the palace is visible in the north.

This nine-storeyed, dun-coloured palace is Leh's dominant structure. The palace was abandoned when Dogra forces took control of Ladakh in the mid 19th century and forced the royal family to move to Stok Palace. The now ruined palace is being restored by the Archaeological Survey of India. The Palace Museum holds a rich collection of jewellery, ornaments, ceremonial dresses and crowns. Tibetan thangka or paintings, which are more than 450 years old, with intricate designs still retain the bright colours derived from crushed and powdered gems and stones. Structures around the palace's base include the prominent Namgyal Stupa, the colourfully muralled Chandazik Gompa, and the 1430 Chamba Lhakhang, with medieval mural fragments located between the inner and outer walls.

4. Translate the following passage into English.

श्रीनगर की कश्मीर-घटी में बनवाया गया शालीमार गार्डन या शालीमार बाग़ मुग़ल सम्राट जहाँगीर द्वारा बनवाया गया सबसे बड़ा मुग़ल गार्डन है, जिसे उसने सन 1613 ई. में अपनी पत्नी महारानी नूरजहाँ के लिए बनवाया था। शालीमार शब्द संस्कृत भाषा से लिया गया है, जिसका अर्थ है 'प्रेम-धाम'। यह प्रसिद्ध डल झील के दाएँ किनारे पर है और यह फैज़बख़्श या फ़रहबख़्श के नाम से भी जाना जाता है। यह मुग़लों की उत्कृष्ट बाग़वानी का उदाहरण है। इन दिनों इसका स्वामित्व जम्मू-कश्मीर पर्यटन विभाग के अधीन है और वह ही इसकी देखरेख करता है। शालीमार गार्डन के इतिहास को जानने के लिए हमें दूसरी शताब्दी में जाना होगा। श्रीनगर के संस्थापक वकटका राजवंश के राजा प्रवरसेन द्वितीय ने कश्मीर पर सन 79 ई. से 139 ई. तक शासन किया था। उन्होंने डल झील के पास बगीचे से घिरा एक बंगला बनवाया था और उसका नाम शालीमार रखा था। राजा अक्सर हरवन में रहने वाले संत सुकर्म स्वामी के पास जाया करते थे और उनसे मिलने के बाद शालीमार के बंगले में ठहरा करते थे। उनदिनों शालीमार की अच्छी तरह देखभाल की जाती थी। उसके बाद सही देखभाल के अभाव में शालीमार का बंगला खंडहर होकर पूरी तरह ध्वस्त हो गया लेकिन पहले की तरह ही, आसपास के गाँवों में उसका नाम बाक़ी रह गया। मुग़ल सम्राट जहाँगीर ने अपनी प्रिय पत्नी नूरजहाँ को प्रसन्न करने के लिए यह तय किया कि वे एक बगीचा बनवाएंगे, जो उनका ड्रीम प्रोजेक्ट था और इसके लिए शालीमार नाम के स्थान को चुना गया। उसने सन 1619 ई. ने रजा प्रवरसेन द्वितीय द्वारा बनाये गए पुराने बगीचे को नए सिरे से बनवाया और उसे शाही मुग़ल गार्डन का रूप प्रदान किया तथा उसे 'फ़रहबख़्श' नाम दिया, जिसका अर्थ 'हर्षदायक' या 'आनंददायक' होता है। शालीमार गार्डन में सम्राट जहाँगीर, उनकी पत्नी नूरजहाँ और उनके सभी दरबारी गर्मियों के दिन बिताया करते थे, यह उनके लिए गर्मी के मौसम का शाही निवास था। वे हाथियों पर सवार होकर शालीमार के पास स्थित पीर पंजाल की बर्फीली पहाड़ियों को पार कर शालीमार बाग़ जाया करते थे। मुग़ल सम्राट शाहजहाँ के आदेश पर आगे चलकर कालांतर में कश्मीर के गवर्नर ज़फ़र खान ने सन 1630 'कल्याणकारक' या 'लाभदायक' होता है। ज़फ़र खान के प्रशासन काल में इसका उपयोग पठान और सिख गवर्नरों के मनोरंजन-केंद्र के रूप में भी किया जाता था जो ज़फ़र खान के मित्र हुआ करते थे। मुग़लों के अलावा समय-समय पर कई अन्य शासकों ने भी, शालीमार बाग़ को नए सिरे से बनवाया। सिख शासक महाराजा रणजीत सिंह ने अपने यूरोपीय अतिथियों के लिए शालीमार गार्डन में संगमरमर का एक अतिथि-गृह बनवाया। जम्मू-कश्मीर के अंतिम शासक महाराजा हरिसिंह ने इसका विद्युतीकरण करवाया। अलग-अलग शासकों ने शालीमार को अलग-अलग नाम दिए किंतु उनमें से शालीमार नाम ही सबसे अधिक लोकप्रिय रहा और आज भी यह इसी नाम से जाना जाता है।

COMPULSORY - II





Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

Please read each of the following Instructions carefully before attempting the paper.

- i) Attempt any FIVE questions.
- ii) The number of marks carried by a question is indicated at the end of the question.
- iii) Answers must be written in ENGLISH only.
- iv) Word limit, where ever specified, should be adhered to.
- v) Your answer should be precise and coherent.
- vi) Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly.
- vii) If you encounter any typographical error, please read it as it appears in the text book.
- viii) Candidates are in their own interest advised to go through the instructions given on the title page of the Question-cum-Answer (QCA) Booklet for strict adherence.
- ix) Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (x).

