



Previous Year Paper

U.P. Judicial Service Civil Judge Main Examination, 1992

PAPER – I {LANGUAGE}

Notes:

- All Questions are compulsory.
- Marks are allotted against each question.
- Word limit in questions, wherever specified, should be adhered to.

1. Translate into simple language spoken in courts in Devanagari:

10

The question of interpretation of a deed arises only when there is some sort of patent or latent ambiguity. The cardinal rule again is that clear and unambiguous words prevail over any hypothetical considerations or supposed intention, but if the words used are not clear and unambiguous, the intention will have to be ascertained. The most essential thing is to collect the intention of the parties from the expression they have used in the deed itself. What if the intention so collected will not square with the words used? The answer is that the intention prevails. The rules laid down in respect of construction of deeds are founded in law, reason and common-sense, they shall operate according to the intention of parties. In construing documents, one must have regard, not to the presumed intention of the parties, but to the meaning of the words they have used. If two interpretations of the document are possible, the one which would give effect and meaning to all its parts should be adopted, and for the purpose, the words creating uncertainty in a document can be ignored.

In case the terms are not unambiguous it is legitimate to take into account the surrounding circumstances for ascertaining the intention of the parties. How the parties on their representatives- in-interest treated the transaction may be relevant. Even marginal heading can in case of ambiguity provide a key to the interpretation of the clause. A subsequent declaration of intention by the author of an instrument is, however, inadmissible. The document is, however, admissible to show that the writing did not represent the real nature of the transaction but was only illusory and fictitious.





U.P. Judicial Service Civil Judge Main Examination, 1992

PAPER – II {GENERAL KNOWLEDGE}

Notes:

- Candidates must attempt all 5 questions.
- Marks carried by each question are indicated at its end.

1.
 - (a) How are the concept of 'Rule of Law' has been recognised by the Constitution of India? Discuss with the help of decided cases and constitutional provisions. 15
 - (b) Discuss the relationship between judicial process and public opinion. 15
2.
 - (a) What is money bill? What is the procedure to pass such a bill in the Parliament? 15
 - (b) Discuss the position of the President under the Indian Constitution. Is he bound to act on the advice of the Council of Ministers? 15
3.
 - (a) 'Public interest litigation' is a new experiment in the Indian courts. How the courts have enforced it? Discuss with examples. 15
 - (b) What is the jurisdiction of 'Nyaya Panchayats' in Uttar Pradesh? Are these Panchayats playing their effective roles. What are your proposals for making them more effective? 15
4.
 - (a) Elucidate the reservation policy of the Government of India with reference to law and social change. 15
 - (b) Critically examine the jurisdiction of Supreme Court and Allahabad High Court with regard to Ram-Janma Bhumi and Babri Masjid controversy. 15
5.
 - (a) "International law is the vanishing point of jurisprudence." Discuss giving your views. 15
 - (b) What role has been played by the non-aligned nations in the international affairs? Give a brief description of its role. 15





U.P. Judicial Service Civil Judge Main Examination, 1992 LAW PAPER – I {SUBSTANTIVE LAW}

SPECIFIC INSTRUCTIONS

- Candidates should attempt all question, No. 1 and 5 and not more than 4 of the remaining questions.
- Marks carried by each question are indicated at its end.

- 1.**
- (a) What is partition and how does it differ in Dayabhaga and Mitakshara Schools? Name some properties which are incapable of division. 20
- (b) Write a note on notional portion-
A joint Mitakshara family consists of M and his two sons N, O and a son NS and a daughter ND of N. N dies. Divide the property of N. 20
- 2.**
- (a) Define the nature of Hindu marriage under Hindu law. What are the characteristics of sacramental marriage among Hindus? How far these have been affected by the Hindu Marriage Act, 1955? 20
- (b) G was granted divorce by the court against J. G got remarried before the expiry of the period of appeal. J filed an appeal against divorce and it has been granted. Discuss the legality of the second marriage of G. Will it make any difference, if the appeal is dismissed? 10
- 3.**
- (a) Define mortgage and distinguish between simple, usufructuary, conditional and English mortgages. 20
- (b) Explain the maxim redeem up, foreclose down. 10
- 4.**
- (a) Discuss fully the rule in Rylands v. Fletcher and point out its defences. Does this rule suffer to cover cases like the Bhopal Gas Disaster? 20
- (b) Define consideration and state the circumstances in which an agreement made without consideration is valid. Explain with an illustration. 10



