



Odisha Civil Judge (Main) Examination, 2017-18

PAPER – I : General English

Time Allowed: 2.5 Hours

Maximum Marks: 150

The figures in the right-hand margin indicate marks.
Answer all questions

1. Translate the following into English:

[25]

ସଫଳତାର ଚାବିକାଠି -- ଏକାଗ୍ରତା । ଶିକ୍ଷାର୍ଥୀମାନଙ୍କ ପାଇଁ ଏକାଗ୍ରତା ଏକାନ୍ତ ଆବଶ୍ୟକ । ଆଜିକାଲି ଶିକ୍ଷାର୍ଥୀମାନେ ବହୁତ ପଢ଼ୁଛନ୍ତି, କିନ୍ତୁ ବିଚିତ୍ର କଥା ସେମାନଙ୍କର କିଛି ମନେରହୁନାହିଁ । ଏହାର ଏକମାତ୍ର କାରଣ ଏକାଗ୍ରତାର ଅଭାବ । ଏକାଗ୍ରତା ନ ରହିଲେ ଅନେକ ସମୟରେ ଆକର୍ଷକ ଦୁର୍ଦ୍ଦଶା ଘଟି ଜନଜୀବନ ବିପର୍ଯ୍ୟୟ ହୋଇପଡ଼େ । ସାଇକେଲ, ମଟର ସାଇକେଲ, କାର, ବସ୍ ଚଳାଇଲାବେଳେ ଚାଳକ ଏକାଗ୍ର ନରହିଲେ ଏସବୁ ଦୁର୍ଦ୍ଦଶା ଘଟେ । କବି, ଲେଖକ, ନାଟ୍ୟକାର ସମସ୍ତେ ଏକାଗ୍ର ଭାବେ ନିଜ କର୍ମ ସାଧନ କରିଥାନ୍ତି । ଏକାଗ୍ର ନହେଲେ ଜଣେ ଛାତ୍ର ସେପରି ଭଲ ଛାତ୍ର ହୁଏ ନାହିଁ । ଏକାଗ୍ର ନହେଲେ ଜଣେ ସାଧାରଣ ମଣିଷ ସେଇ ସାଧାରଣରେ ହିଁ ରହିଯାଏ । ଅସାଧାରଣ ହେବାକୁ ହେଲେ ଅସାଧ ସାଧନ କରିବାକୁ ହେଲେ ଏକାଗ୍ରତା ଏକାନ୍ତ ଆବଶ୍ୟକ । ଶିକାରୀ ଶିକାର କରିବାକୁ ହେଲେ ଏକାଗ୍ର ଭାବେ ତାକୁ ଲକ୍ଷ୍ୟ ରଖୁଥାନ୍ତି, ପୋଲିସ୍ ଚୋରମାନଙ୍କୁ ଧରିବାକୁ ଏକାଗ୍ର ଭାବେ ତାକୁ ଲକ୍ଷ୍ୟ ରଖୁଥାନ୍ତି, ପୋଲିସ୍ ଚୋରମାନଙ୍କୁ ଧରିବାକୁ ଏକାଗ୍ର ଚିତ୍ତରେ ଲାଗିପଡ଼ନ୍ତି । ଏକାଗ୍ରତା ଯୋଗୁଁ ଜଣେ ସାଫଲ୍ୟ ଶୀର୍ଷ ସୀମାରେ ପହଞ୍ଚିପାରିଥାଏ ।

2. Translate the following into Oriya:

[25]

Experts say that people need at least 6 hours of sleep every night. If they do not get enough sleep they will feel sleepy the whole day. Younger kids need at least 9 hours of sleep every night. After school-activities can take away from sleep time for kids. Also parents with busy life styles stay up late and their kids do the same. Kids with little sleep have hard time sleeping at night and this will affect their daily routine and make them less active and productive through the day in school. Most parents are not aware of what goes on when their kids go to sleep and how the brain works when we are asleep. Many people think that the brain shuts down when we go to sleep but it is the opposite. Experts say that the brain is very active when we are asleep and could be even more active than when we are awake. Experts recommended at least 6 hours of sleep for adults and 9 hours of sleep for young children. They say that sleep is an essential not a comfort and it can increase your life expectancy.