1.
 - a) Distinguish between Residence and Domicile. Explain the modes of acquiring the Citizenship of India under the Constitution. (10)
 - b) Who can be a Permanent Resident of the State of J&K? What are the rights of Permanent Residents? (5)
 - c) Write a short note on the First Human Rights TV Channel. (5)
2.
 - a) Can preference be given to any citizen on the ground of residence in public employment? Discuss the relevant Constitutional provisions. (5)
 - b) What is an "existing law" under the Constitution of Jammu and Kashmir? Does it include a Custom? Explain with relevant case laws. (10)
 - c) Write a short note on Woman in Military Police. (5)
3.
 - a) What are the Preambular Goals of the Constitution of India? Is the Preamble an integral part of the Constitution? (5)
 - b) Define a Money Bill. How is it introduced and passed under the Constitution of J&K?





- c) What are objectives of National Action Plan for Drug Demand Reduction? (5)
- (10)
- 4.
- a) Discuss the expanding contours of the freedom of speech and expression in India. Is Defamation still a restriction the freedom? (10)
- b) Discuss the scope of doctrine of Pleasure under the Constitution of J&K. (5)
- c) What is "Diffo Bridge"? (5)
- 5.
- a) Comment on the nature of Right to Education in India. Explain its scope and status. (5)
- b) Explain the jurisdiction of the High Court of J&K. Does it differ from that other High Courts in India? (10)
- c) Write a short note on "72 Hours: Martyr Who Never Died". (5)
- 6.
- a) Explain the doctrine of Eclipse and its applicability. (5)
- b) How are the Government contracts entered into in the State of J&K? Discuss the applicability of Promissory Estoppel in such contracts. (5)
- c) What are key features of "World Economic Outlook - 2019"? (10)
- 7.
- a) Discuss the principle of Collective Responsibility of the Council of Ministers? Does the emergence of Coalition governments make an impact on the said principle? Comment critically. (10)
- b) Explain the securities for women envisaged by the Constitution of Jammu and Kashmir? (5)
- c) Write a short note on the 103rd Constitutional Amendment Act. (5)
- 8.
- a) Define State for the purpose of enforcing Fundamental Rights? Analyze the impact of the Liberalisation, Privatisation and Globalisation (LPG) on its interpretation.





- b) The Governor of Jammu & Kashmir has got special process under section 34 of the constitution of J & K Discuss. (5)
- c) Write a short note on "Reo de Janeiro: World Capital for Architecture for 2020" (10)
- (5)





COMPULSORY - III

Time Allowed - Three Hours

Maximum Marks-100

INSTRUCTIONS

Please read each of the following Instructions carefully before attempting the paper.

- i) Attempt any FIVE questions.
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- iii) Answers must be written in ENGLISH only.
- iv) Word limit, where ever specified, should be adhered to.
- v) Your answer should be precise and coherent.
- vi) Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly.
- vii) If you encounter any typographical error, please read it as it appears in the text book.
- viii) Candidates are in their own interest advised to go through the instructions given on the title page of the Question-cum-Answer (QCA) Booklet for strict adherence.
- ix) Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (*).

1.
 - a) It is said that 'Bail is the Rule and Jail is an Exception'. Examine the above statement under the J&K Criminal Procedure Code. (8)
 - b) What kind of punishments can be passed under the Ranbir Penal Code? In calculating fractions of terms of punishment, how is the imprisonment for life reckoned? (6)
 - c) Define Admission and distinguish it from Confession. Is the confession made to a police person, admissible in evidence? State the rule and exceptions. (6)
2.
 - a) Define Document under the Ranbir Penal Code. Does it include an electronic document? (6)
 - b) State the powers of the Police to effect Arrest of persons? When can an arrest be made without warrant? (6)
 - c) Define Expert Evidence. Illustrate different kinds of expert evidence which may be relevant under the J&K Evidence Act. (8)

3.



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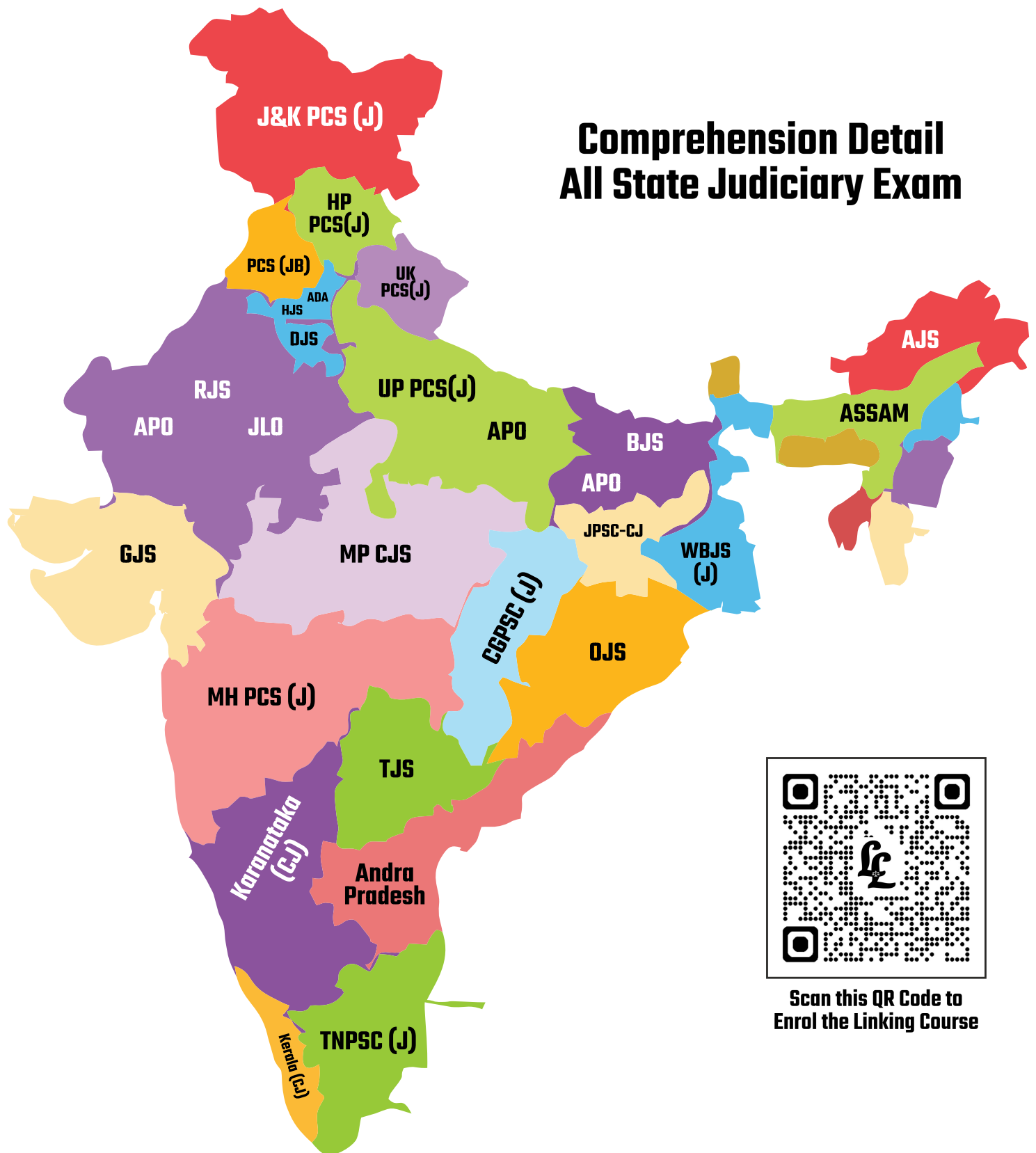