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- 5.**
- (a) Define will (wasiyyat) and discuss its essential characteristics. What restrictions have been imposed on Muslim bequests? 20
- (b) A, a Muslim die leaving a son B, a widow C, and a grandson D by a predeceased son. A by his will, bequeathed 1/3 of the estate to D. B and C do not consent to the bequest in favour of D. Is this bequest valid? 20
- 6.** The Judicature Acts brought about a fusion of administration rather than of principles of law and equity. Explain. What is the position of equity in India? 30
- 7.**
- (a) Explain the rights of a beneficiary under the Indian Trust Act, 1882. 20
- (b) Certain government securities are given to trustees upon trust to accumulate the interest until A attains the age of 25, and then transfer the gross amount to him. A wants the transfer of the interest. When can A get this transfer from the trustees? 10
- 8.**
- (a) Knowledge of risk does not necessarily imply assent. The maxim is 'Volenti non fit injuria' it is not 'Scienti non fit injuria'. Discuss with the help of case law. 20
- (b) A and ten others jointly participate in the commission of a tort against X. X wishes to sue A severally for the loss. Can X do so? Can he also sue all the ten persons and A jointly? 10
- 9.**
- (a) All contracts are agreements, but all agreements are not contracts. What conditions have been laid down in the Indian Contract Act, for an agreement to become a contract? 20
- (b) A owes Rs. 2,000 to B but the debt is barred by Limitation Act. A signs a written promise to pay B Rs. 1,000 on account of debt. Is it a valid contract? Refer to relevant provision of the Contract Act. 10
- 10.** Write notes of any three of the following: -
- (a) He who seeks equity must do equity. 10
- (b) Contract of bailment and pledge. 10
- (c) Mandatory Injunctions. 10
- (d) Revocation of trust. 10
- (e) Prompt and deferred dower. 10
- (f) Doctrine of holding out. 10





U.P. Judicial Service Civil Judge Main Examination, 1992
LAW PAPER – II {PROCEDURE & EVIDENCE}

SPECIFIC INSTRUCTIONS

- Attempt five questions only.
- Question number 1 is compulsory.
- Candidates should attempt four more questions from Groups A, B and C of which at least one question should be attempted from each group.
- Marks carried by each question or part thereof are indicated.

1.

- (a) Plaintiff 'A' is owner of a house. In one of its portions, defendant 'B' resides. The defendant has not paid rent for last 10 months. On this very ground, the plaintiff wants to get his house vacated and also to recover arrears of rent due. On the above facts draft a plaint on behalf of 'A' for eviction and recovery of the arrears of rent.

20

- (b) Draft a written statement on behalf of 'B' in reply to the above plaint.

20

OR

A young man of considerable means, 'A', developed friendship with a young girl 'B' of ordinary family living in his neighbourhood. The girl's mother had died and daughter usually had to go to his fields for working during the whole day. The girl gave birth to an illegitimate son from above mentioned young man. Before the illegitimate son was born there was a proposal of marriage by the girl's father. The young man declined the offer of marriage and also refused to maintain them. On the basis of the above facts write a judgement in the case.

Group A

2.

- (a) Define and distinguish between preliminary decree and final decree.

20

- (i) What will be the effect on the final decree passed during the pendency of the appeal against the preliminary decree, in case the appeal is allowed?

10

- (ii) Can the validity of the preliminary decree be challenged through an appeal which is brought against a final decree?

10

3.

- (a) What are the circumstances in which court can order amendment of pleadings? What will be the result, if he does not make the desired amendment after the order of the Court?

