



Previous Year Paper

U.P. Judicial Service Civil Judge Main Examination, 1997

PAPER – I {GENERAL KNOWLEDGE}

Note:

- Candidates must attempt all 5 questions.
- All questions are carry equal marks.

1.

- (a) Discuss the Parliamentary form and Presidential form of Government. Explain the form of Government that the constitution of India has adopted and which has been subject of criticism. What reforms, if any will you suggest?
- (b) The Indian judiciary has from time to time accommodated new rights under Article 21 of the Constitution of India. Discuss the emerging rights with the help of case law.

2.

- (a) Discuss the salient points the Mandal case. What according to you the misgivings of this case?
- (b) "Parliamentary privileges is an essential to the high and multifarious function which the legislature is called upon to perform." Discuss the position under the Constitution of India. Will you suggest reforms, if any, in the existing position?

3.

- (a) There are many provisions in the Constitution of India which secure the independence. and impossibility of the judiciary, Discuss these provisions. Is really the judiciary in India independent?
- (b) The Constitution of India has been experiencing a battle between the unlimited and limited constituent power. Evaluate the cases and point out the reforms to lessen the tension.

4.

- (a) Describe the efforts made under International law regarding the protection of Human Rights. How far Human Rights have been implemented in India?
- (b) How far do you agree with the suggestion that the United Nations is a world government? Give reasons for your answer.

5.

- (a) Law is a means to attain justice. Explain.
- (b) Possession has nine points out of ten law. Discuss.





U.P. Judicial Service Civil Judge Main Examination, 1997 PAPER – II {LANGUAGE}

Translate into simple language spoken in courts in Devanagari script:

All that he say in his statement before the Chief that he is innocent and had not committed any crime. It is therefore, just a denial of crime. We therefore, do not attach any importance to the statement recovered by the Magistrate. Coming to the first part of argument we have gone through the extra-judicial confession as also the evidence of Ramaswami, who has testified that the appellant came on his own to his office and confessed the guilt and his statement was recorded verbatim. It is only after recording the confession, he along with Marimuthu and the appellant went to the police station and submitted the same to the police office. Ramaswami is an independent witness and holds a responsible post in the village. He is not related or any way connected with the family of the deceased. Nothing was suggested to this witness as to why he should go out of the way to record a false statement of the appellant. He emphatically stated that confession was recorded in his office and there after they went to the police station. We therefore, find no substance if any of these contentions raised on behalf of the appellant as regards the genuineness of the confession or admissibility thereof. It is well settled that it is a rule of caution where the court would generally look for an independent reliable corroboration before placing any reliance upon such extra-judicial confession. It is to doubt true that extra-judicial confession by its very nature is a weak type of evidence and it is for this reason that a duty is cast upon the court to look for corroboration from other reliable evidence on record. Such evidence requires appreciation with great deal of care and caution. If such an extra-judicial confession is surrounded by suspicious circumstances, needless to say that its credibility becomes doubtful and consequently it loses its importance. In the circumstances of this case we hold that the courts below committed no error in relying upon the confession.





U.P. Judicial Service Civil Judge Main Examination, 1997 LAW PAPER – I {SUBSTANTIVE LAW}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

- Candidates have to attempt Question Nos. 1 and 2, and any four of the remaining ones. Attempt six questions in all.
- Marks carried by each question are indicated at its end.

1.

- (a) Is it correct to say that "the marriage has not remained a sacramental marriage and has also not become contract under the Hindu Marriage Act, 1955".
- (b) Examine the validity of the following Hindu Marriages-
- (i) Marriage of a boy of 17 years with a girl of 15 years.
 - (ii) "A" marries "B", the widow of his elder brother.

2. Write short notes on any four of the following-

- (a) All contracts are agreements but all agreements are not contracts.
- (b) Can a minor become a partner in a firm?
- (c) Distinction between licence and lease.
- (d) Easement of necessity and quasi easements.
- (e) Pious obligation.
- (f) Khyar-ul-bullooogh (option of puberty).
- (g) Proposal and invitation to proposal.
- (h) Vested interest and contingent interest.

3.

- (a) What are the essential conditions for the application of the rule of 'strict liability'?
- (b) What grounds can be taken as defence in a suit for "strict liability"?