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- a) X is at a work with a hatchet; the head flies off and kills a man who is standing by. Discuss the liability of X. Which general exception under the Ranbir Penal Code can be invoked by the defense. (6)
- b) When do the facts not otherwise relevant become relevant? Give suitable illustrations. (6)
- c) Define different modes of service of Summons. How can the summons be served to persons who cannot be found? (8)
- 4.
- a) How is the Security from Persons to keep good behavior taken under the J&K Code of Criminal procedure? What are the consequences of breaching such security? (6)
- b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. Is A guilty of instigating B to commit murder? Discuss the relevant provisions under the Ranbir Penal Code. (6)
- c) Discuss the principle of Estoppel with suitable illustrations. Can Estoppel be pleaded against law? (8)
- 5.
- a) Explain the powers of Executive Magistrates to pass conditional orders for removal of Public Nuisance. What are the consequences of disobeying the orders of Executive Magistrates? (8)
- b) A, a landholder, 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. What is the offence committed by him? Discuss his criminal liability. (6)
- c) What is Privileged Communication? Under what circumstances can it be claimed? (6)
- 6.
- a) Discuss the powers of Magistrates to record Confessions and statements. What is their evidentiary value? (6)
- b) Distinguish between Culpable Homicide and Murder. A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. What is the offence committed by A? Discuss. (8)
- c) Who may testify before a court? Can a child be a competent witness?





- (6)
- 7.
- a) What is a Private Complaint? State the powers of police when such a complaint is filed? (6)
- b) Write short notes on the following. (3)
- i) Leading Questions (3)
- ii) Hostile Witness (3)
- c) Write Short Notes on: (4)
- i) Cheating (4)
- ii) Forgery (4)
- 8.
- a) What is Plea bargaining? What do you mean by 'mutually satisfactory Disposition' under Section 265-C of the J&K Criminal Procedure Code? (6)
- b) Write Short notes on: (3)
- i) Ancient Document (3)
- ii) Cross Examination (3)
- c) Write Short Notes on: (4)
- i) Insanity as a General exception (4)
- ii) Cruelty and harassment for Dowry (4)
- 9.
- a) Explain the recent changes relating to the offence of Rape under the Ranbir Penal Code. (8)
- b) Is FIR necessary for the police to initiate action in a criminal case? Discuss the importance of FIR in criminal prosecution. (8)
- c) What is circumstantial Evidence? Is corroboration always necessary to admit it? (12)





COMPULSORY - IV

Time Allowed - Three Hours

Maximum Marks-100

INSTRUCTIONS

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- i) Attempt any FIVE questions.
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- iii) Answers must be written in ENGLISH only.
- iv) Word limit, where ever specified, should be adhered to.
- v) Your answer should be precise and coherent.
- vi) Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly.
- vii) If you encounter any typographical error, please read it as it appears in the text book.
- viii) Candidates are in their own interest advised to go through the instructions given on the title page of the Question-cum-Answer (QCA) Booklet for strict adherence.
- ix) Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (x).

1.
 - a) How is Festival Advance regulated? On which festivals can it be granted and what is the procedure for recovery. (10)
 - b) Write a note on Sanction of Charge Allowance. (5)
 - c) What is the use of police diaries as evidence under Code of Criminal Procedure. (5)
2.
 - a) Write a note on the Maintenance of Service Book as record of service. (5)
 - b) Describe the procedure of "sealed cover" applicable in case of promotion during suspension. (10)
 - c) Procedure to be followed for the cases of contempt of Court under section 480 of the Code of Criminal Procedure. (5)
3.
 - a) Write a brief note on the Rules for Permanent advance. (5)
 - b) What is Subsistence Allowance. Under what circumstances is it granted to an employee. (5)





- c) What treatment is given to the documents produced in evidence under Civil Code procedures. (10)
- 4.
- a) Why is periodical inspection of Stores important? What is the procedure for verification of stores and the discrepancies found on verification of stores? (10)
- b) What is Child Care Leave? Discuss the conditions incumbent towards sanctioning of Child Care Leave. (5)
- c) Enumerate the procedure of framing of issues in a civil suit. (5)
- 5.
- a) What treatment is to be given to petty claims more than three years old? Explain. (5)
- b) What is the procedure for determination and fixing of age of superannuation? Under what circumstances is the alteration in the date of birth allowed? (10)
- c) Describe briefly the Bail and Cognizance. (5)
- 6.
- a) What is the procedure of payment of pay and allowances on death of a payee? Explain. (5)
- b) Write a short note on Dies-non its meaning and import. (5)
- c) Describe 'remand in detail in light of Code of Criminal Procedure. (10)
- 7.
- a) What are the instructions to be observed in recovering amounts from the pay and allowances of a Government servant on account of attachment orders issued by courts? (10)
- b) Discuss about 'Suspension of lien'. (5)
- c) Procedure for production of Revenue Records in Civil Courts. (5)
- 8.
- a) Write a note on Lapse of sanctions with examples. (5)