20

- (b) What are the general powers conferred on the High Court or the District Court as regards the transfer and withdrawal of suits, appeals or other proceedings?

20





4.

(a) Under what circumstances can a defendant be arrested before judgement and when can such order be given? Explain also the procedure for such arrest.

20

(b) Under what circumstances can a defendant's property be attached before judgement? What will be the procedure for such attachment.

20

Group B

5.

(a) "All admissible evidence is relevant, but all relevant evidence is not necessarily admissible." Comment.

20

(b) Point out whether in the following cases the facts sought to be proved are relevant.

(i) 'A' is charged with shooting at 'B' with intent to kill him. In order to prove 'A's intent the prosecution wants to prove the facts that 'A' has earlier shot on 'C'.

10

(ii) 'A' is tried for rioting and is proved to have matched at the head of mob the prosecution wants to prove that the mob was shouting.

10

6.

(a) What do you understand by "admission" and "confession"? Distinguish between the two and explain their evidentiary values?

20

(b) 'A' and 'B' are jointly for the murder of 'C'. It is proved that 'A' said, " 'B' and I murder 'C' ". Can the Court consider the effect of this confession as against 'B'?

20

7.

(a) "Oral evidence in all cases must be direct.". Explain this rule with illustrations and exceptions.

10

(b) A enters into a written contract with B to work in certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B, as to their value. Examine whether A can give an oral evidence in this case.

10

(c) A gives B a receipt for money paid by B. Oral evidence is offered for the payment. Is the evidence admissible?

10

(d) A agrees in writing to pay B Rs. 10,000 on the 1st of March, 1992. Can the fact that at the same time, an oral agreement was made that the money should not be paid till the 31st of March, be proved?

10





Group C

- 8.**
- (a) When can warrant be issued by a court in lieu of summons ? 20
- (b) Describe the powers of a court to take bond for appearance from a person who is present before the court and for whose appearance such court is empowered to issue summons or warrant. 10
- (c) Can a person who has filed a bond be arrested? If so, under what circumstances? 10
- 9.**
- (a) Define 'charge' and enumerate the contents of charge. 10
- (b) Is a defective "charge " necessarily fatal to conviction? 10
- (c) Can a court alter "charge"? If so, how and up to what stage? 10
- (d) What are the 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? .10
- 10.**
- (a) What are the provisions regarding search by a police under the Criminal Procedure Code, 1973? Explain. 20
- (b) What are the provisions under Criminal Procedure Code for the investigation which is not completed within 24 hours? 20





U.P. Judicial Service Civil Judge Main Examination, 1992

LAW PAPER – III {REVENUE & CRIMINAL}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

- Candidates should answer six questions in all out of which they should answer question No. 1 and any two other questions from Group A and question No. 6 and two other questions from Group B.
- Marks carried by each question are indicated at its end.

1.

- (a) How far the U.P. Zamindari Abolition and Land Reforms Act, 1950 has been successful in achieving the ideal of socio-economic justice an envisaged in the Constitution of India? Explain by referring to various amendments make in the Act. 20
- (b) What provisions are made by the U.P. Zamindari Abodition and Land Reforms Act for the prevention of fragmentation of holding and acquisition of large holdings? 10
- (c) Write a brief note different classes of tenures under the Act. 1. (अ) 10

2.

- (a) Wrote short notes on the following: -
- (i) Charitable purpose. 5
- (ii) Land Management Committee. 5
- (b) Discuss the powers and duties of a Compensation Officer and the Rehabilitation Grants Officer under the U.P. Zamindari Abolition and Land Reforms Act. 10

Group A

3.

- (a) Discuss the procedure for ejectment of a trespasser in Gaon Sabah land. 10
- (b) State the procedure to be followed by the Court when the plea that the land is or is not being used for purposes connected with agriculture, horticulture and a declaration has not been made in respect of such land under Section 143 or 144 of the Act. 10
- (c) Write a brief note on Cooperative Farming Societies. 10

4.