- 4.**
- (a) What are the requisites of valid adoption and who are the persons capable of giving in adoption?
 - (b) Discuss the validity of following adoption-
 - (i) An unmarried Hindu girl aged 25 years adopted a girl of 6 years.
 - (ii) 'A' is given in adoption by his step-mother.
 - (iii) A boy of 19 years adopted by a widow aged 38 years.
- 5.**
- (a) Narrate the importance and function of 'dower' in Muslim law.
 - (b) Discuss the rights and liabilities of Muslim widow who is in possession of her deceased husband's property in lieu of her unpaid dower.
- 6.**
- (a) What do you mean by 'Consideration'? Is an agreement made without consideration valid?
 - (b) With a view to get rid of each other's quarrelling nature, both husband and wife entered into an agreement in which wife agrees to live separate from her husband permanently and husband agrees to pay her a monthly maintenance allowance of Rs. 500/-. After six months husband refuses to pay the allowance. Can wife enforce the agreement against her husband in the Court of law? Decide. Distinguish between the following-
- 7.**
- (a) Libel and slander
 - (b) Public nuisance and private nuisance.
- 8.** Discuss the following statements and refer to relevant statutory provisions and decisions-
- (a) Once a mortgage, always a mortgage and nothing but a mortgage.
 - (b) Redeem up, foreclose down.



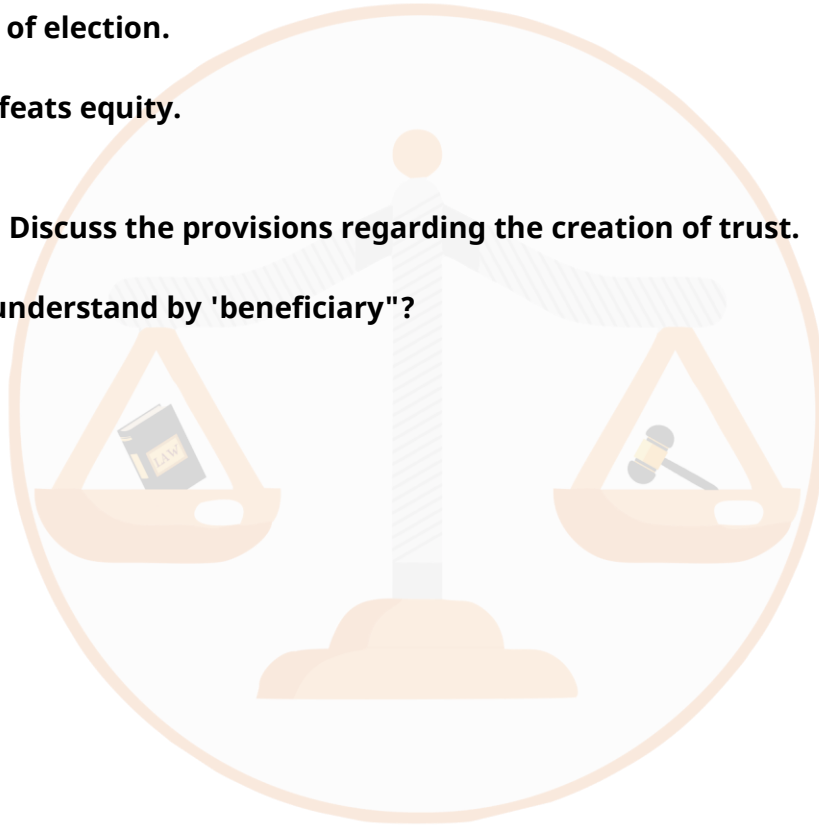


9. Explain any three of the following maxims-

- (a) He who seeks equity, must do equity.
- (b) Equality is equity.
- (c) Equity follows the law.
- (d) Doctrine of election.
- (e) Delay defeats equity.

10.

- (a) Define 'trust'. Discuss the provisions regarding the creation of trust.
- (b) What do you understand by 'beneficiary'?



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U.P. Judicial Service Civil Judge Main Examination, 1997
LAW PAPER – II {PROCEDURE & EVIDENCE}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

- Attempt five questions in all. Question No. 1 is compulsory.
- At least one question must be attempted from each Section.
- Marks carried by each question have been indicated against the question.

1.

- (a) On 5th January, 1994 Mohan Lal Kashyap instituted a criminal complaint against Ghanshyam Das Sharma who was a shopkeeper. Consequently, Ghanshyam Das Sharma had to remain in prison and his shop was also closed. After trial criminal court acquitted Ghanshyam Das Sharma on 5th July, 1994 on the ground that the criminal complaint of Mohan Lal Kashyap was false and baseless. Now Ghanshyam Das wants to file suit against Mohan Lal Kashyap for malicious prosecution. In the light of above- mentioned facts draft a plaint of Ghanshyam Das.
- (b) Draft a written statement on behalf of the defendant Mohan Lal Kashyap in reply to the plaint in question No. 1(a) above.