- b) What is stepping up of pay? How is it regulated? Illustrate by an example. (10)
- c) Procedure for transmission of substances to chemical examiner under criminal procedure. (5)
- 9.
- a) Describe the rule for maintenance of a cash book by the Government officers required to receive and handle cash. (10)
- b) Write note on Calculation of Joining Time in case of change of station. (5)
- c) Material evidence in a criminal case. (5)





COMPULSORY - V

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

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- i) Attempt any FIVE questions.
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- iii) Answers must be written in ENGLISH only.
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- v) Your answer should be precise and coherent.
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- vii) If you encounter any typographical error, please read it as it appears in the text book.
- viii) Candidates are in their own interest advised to go through the instructions given on the title page of the Question-cum-Answer (QCA) Booklet for strict adherence.
- ix) Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (x).

1.
 - a) What are Mesne Profits "? Do they include profits due to improvements made by the person in wrongful possession? Explain.
(7)
 - b) Define Condonation of delay. If an appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation, can it be a sufficient cause for condonation of delay? Discuss.
(7)
 - c) State the powers of Registrar when a document is presented for registration. What is the procedure followed if any document duly presented for registration is in a language which the registering officer does not understand?
(6)
2.
 - a) Distinguish between Res subjudice and Res judicata. What is Constructive Res judicata?
(8)
 - b) Where once time has begun to run, no subsequent disability or inability to sue stops it. Explain.
(6)
 - c) Explain the time stipulated for presenting documents in terms of their execution under Section 3 of the J&K Registration Act.
(6)





- 3.
- a) Distinguish Judgment and Decree. Generally when should the decree be passed? What is considered as decree if it is not passed formally? (8)
- b) What is Legal Disability? If a minor becomes insane just before reaching the majority age, does such period of insanity also amount to legal disability? (6)
- c) Discuss. Discuss the powers of the Registering Officer for enforcing the appearance of executants and witnesses. (6)
- 4.
- a) Explain the properties liable to attachment and sale in execution of a decree? Are there any exceptions to such attachment? Explain. (8)
- b) How is the period of limitation computed? What is the impact of time of defendant's absence from the State on such computation? (6)
- c) Who are the persons exempt from appearance at registration office? What is the procedure followed by the registering officer in case of such an exemption? (6)
- 5.
- a) State the purposes for which a Civil Court can appoint Commissions. What is the procedure followed to examine a witness residing at any place within the State? (7)
- b) In case of institution of proceeding bona fide in a Court without jurisdiction, what would be the impact of the time taken for such proceedings, on the computation of limitation period? Discuss. (7)
- c) Discuss the law for registering documents relating to land. (6)
- 6.
- a) State the procedure for filing Suits by or against the Government. Explain the Section 80 Notice, and exceptions thereto, if any. (8)
- b) Examine the effect of Acknowledgement in case of time barred suits or claims. (6)
- c) Who can present documents for registration? State the position of Power of Attorney. (6)
- 7.
- a) Write Short notes on:





- i) Inter-pleader Suits (4)
- ii) Execution of Foreign Judgments (4)
- b) The law of limitation puts the bar on remedy, but does not extinguish the right. Explain. (6)
- c) Explain the procedure to register Wills. (6)
- 8.
- a) Differentiate First Appeal from Second Appeal. What are the grounds invoked generally in Second Appeals? (8)
- b) What is the effect of death or fraud on computing the period of limitation? Discuss. (6)
- c) Explain the different books kept in the registration offices. (6)
- 9.
- a) Write Short notes on:
- i) Right to lodge a Caveat (4)
- ii) Civil Revision Petition (4)
- b) Explain the Special duties of Sub-Registrars. What is the procedure followed in case of document relating to land situated in several districts? (6)
- c) If a suit is instituted, appeal is preferred, or an application made, after the period of limitation prescribed there for by the First Schedule to the J&K Limitation Act, what would be the effect? Is it necessary that the bar of limitation has to be pleaded as a ground by the defendant in such cases. (6)





COMPULSORY - VI

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

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- ix) Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (x).

1.
 - a) Define Immovable Property. Explain with the help of decided cases. (8)
 - b) Explain "Agricultural Land and "Sale of Land under the Jammu & Kashmir Right of Prior Purchase Act. e(6)
 - c) Define "tenant" under the Jammu and Kashmir Houses and Shops Rent Control Act, 1966. Explain the concept of "Fair rent under the Act. (6)
2.
 - a) Explain 'Condition Precedent and distinguish it from 'Condition Subsequent with suitable examples. (8)
 - b) Discuss the Cases in which fair rent shall be fixed by the Controller under the Jammu and Kashmir Houses and Shops Rent Control Act, 1966. (6)
 - c) Explain the procedure when more than one suits arise out of the same sale for which right of prior purchase is exercised? (6)
3.
 - a) Explain the principle of "nemo dat quod non habet".Discuss the exceptions thereto. (8)