3. Write a short essay in about 150 (One hundred and fifty) words on any one of the following:

[50]

- In Praise of Tolerance
- Educating the Girl Child
- Climate Change
- Benefits of Yoga
- Judicial Activism

4. Make a precis of the following passage in about 100 (one hundred) words:

[25]

One reason for employment growing more slowly in the most recent period is actually the increasing involvement of young men and women in the higher stages of education. While this good news, it also means that there will be more and more young people entering the labour market with higher qualifications, expecting to find employment that is commensurate with their education. This likelihood too has not escaped the notice of the Planning Commission. It notes: "Much larger numbers of educated youth will be joining the labour force in increasing numbers during the Twelfth Plan and in the years beyond. The clear implication of this is that the pace of job livelihood creation must be greatly accelerated". However, the problem extends far beyond simply increasing the aggregate rate of job creation. Much of the increased enrolment in education has been in private institutions: the approach paper notes that private higher education currently accounts for about four fifths of enrolment in professional higher education and one-third overall. Most of these especially the professional courses are associated with high user fees. Families across the country now put most of their hopes in educating their young as a means of social and economic advancement. Where access to good public educational institutions is limited (which is increasingly the case), such families educate their young at enormous cost, often selling their assets and going into debt in order to pay the high fees. Yet it is

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abundantly clear already that the large bulk of such private institutions do not live up to their promise in terms of ensuring employment or even employability. Examples are rife of graduates with engineering, management and other degrees applying for jobs as sales persons or even as railway signal men because they are unable to find jobs that will use the skills they are supposed to have acquired. The reason for this state of affairs is that the system itself is simply not generating sufficient number of the kinds of jobs that are demanded by those with such degrees. But the poor quality of education in many institutions (both public and private) is also a big part of the problem. That is why it is surprising that the Planning Commission thinks that encouraging more private initiatives in higher education will solve the problem and that the current "not-for-profit" prescription in education needs to be examined. It is already only too evident -- as the proliferation of teaching shops masquerading as higher education institutes suggest that this is a sector with very strong information asymmetries, where consumers are often not able to sort out quality or can do so only after spending long years and often significant resources in the effort.

5. Read the following passage and answer the questions that follow:

[5×5 = 25]

The inter-community relations have been so discredited in India by the incidence of intermittent religious conflicts that secularism, it is argued, has reached a stage beyond redemption. The inability of the state to observe religious neutrality and to maintain equidistance from religions and the resurgence of communalism which has compounded it are the main reasons attributed to this discomfiture. Moreover, secularism was posited exclusively within the realm of religion, and other areas of human existence, like culture and economy, were not incorporated into the secular conception.

The conception of secularism as religious harmony is based on a monolithic view of religion, which does not take into account the differentiation with it. Within each religion there are several cultural and social groups, between whom both contradictions and complementarities exist. As a result, religious pluralism and cultural pluralism connote entirely different realities even though they are used as interchangeable by many. The assumption of Indian secularism that the tensions arising out of religious pluralism can be overcome by harmony is unreal because of the cultural and social hierarchies that exist within religion. Because of the prevalence of these hierarchies, attempts to bring about religious harmony cannot cover all followers of any religion. The approach to secularism exclusively through inter-religious relations cannot lead to an abiding solution. Being so, secularism in India appears to have begun its journey with a dead weight around its neck. It carries the burden of an irreconcilable resolution of realising communal harmony without creating material and ideological foundations to generate and sustain it. Implied in this reality is that the communal harmony attempted at the religious level leaves the internal contradictions untouched. The importance attributed to religious harmony is indeed logical, given the reality of a multi-religious society. But it is not sufficiently inclusive to reconcile the cultural differences. For realising inclusiveness, cultural plurality is not sufficient; what is essential is cultural equality. The Indian form of secularism draws upon cultural plurality, which does not dissolve but accentuates differences and thus tends to undermine secularism. Integral to the concept of secularism, therefore, is cultural equality; so also are democracy and social justice. Without these three interrelated factors equality, democracy and social justice secularism cannot exist as a positive value in society.