- (a) What are the restriction on transfer of land by a Bhumidhar of Asami belonging to a scheduled caste or a scheduled tribe? 10





- (b) Discuss the consequences that shall ensue in respect of a transfer which is made in contravention of the provision of the U.P. Zamindari Abolition and Land Reforms Act. 10
- (c) Distinguish clearly the mutation and correction proceedings. 10

5.

- (a) What do you understand by 'Collective responsibility of every village for the payment of Land Revenue' under the U.P. Zamindari Abolition and Land Reforms Act? Discuss also the provisions relating to the sale of defaulter's holdings as mode of collection of land revenue. 15
- (b) Indicate the order of succession for the devolution of interest in the holding of a female Bhumidhar under Section 174 of the U.P. Zamindari Abolition and Land Reforms Act. 15

Group B

6.

- (a) Discuss the essential ingredients of the following offences: 10
- (i) Dowry death 10
- (ii) Lurking house trespass 10
- (b) "Crime is a revolt against the whole society and an attack on the civilisation of the day." Elucidate and discuss the essential elements of crime. 10
- (c) Which are the different stages involved in the commission of a crime? How would you distinguish time inter se? 10

7.

- (a) Discuss unsoundness of mind as a defence to criminal liability. How is legal insanity different from medical insanity? Refer to decided cases. 10
- (b). A and B successively and independent would C with murderous intent. C dies from the loss of blood caused by both wounds together, when he would not have died from either alone. Discuss the criminal liability of A and B. 10
- (c) A want to kill B with aresnic poison and with that purpose he administers sugar to him in food, believing the sugar to be arsenic. Discuss the liability of A. 10

8.

Comment on the following:-

- (i) "There is much difference in the scope and applicability of Sections 34 and 149 though they have some resemblance and are to some extent overlapping" 15
- (ii) 'Provocation must go to the accuse, he must not go to provocation'. 15





9. Giving reasons, state what offence, if any, has been committed by 'A' in any three of the following cases:
- (i) 'A' placed a bomb in a medical store and gave people inside three minutes to get out before the bomb exploded. 'B' an arthritic patient, failed to escape and was killed. 10
 - (ii) 'A' and 'B' swimming in the sea after a shipwreck, got hold of a plank not large enough to support 'A' pushed off 'B' who got drowned. 10
 - (iii) 'A', a prostitute communicated venereal disease to a man who had sexual intercourse with her on the strength of the representation that she was free from any disease. 10
 - (iv) 'A', a collector of coins, dishonestly took a first full of coins from the pocket of a fellow coin-collector but when he examined them he found that they were his own coins, previously stolen from him. 10
- 10.
- (a) Define defamation and discuss its essential elements. 10
 - (b) Distinguish between intention and motive. Indicate the importance of motive in Law of Crimes. 10
 - (c) Write a brief note on the criminal liability of corporations. 10





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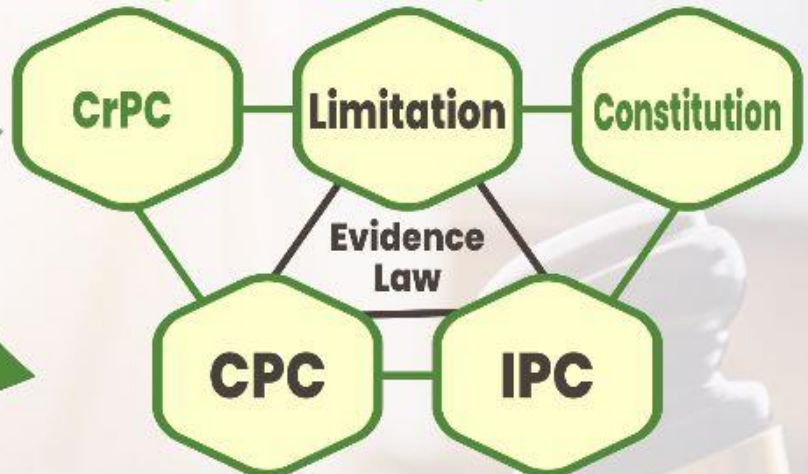
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