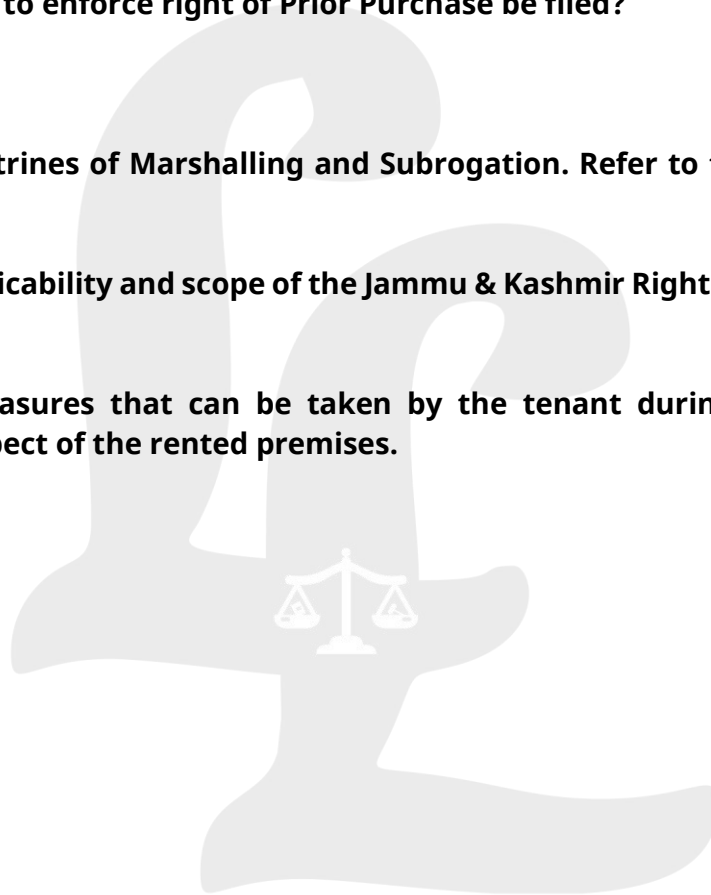


- b) What is meant by 'Right of Prior Purchase'? In respect of which buildings such right cannot be exercised? (6)
- c) What kind of protection of a tenant against eviction is provided under the Jammu and Kashmir Houses and Shops Rent Control Act, 1966. (6)
- 4.
- a) Explain the doctrine of "Feeding the Grant by Estoppel" with the help of decided cases. (8)
- b) Discuss the procedure of making repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so under the Houses and Shops Rent Control Act? (6)
- c) Explain the requirements which a plaintiff may be called upon to fulfill under section 21 of the Right of Prior Purchase Act? (6)
- 5.
- a) Define Mortgage. Explain the different kinds of mortgage. (8)
- b) Who are the persons in whom right of Prior Purchase vests in respect of sale of Agricultural land and village immovable property? (6)
- c) Explain the penalty provided by section 22 of the Jammu and Kashmir Houses and Shops Rent Control Act, 1966 for recovering rent in excess of the fair rent? (6)
- 6.
- a) When can a tenant deposit rent with the Controller? Discuss the procedure therefor. (8)
- b) Discuss the rights of Sellers under the Transfer of Property Act. Distinguish them from the rights of a person who agreed to sell the property. (6)
- c) Explain the exceptions to right of prior purchase under Section 6 of the Act of 1966. (6)
- 7.
- a) Define Lease and distinguish it from License. Discuss the rights of Lessee. (8)
- b) Explain the Persons in whom the Right of Prior Purchase vests. (6)





- c) Explain Section 11B relating to the right to recover immediate possession of residential building to certain persons. (6)
- 8.
- a) Define Gift and explain the essential conditions for making a valid Gift. Discuss the legal position in relation to Muslims. (8)
- b) When is a tenant entitled to restoration of possession and compensation? Discuss the relevant circumstances. (6)
- c) When can a suit to enforce right of Prior Purchase be filed? (6)
- 9.
- a) Discuss the doctrines of Marshalling and Subrogation. Refer to the relevant case laws. (8)
- b) Explain the applicability and scope of the Jammu & Kashmir Right of Prior Purchase Act. (6)
- c) Discuss the measures that can be taken by the tenant during an emergency situation in respect of the rented premises. (6)





OPTIONAL - I

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

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- ix) Answers must be written in ENGLISH only.

1.
 - a) Discuss the essential conditions of a valid Hindu marriage? Explain the concept of "Sapinda" and "Prohibited Relationship". (8)
 - b) Write a short note on 'Dower '? Distinguish it from Dowry. Differentiate Prompt Dower from Differed Dower. (6)
 - c) What is the Khanadamad's liability to maintain his wife? (6)
2.
 - a) Who is entitled to Maintenance under the Hindu Marriage Act? Can a Husband claim maintenance from the Wife? Discuss. (8)
 - b) Discuss the rights of a Muslim Women divorced by her Husband? (6)
 - c) State the customs identified with the Hindu and Muslim marriages in the State of Jammu & Kashmir. Discuss their binding nature. (6)
3.
 - a) Examine the concept of Legitimacy of Children. What would be the status of children born out of a voidable Hindu Marriage? (6)