The meaning of the Indian form of secularism, beyond inter-religious harmony, which the Constitution had sought to implement through practice, has not been internalised by state and society. No definition of secularism was prescribed at the time of adopting the Constitution or even when the concept was introduced into it in 1976. The meaning, therefore, has been a subject of unending debate. A clearer reformulation of the concept and recovery of its meaning is now required in the light of historical experience and contemporary realities. It cannot be accomplished either by romanticising the indigenous past or by dismissing the ability of vernacular culture to engage with it. The alternative lies in imparting the concept and the values of democracy and social justice and cultural equality. To quote Romila Thapar : "Secularism has to be retrieved from being a pale shadow of what is projected as religious co-existence, to a system of values and actions that come from insisting upon democratic functioning and human rights." The success of secularism will depend upon such a reorientation.

- What is the state of inter-community relations and how has the Indian state handled this issue?
- Explain, why the conception of secularism as religious harmony has not succeeded in India.
- Why has the reality of religious pluralism blocked the goal of realising communal harmony?
- Which three interrelated factors are suggested as prerequisites for ensuring secularism in Indian society? Why?
- Which two attitudes are mentioned in the concluding paragraph as preventing the reformulation and reorientation of the concept of secularism? How?

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PAPER – II : Jurisprudence & Constitution of India

Time Allowed: 3 Hours

Maximum Marks: 150

The questions are of equal value.

Candidates should attempt six questions, selecting three from Section - A and three from Section - B.

Section - A

1. The definition of the expression 'The State' in Article 12 has been extended so much that even a private organization comes in this expression. Discuss.
2. Over the years the freedom of speech and expression guaranteed in Article 19 (1)(a) has been restricted. Discuss the restrictions in detail.
3. Critically discuss the position of the President of India.
4. Enumerate the circumstances in which Parliament may encroach on the exclusive subjects of the State Legislature. Also discuss, in very brief, whether they affect the federal structure.
5. Explain the controversy on the appointment of judges of the Supreme Court of India. Point out, in very brief, the solution you want to suggest.
6. The journey of the Constituent Power has been from Unlimited scope to a very limited scope. Explain.

Section - B

7. The term 'natural law' has been variously applied by different people at different time. Narrate in brief and point out its social relevance.
8. Write a note on the nature and importance of legal possession.
9. The concept of Positivism has seen changes with John Austin and H. L. A. Hart. Elaborate.
10. Write a note on the theories of the nature of legal persons.
11. Write a critical essay on the pure theory of law.
12. According to Pound the sociological jurisprudence ensures that 'the making, interpretation and application of law take account of social facts. Explain.

PAPER – III : Law of Crime and Law of Torts

Time Allowed: 3 Hours

Maximum Marks: 150

Section-A

The figures in the right-hand margin indicate marks.

Answer six questions, selecting three from Section-A and three from Section - B.

Section - A

1. (a) The main objective of Juvenile Justice Legislation is rehabilitation and social integration of Juveniles. Discuss the main measures taken in this regard. [15]
- (b) Discuss the special offences in respect of Juveniles. [10]
2. (a) Discuss the punishment to which offenders are liable under the provisions of the Indian Penal Code. [10]
- (b) Where, in a sudden and extreme emergency one or other of two evils is inevitable, it is lawful so as to direct events that the smaller shall occur. Discuss. [15]
3. Explain any five of the following: [5x5=25]
 - (a) Distinction between Simple and Grievous hurt.
 - (b) Distinction between Culpable homicide and Murder.
 - (c) Differentiate between Ss. 34 and 149 of the Indian Penal Code.
 - (d) Differentiate between Kidnapping and Abduction.

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(e) Distinction between theft and extortion.

4.
 - (a) What amounts to grave and sudden provocation? Explain. [15]
 - (b) Ingredients of dowry death. Discuss. [10]
5.
 - (a) What is robbery? How does it differ from dacoity? [15]
 - (b) Discuss the provisions relating to criminal breach of trust under the Indian Penal Code. [10]
6.
 - (a) Acts against which there is no right of private defence. Discuss. [15]
 - (b) Discuss the law relating to gang rape under the Indian Penal Code. [10]