Or

- (a) On 15-3-97 at Kanpur airport a custom officer conducted search of Jai Prakash Juneja and recovered some pieces of metal from his possession. For the examination of the said metal an uneducated but experienced goldsmith was invited who opined that the metal is gold. Consequently, the gold is confiscated and the matter is referred to the court for trial. The accused defends himself on the grounds that (1) the proceedings and confiscation by the custom officer was prosecution and hence he cannot be prosecuted in the Court, (II) the goldsmith who examined the metal was not a competent expert. Frame charges against the accused in this matter.
- (b) On the basis of the facts given in part (a) write a judgment deciding the case.

Group A

2.

- (a) Explain the doctrine of "Res judicata" provided in Section 11 of the Code of Civil Procedure, 1908. How is the doctrine of Res judicata different from the rule contained in Section 10 of the said Code?
- (b) A is tradesman in Calcutta. B carries on business in Delhi B, by his agent in Calcutta buys goods of A and requires A to deliver them to a transport company. A delivers the goods accordingly in Calcutta. A wants to sue B for the price of the goods. Decide with reasons, the place of suing.





- (c) The Court issues a summons against A under Section 30 of C.P.C., 1908 but he does not appear before the Court. What steps can be taken by the Court to compel his attendance?

- 3.
- (a) What properties are not liable to attachment and sale in the execution of decree?
- (b) Explain the rule of Notice prescribed in Section 80 of the Code of Civil Procedure?
- (c) Explain with illustration the basic characteristics of an "Interpleader Suit".

- 4.
- (a) Analyse the grounds, procedure and powers of the High Court in relation to Reference and Revision.
- (b) What do you understand by set-off and counter claim? What are the differences between them?
- (c) Give a brief description of rules contained in Order XXXIII of the Code of Civil Procedure, 1908.

Group B

- 5.
- (a) State the law of "remand" prescribed in Section 167 of the Code of Criminal Procedure, 1973.
- (b) Decide the legality of the following proceedings-
- (i) The publication of a newspaper containing material punishable under Sections 124-A and 153-A of LP.C., 1860, is prohibited by the State Government. The editor, to set-aside the order of the Government submits application before the High Court. The High Court consists of 10 Judges but the matter is decided by the two judge's bench.
- (ii) A Magistrate taking cognizance of petty offence under the Motor Vehicle Act, 1939 issues a special summons against the accused under Section 206 of the Code of Criminal Procedure, 1973.





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- 6.**
- (a) Examine the rule contained in Section 177 of the Code of Criminal Procedure that "every offence shall ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed".
 - (b) A is charged with murdering Haider Baksh on 20th January, 1997 and Khuda Baksh on 21st January, 1997. When charged for the murder of Haider Baksh he was tried for the murder of Khuda Baksh. The witnesses present in his defence were the witnesses in the case of Haider Baksh. A is convicted by a court. A challenges the said conviction on the ground of error in the charge. Decide.
 - (c) On complaint made by C, a Court of Session takes cognizance of the offence under sub-section (2) of 199 of the Cr. P.C. and tries the accused. The Court finds that there was no reasonable cause for making the accusation and hence orders C to pay Rs. 2,500 to the accused by way of compensation. C challenges the said order. Decide.
- 7.**
- (a) Briefly describe the circumstances where a police officer, a private person and a Magistrate may arrest a person without warrant?
 - (b) A commits an offence of publishing defamatory matter against 'B' and is tried under Section 501 of I.P.C B dies during the trial. A wants to compound the offence. Advise.
 - (c) A is tried by the Court of Session and he is convicted. The Court passes a sentence of imprisonment for 2 months and Rs. 200 as a fine. A wants to file an appeal in the High Court against this conviction. Advise. Group C
- 8.**
- (a) What do you understand by "inculpatory statement and exculpatory statement" of confession? What is the law relating to admissibility of such statement?
 - (b) A while in police custody, makes statement of admission of a fact. During trial, the public prosecution produces evidence of his admission. A objects the admissibility of evidence on the ground of rule laid in Section 26 of the Indian Evidence Act. Decide.
 - (c) In trial for the offence of murder, father of the deceased is produced as an eye-witness for the prosecution. The accused objects the admissibility of his statement on the ground that he is an interested witness, being father of the deceased and hence an incompetent witness. Decide.
- 9.**
- (a) Who is an expert? Analyse the evidentiary value of opinion of experts?
 - (b) In a trial for an offence, the prosecution adduces evidence of bad character of the accused. The accused objects admissibility of prosecution evidence on the ground that he has not given evidence of his good character. Decide.