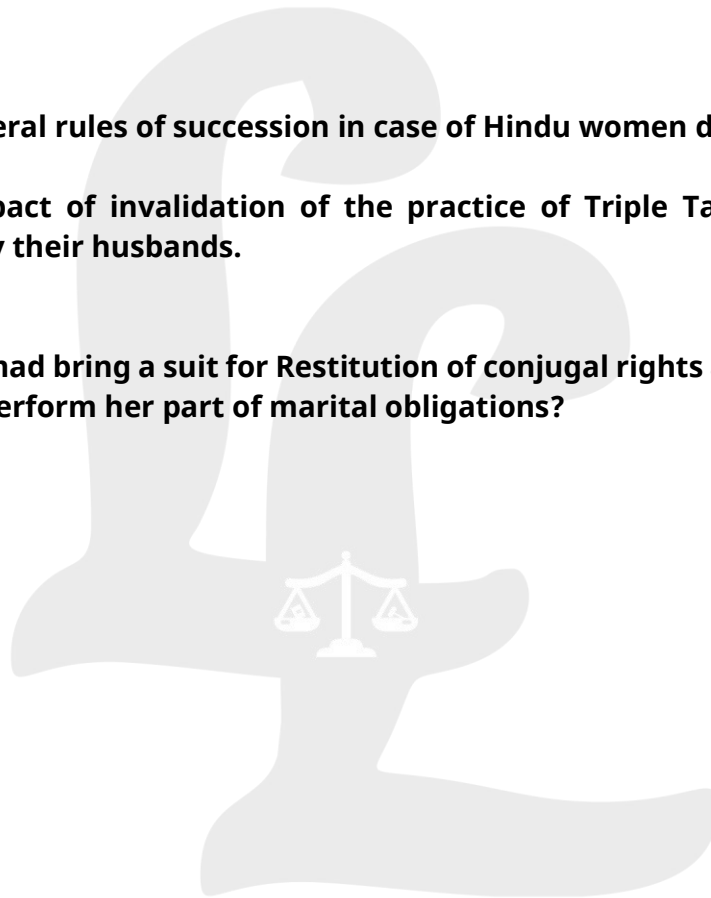
- b) Explain the rights of a Muslim testator to bequeath his property. Are there any limitations on the same? (8)
- c) Is custom followed in a State Law ? Examine in light of recent Supreme Court judgments. (6)
- 4.
- a) Explain the right of a married Hindu woman to claim maintenance from her husband while living separately. (8)
- b) Discuss the rights of a Muslim woman divorced by her Husband. (6)
- c) Write a short note on the custom of 'Dukhtar-i-Khana Nashin'. (6)
- 5.
- a) State the rights of an illegitimate son under the Hindu law. What are the changes brought about by legislation with regard to the right of maintenance? (8)
- b) Discuss the doctrine of "Aul" and "Radd" in relation to succession among the Sunni Muslims. (6)
- c) Under what circumstances a widow forfeits her limited right over the estate of her husband, under Custom. (6)
- 6.
- a) Explain the capacity of a Hindu female to adopt a child. What is the effect of such an adoption? (6)
- b) What is Law of Pre-emption(Shuffa)?State the differences between Sunni and Shia Law. (6)
- c) Write Short-notes on Life Estate and Deathbed Gifts. (6)
- 7.
- a) Explain the doctrine of "Factum Valet" as applicable to Hindus. (6)
- b) Write short notes on Iddat, Khula and Talaq-i-Tafweez. (6)
- c) Who is 'Agnate' under custom and what are his/her rights to inherit property under Customary Law. (6)





(8)

- 8.
- a) Explain the grounds of divorce available exclusively to a Hindu wife with suitable case law (8)
- b) During the subsistence of a marriage, a Mohammedan married his wife's sister. Explain the legal effects of such a marriage. Does it make any difference if the marriage with the first wife is not consummated? (7)
- c) Who is a Mutawalli? What are his powers and functions? (5)
- 9.
- a) Explain the general rules of succession in case of Hindu women dying intestate. (8)
- b) Discuss the impact of invalidation of the practice of Triple Talaq given to the Muslim wives by their husbands. (6)
- c) Can a Khanadamad bring a suit for Restitution of conjugal rights against his wife if she refuses to perform her part of marital obligations? (6)





OPTIONAL - II

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

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- ix) Answers must be written in ENGLISH only.

1.
 - a) The fundamental attribute of corporate personality is that the company is a legal entity distinct from its members - Elucidate. (10)
 - b) A contract of Insurance is a contract of utmost good faith' - Comment. Discuss different kinds of insurance in modern times. (10)
2.
 - a) Define 'Prospectus and "Deemed Prospectus". Discuss the contents there of and also the Civil as well as Criminal liability of a company for misstatements and omissions made therein. (10)
 - b) Define "Insurance Coverage" and "Premium". Explain different kinds of insurance coverage. (10)
3.
 - a) What is share Capital? Explain the distinction between Shares and Debentures. Discuss provisions relating to fixed and floating charges. (10)
 - b) What is General Insurance policy? What does it cover? (10)
- 4.





- a) State and explain the law relating to Corporate Restructuring with reference to compromise, reconstruction and amalgamation of Companies. (10)
- b) Write a short note on 'Third Party Insurance'. What is Personal Accident Cover'? Does it cover anywhere in the world? (10)
- 5.
- a) Discuss the role of Directors and independent Directors under the Companies Act, 1956 and the Act of 2013. Explain the liability of independent directors in governance of the company. (10)
- b) What is the difference between the 'All perils' and 'Specified perils' coverage in home insurance coverage? Does it cover silver or golden ornaments if one has Home insurance'? (10)
- 6.
- a) Explain different kinds of meetings recognized under the Companies Act. What is the procedure to be followed, when a board meeting is adjourned for want of quorum? (10)
- b) How is the Insurance Business regulated in India? Discuss the powers and functions of Insurance Regulatory and Development Authority (IRDA). (10)
- 7.
- a) Explain the concept of Corporate Social Responsibility (CSR). Discuss the companies required to discharge the CSR under the Act of 2013. (10)
- b) Discuss Insurable Interest. Differentiate Insurance from Guarantee and Indemnity. (10)
- 8.
- a) Discuss the modes of Winding-up of Companies under the Act of 2013. State the relevance of the Insolvency and Bankruptcy Code of 2016 in the process of Winding-up. (10)
- b) Discuss the concept of Intermediaries in insurance contracts. Examine the role of Agents, Surveyors & Loss Assessors, and Health Third Party Administrators in an insurance claim. (10)





OPTIONAL - III

Time Allowed - Three Hours
100

Maximum Marks-

INSTRUCTIONS

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- ix) Answers must be written in ENGLISH only.