Section - B

7.
 - (a) Discuss the essentials of defamation. [15]
 - (b) Explain Res ipsa loquitur. [10]
8.
 - (a) Discuss the rule of Rylands V. Fletcher. [10]
 - (b) Discuss the exceptions to the rule of Rylands V. Fletcher. [15]
9. Explain any five of the following: [5x5 = 25]
 - (a) Injuria sine damno
 - (b) Volenti non fit injuria
 - (c) Conversion
 - (d) Innuendo
 - (e) Malicious falsehood
 - (f) False imprisonment
10. With the help of the judicial pronouncements discuss the essentials of negligence. [25]
11.
 - (a) Explain Remedies for trespass to land. [15]
 - (b) Explain Assault and Battery. [10]
12.
 - (a) What is contributory negligence? How far is contributory negligence a defence? [15]
 - (b) Explain 'In the Course of Employment'. [10]

PAPER – IV : Law of Contract

Time Allowed: 3 Hours

Maximum Marks: 150

The figures in the right-hand margin indicate marks.

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Answer from both the Groups as directed.

Group-A

Answer three questions including Q. No. 5 which is compulsory.

1. Define Promise. What essential conditions are necessary to convert a proposal into a promise? Explain. [30]
2. "A contract without consideration is void." Are there any exception to this rule? If so, explain. [30]
3. 'Mere silence is not Fraud.' Explain the statement and state exceptions to this rule. [30]
4. Define Quasi Contract. State the circumstances in which quasi contractual obligations arise. [30]
5. Write short notes on any four of the following: [10x4=40]
 - (a) General offer
 - (b) Heads of Public Policy
 - (c) Speculative Transactions
 - (d) Standard form of contract
 - (e) Novation
 - (f) Remoteness of Damage

Group - B

Answer three questions including Q. No. 10 which is compulsory.

6. Discuss the liabilities regarding the relations between servant and master under the law of torts. [30]
7. What do you mean by contributory negligence? When would it be no excuse in an action for damages? [30]
8. What do you understand by trespass? What defences may be available to a defendant in a case of trespass? [30]
9. What are the kinds of defamation? Distinguish between libel and slander. [30]
10. Write short notes on any four of the following: [10x4=40]
 - (a) Act of God
 - (b) Injuria sine Damnum
 - (c) Strict Liability
 - (d) Assault
 - (e) Conversion
 - (f) Res ipsa loquitur

PAPER – V : Law of Property

Time Allowed: 3 Hours

Maximum Marks: 150

The figures in the right-hand margin indicate marks.

Candidates should attempt six questions, selecting two from Section - A, two from Section-B and two from Section - C.

Section - A

1. "Movability may be defined to be the capacity in a thing of suffering alteration of the relation of place immovability in capacity for such alteration. If, however, a thing cannot change its place without injury to the quality by virtue of which it is, what it is, it is immovable. Certain things such as a piece of land are in all circumstances immovable. Other

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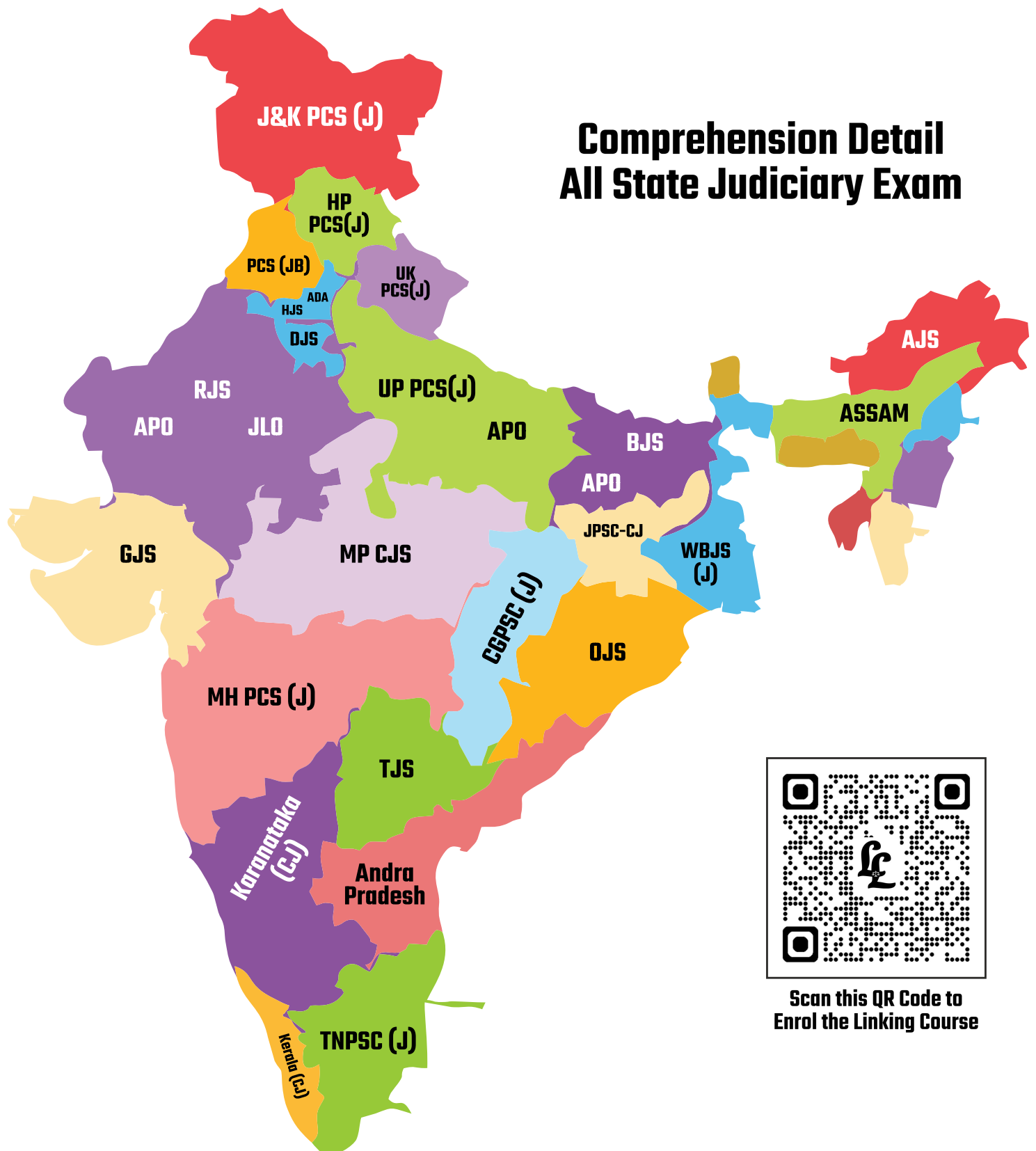


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things such as trees attached to the ground are, so long as they are so attached, immovable; when the severance has been effected they become movable."

Define movable and immovable property in the light of Madras High Court decision quoted above in Mukry v. Goondakull (1872) 6 Mad HC 71, and explain whether the following are movable or immovable property:

- Mortgage debt
- A fruit bearing tree
- A right to cut grass
- A share in a company
- A suspension bridge

[25]

2.

- Explain Spes Successionis.

[12]

- Explain whether an interest can be created for the benefit of an unborn person under the Transfer of Property Act and Indian Succession Act, 1925 with the help of decided cases.

[13]

3. Explain the following:

[5x5=25]

- Ostensible Owner
- Subrogation
- Part Performance
- Tangible and Intangible Property
- Marshalling

- Describe the essentials of different kinds of mortgage. Who have the right of redemption under the TP Act, 1882. What are the mortgagor's powers?

[25]

Section - B

5.

- What are the different methods of recovery. of specific immovable property?

[13]

- A contract to deliver specific goods will be enforced by way of specific performance. Explain.

[12]

- Describe contracts specifically not enforceable under the Specific Relief Act, 1963.

[25]

- Describe the discretion and power of the Court in decreeing specific performance.

[25]

- Explain various preventive reliefs available under the Specific Relief Act.

[25]

Section - C

- Explain, what is positive or acquisitive and restrictive limitation in the light of Indian Limitation Act, 1963.

[25]

- What are the grounds of condonation of delay with regard to limitation? Explain the Interpretation of "Sufficient cause" in the light of judicial decisions.

[25]

- Describe the calculation of limitation period in different categories of suits.

[25]

- Explain the limitation period on suits relating to movable property, tort and execution petitions.