1.
 - a) Define Equity. How are the principles of Equity different from the Common Law. (7)
 - b) Define 'Trust and distinguish trust from ownership and bailment. (7)
 - c) Define Specific Relief. How is Specific Relief given under the J&K Specific Relief Act 1977? (6)
2.
 - a) Explain the Equity Maxim "One who comes to equity must come with clean hands" with suitable illustrations, (8)
 - b) How is a Trust created? Explain the extinction of Trusts. (7)
 - c) How is the possession of immovable property recovered under the J&K Specific Relief Act? (6)
3.
 - a) "Delay defeats Equity". Correlate this principle with the maxim "vigilantibus non dormientibus jura subveniunt". (8)
 - b) Who may be appointed as a Trustee? Explain the duties and liabilities of Trustees.



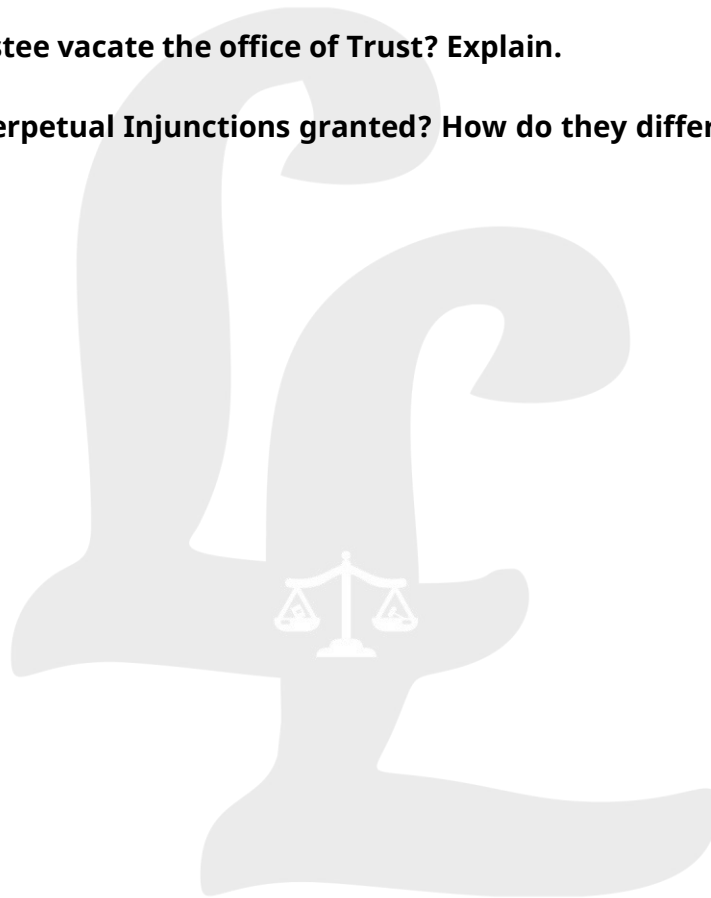


- (6)
- c) Explain the contracts which may be specifically enforced? A agrees to buy, and B agrees to sell, a picture by a dead painter and two rare China vases. Can A compel B specifically to perform this contract? Discuss. (6)
- 4.
- a) Write notes on the following maxims:
i) "Equity considers that done what ought to be done" (4)
ii) "He who seeks equity must do equity" (4)
- b) Explain different kinds of Trust that can be created under the Trusts Act. (6)
- c) Explain the contracts that cannot be specifically enforced. A, an author, contracts with B, a publisher, to complete a literary work. Can B enforce specific performance of the contract? (6)
- 5.
- a) Discuss the laws in India that incorporate the principles of Equity. (8)
- b) What are the disqualifications of Trustees? (6)
- c) When can an instrument be cancelled? What are the grounds therefor? (6)
- 6.
- a) Examine the evolution of Equity principles through Chancery Court in England. (8)
- b) Explain the rights and liabilities of the Beneficiaries under a Trust. (6)
- c) When can an instrument be rectified? Discuss the general principles relating to such rectification. (6)
- 7.
- a) Equity acts in personam. Explain with relevant cases and examples. (8)
- b) Discuss the Disabilities of the Trustees under the Trusts Act. (6)
- c) Write a critical note on Rescission of Contracts. Can the Court require a party rescinding a contract to do equity? (6)





- 8.
- a) Equity will not suffer a wrong to be without a remedy. Discuss. (8)
 - b) Explain the rights and powers of Trustees. (5)
 - c) What are Declaratory Decrees? Explain the effect of declaration. (7)
- 9.
- a) Equity looks to the intent rather than the form. Explain in the context of unliquidated damages and penalty in case of breach of contracts. (8)
 - b) How does a Trustee vacate the office of Trust? Explain. (6)
 - c) When are the Perpetual Injunctions granted? How do they differ from Temporary Injunctions. (6)





OPTIONAL - IV

Time Allowed - Three Hours
100

Maximum Marks-

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1.
 - a) Define Contract'. Explain the ingredients of a valid contract? (10)
 - b) Explain the essential elements of a Tort. Distinguish it from a Crime and Breach of Contract. (10)
2.
 - a) Explain the competency to enter into a contract. Can a patient in a lunatic asylum, who is at intervals of sound mind, contract during those intervals? Discuss. (10)
 - b) Explain the maxim "Volenti non fit injuria". Discuss the exceptions to its application, if any. (10)
3.
 - a) What amounts to Free Consent. Discuss the factors that vitiate a free consent with special reference to Undue Influence. (10)
 - b) Define Conversion. What are the points to be proved by a plaintiff in an action for Conversion? (10)
- 4.