[25]

PAPER – VI : Personal Law

Time Allowed: 3 Hours

Maximum Marks: 150

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Answer six questions, selecting three from Section-A and three from Section - B.

Section - A

- Whether the cruelty is ground of divorce under Hindu law. Discuss the concept of mental cruelty, with the help of cases decided by Supreme Court of India. [25]
- State the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955. How does decree for judicial separation differ from a decree of divorce? [25]
- Distinguish between void and voidable marriage. Whether a son born of a void marriage can claim share in property of his uncle who formed coparcenary with his father and died intestate without any issue. [25]
- "The Doctrine of relation back in law of adoption was laid to rest by the provisions of Hindu Adoption and Maintenance Act, 1956. But it now has been revived by decision of Supreme Court. Elucidate. [25]
- "With the enactment of Hindu Marriage Act, 1955, the institution of marriage which was once supposed to an indissoluble spiritual union under Vedic law is transformed into that of civil contract." Comment. [25]
- Discuss the provision relating maintenance of wife under the Hindu Adoption and Maintenance Act, 1956. When can she claim separate residence and maintenance? [25]

Section - B

- Describe clearly sources from which Islamic law is derived. State the general rule followed by courts in interpretation of Hanafi law. [25]
- Write a critical note on Talaq-e-Ahsan, Talaq-e-Hasan and Talaq-al-Biddat. Can husband divorce his wife without her consent and without assigning any reason under Islamic law? Express reason for your answer. [25]
- Briefly describe the right of maintenance of a muslim wife against her husband. Is she entitled to get maintenance after her divorce after passing her Iddat. Discuss with the help of cases decided by Supreme Court. [25]
- State basis of the right of Pre-emption.
On sale of a house by a Sunni Muslim, his neighbor brings a suit for pre-emption on the ground of vicinage. During the pendency of the suit the neighbor transfers his own house to third person. Decide. [25]
- A waqf is completed by mere declaration of endowment by the owner." Examine this proposition. 'A' executed a deed of waqf for the benefit of his wife with the condition that in case of she re-married after his death, the beneficial interest given to her would be forfeited. Is the waqf valid? [25]
- Who are the sharers under Hanafi law of inheritance? Calculate the individual shares of each of the following where there are no other heirs:
(a) Father
(b) Mother
(c) Wife
(d) Sister [25]

PAPER – VII : Procedural Law

Time Allowed: 2.5 Hours

Maximum Marks: 150

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Candidates should attempt six questions, selecting two from Section - A, two from Section-B and two from Section - C.

Section - A
(Code of Criminal Procedure, 1973)

1. What is a Charge? Discuss the effects of errors in a charge. How is charge different from F.I.R.? [25]
2. Discuss the differences between the proceedings invoked in a warrant case and summons case. [25]
3. Explain the procedures invoked for a trial before the Sessions Court. [25]
4. Critically analyze the concept of Plea Bargaining and its significance as envisaged under the Code of Criminal Procedure. [25]

Section - B.
(Civil Procedure Code, 1908)

5. Explain the procedure on abatement of suit by death of a defendant. How can you set aside abatement and how to implead legal heirs of deceased defendant? [25]
6. Enumerate the significance of Garnishee proceedings under 0.21 R46 of the Code of Civil Procedure. [25]
7. Critically analyze the impact of 2002 amendment to the Civil Procedure Code, 1908. [25]
8. Briefly analyze the circumstances under which the amendment of pleadings is permitted and refused in the light of the provisions envisaged under the Code of Civil Procedure, 1908. [25]

Section - C
(Indian Evidence Act, 1872)

9. The probative value of evidence of character must not be overrated. It is not a sufficient ground for disbelieving solid evidence of facts. Were it so, no would be convicted for every criminal had a good character until he lost it - Prof. Kenny. Critically examine this statement in the light of the provisions relating to relevancy of character evidence envisaged under the Indian Evidence Act. [25]
10. Explain the touchstones upon which the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping. [25]
11. Explain the different kinds of presumptions and its utility / significance under the Indian Evidence Act with the help of illustrations / case laws. [25]
12. Analyze the significance and implications of concepts like logical relevancy, legal relevancy, admissibility and reliability as envisaged under the framework of the Indian Evidence Act. [25]

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