- a) What are Void Agreements? Explain different kinds of void agreements with reference to uncertain agreements. (10)
- b) Define Nuisance. Explain the distinction between Private Nuisance and Public Nuisance. (10)
- 5.
- a) Explain the doctrine of Frustration. Discuss the consequences on a contract which becomes impossible to perform subsequent to entering the contract. (10)
- b) Define Defamation. Distinguish between Libel and Slander. State the points to be proved by the plaintiff in an action for Defamation. (10)
- 6.
- a) What are Quasi-contracts? Discuss the rights and duties of Finder of Lost Goods. (10)
- b) What is Injurious Falsehood. Discuss with special reference to Passing-Off. (10)
- 7.
- a) Discuss various modes of discharging a contract with special reference to Accord and satisfaction. (10)
- b) Distinguish Strict Liability from Absolute Liability. Is the rule in Rylands v. Fletcher still relevant in India? Discuss. (10)
- 8.
- a) What are liquidated damages and penalty? Distinguish. Write a note on Hadley v. Baxendale. (10)
- b) When can vicarious liability arise? Can a Bank be held liable for the fraud committed by its manager? Explain with reference to Master-Servant relationship. (10)





OPTIONAL - V

Time Allowed - Three Hours
100

Maximum Marks-

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SECTION-I

1.
 - a) How is valuation of relief done in cases relating to land and interest in land under the Suit Valuation Act? (10)
 - b) When can the High Court determine value of suits? Discuss with the help of suitable illustrations. (10)
2.
 - a) Discuss the procedure to be followed relating to the decision of question as to valuation. (10)
 - b) What is the procedure to deal with an objection taken on appeal or revision that a suit or appeal was not properly valued for jurisdiction purposes? Discuss. (10)

SECTION-II

3.
 - a) What is Court Fees? Why is it collected? State the position when documents are filed in High Court. (10)
 - b) Explain the mode of levying fees under the Court Fees Act.





(10)

- 4.
- a) What kind of court fees are collected in case of application for the probate of a will or letters of administration? Discuss the procedure to calculate the fees. (10)
- b) Write a note on repayment of fees paid on applications to Criminal Courts. (10)

SECTION-III

- 5.
- a) What are the instruments which are exempted from payment of Stamp duty? (10)
- b) State the instruments which may be stamped with adhesive stamps. When can such stamps be cancelled. (10)
- 6.
- a) Define Power of Attorney' and "Public Officer" under the J&K Stamp Act, 1977. (10)
- b) Explain how the duties with which the instruments are chargeable shall be paid under the J&K Stamps Act 1977. (10)

SECTION-IV

- 7.
- a) Write a note on 'Agriculturist' as defined under the Agriculturists Relief Act. (10)
- b) What are the provisions regarding appeals under the Agriculturists Relief Act, 1983? (10)
- 8.
- a) When can an Agriculturist-debtor sue for accounts? (10)
- b) Explain the mode of taking accounts under Section 9 of the J&K Agriculturists' Relief Act, 1983. (10)

SECTION-V

9.





- a) Explain the powers of the Commissioner for Review and Revision under the Jammu and Kashmir Excise Act, 1958. (10)
- b) Discuss the provisions related to establishment of distilleries and warehouses. (10)
- 10.
 - a) Discuss the legal provisions relating to Import, Export and Transport of intoxicating liquors under the Jammu and Kashmir Excise Act, 1958. (10)
 - b) Explain the ambit and scope of section 12-A of the Excise Act? (10)





OPTIONAL - VI

Time Allowed - Three Hours

Maximum Marks-100

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- ix) Answers must be written in ENGLISH only.

SECTION-I

1.
 - a) What is the procedure prescribed for preparation of an edition of the Jamabandi under the Land Revenue Act, 1996? Who is authorized to prescribe the duration for which such a record is prepared? What are various other statements that comprise this record?
(12)
 - b) What is the procedure provided under sections 61 to 64 of Land Revenue Act for effecting recovery of areas of land revenue? Explain.
(8)
2.
 - a) Harvest Inspection Register is a vital record updated by the Patwari during both Rabi and Kharief seasons in a year. What is the procedure prescribed under SRO-22 (Girdawari) for the conduct of such inspection? What are the other uses the information so collected is put to?
(12)
 - b) What is the law relating to prevention of encroachment on common land as contained in section 133 of the Land Revenue Act? Discuss.
(8)

SECTION-II



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- 3.
- a) What does Relinquishment, Abandonment and Ejectment stand for under the J&K Tenancy Act, 1980? What are the grounds for ejectment of an occupancy Tenant under this Act? (12)
- b) Write a note on 'Protected Tenants'. To which classes of land, the rule of protected tenants does not apply. Elucidate. (8)
- 4.
- a) The J&K Tenancy Act, 1980 is milestone towards strengthening the land tenure system in the State. Discuss with reference to allowing succession to the right of occupancy tenancy and with what restrictions? (12)
- b) What are the respective rights of land lord and tenant to the produce under the Tenancy Act? Discuss. (8)

SECTION-III

- 5.
- a) What are the conditionalities involved for making a temporary alienation of land by a member of an agricultural class to a person who is not a member of the agricultural class, under the provisions of J&K Alienation of Land Act, 1995? (12)
- b) In whose favour, the transfer of land in the form of simple mortgage is permitted under section 4(a) of the Jammu & Kashmir Alienation of Land Act, 1995. Discuss. (8)
- 6.
- a) What is the procedure prescribed under the J&K Alienation of Land Act for acquiring a right in land by way of temporary lease or mortgage for non-agricultural use for more than three years. What are the requirements for getting such a right entered in the Record of Rights or the Annual Record. (12)
- b) How are the rights, acquired by a landlord under section 60 and 61 of the J&K Tenancy Act affected by the provisions of J&K Land Alienation Act. (8)

SECTION-IV

- 7.
- a) What is importance of Notification issued by the Government under Section-6 of the State Land Acquisition Act, 1990? What impact does this notification have upon





the interests of the land owners as spelt out in the Award by the Collector under Section-11 of this Act?

(12)

- b) Write a note on the expression 'Public Purpose' as provided under the Land Acquisition Act. State whether acquisition for one purposes can be used for another purpose.

(8)

8.
a) What are the relevant issues to be considered as well as those to be neglected by the Collector, towards the determination of compensation, while framing an Award under the State Land Acquisition Act, 1990?

(12)

- b) How is an award made in acquisition proceedings under the Land Acquisition Act? Explain.

(8)