- (c) A is tried for the offence of dowry death under Section 304-B of the Indian Penal Code, 1860. Advise the prosecution as to what evidence is required to be produced so as to arise the presumption under Section 113-B of the Indian Evidence Act, 1872.

10.

- (a) The law contained in Section 133 of Indian Evidence Act, 1872 is not a good law and hence the practice of the court is otherwise-Examine the statement.
- (b) To prove his title the complainant produces an unattested photostat copy of document on the ground that the original document is lost. Decide whether the document produced by the complainant may be admitted as secondary evidence.
- (c) A comes to the police station and lodges First Information Report that B has beaten him and has threatened to kill him. After two days A is murdered. B is arrested and prosecuted for the offence of murdering A. Decide whether the First Information Report may be admitted as dying declaration.





U.P. Judicial Service Civil Judge Main Examination, 1997
LAW PAPER – III {REVENUE & CRIMINAL}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

- Candidates should answer six questions in all. Question Nos. 1 and 2 are compulsory and rest two each should be from Section - A and Section -B.
- Marks carried by each question are indicated at its end.

1.

- (a) What are the different classes of tenures created by the U.P. 5 Zamindari Abolition and Land Reforms Act, 1950? Describe them briefly and state the rights attaching thereto.
- (b) "The Zamindari System has been abolished by the process of vesting and divesting" Comment
- (c) Describe briefly the aims and objects of the Zamindari Abolition and Land Reforms Act, 1950.

2.

- (a) Write a short essay on Land Management Committee?
- (b) State the effects of vesting of estates in the State of U.P. on the following-
- (i) Trees in holding,
 - (ii) Wells.
- (c) Discuss the constitutional jurisdiction, power and functions of a Co-operative Farming Society.

3.

- (a) What are the rights of bhumidhar under the Zamindari Abolition and Land Reforms Act, 1950? In what cases may a bhumidhar let out his holdings?
- (b) Explain any two of the following-
- (i) Intermediary
 - (ii) Estate
 - (iii) Grove land
- (c) What is Land Revenue? By what modes may the arrears of land revenue be recovered? Discuss.





- 4.**
- (a) What is mutation? Describe the procedure for mutation on the ground of succession.
 - (b) What are the powers of Commissioner under the U.P. Land Revenue Act? (c) Write short note on any two of the following: -
 - (i) Boundary mark
 - (ii) Record of Rights
 - (iii) Sayer
- 5.** Explain the following-
- (a) Bequest by the bhumidhar with a non-transferable right.
 - (b) Condition of exchange of land by bhumidhar.
 - (c) Restriction on mortgaging of land by a bhumidhar.
- Group B**
- 6.** What offence has been committed in any four of the following cases?
- (i) A by shooting at a fowl with intent to kill a bird, it kills B, who is behind a bush, A not knowing that he was there.
 - (ii) A intentionally gives a sword-cut to B sufficient in the ordinary course of nature to cause death. B dies in consequence.
 - (iii) A without any excuse, fires a loaded pistol into a crowd of persons and kills one of them.
 - (iv) A shakes his fist at B, intending or knowing it to be likely that he may thereby cause B to believe that A was about to strike B.
 - (v) A cuts down a tree on B's ground with the intention of dishonestly taking the tree out of B's possession without B's consent.
 - (vi) A finds a ring on the highway not in the possession of any person, A picks it up.
- 7.**
- (a) Discuss unsoundness of mind as a defence to criminal liability. How is legal insanity different from medical insanity. Refer to decided case.
 - (b) A and B successively and independently wound C with murderous intent. C dies from the loss of blood caused by both wounds together. But the fact remained that C would not have died from either wound alone. Discuss the criminal liability of A and B.





- (c) A wants to kill B with arsenic poison and with that purpose he administers sugar to him in food, believing the sugar to be arsenic. Discuss the liability of A.

8.

- (a) Define any three of the following terms: -

- (i) Abetment
- (ii) Criminal conspiracy
- (iii) Affray
- (iv) Unlawful assembly
- (v) Criminal intimidation.

- (b) Distinguish any three of the following terms:-

- (i) Theft and mischief
- (ii) Kidnapping and abduction
- (iii) Giving false evidence and fabricating false evidence
- (iv) Rape and adultery
- (v) Preparation and attempt.

9.

- (a) Explain and illustrate the provisions of Right of Private Defence as embodied in the Indian Penal Code?
- (b) When is a person said to defame another under the Indian Penal Code. What defence is available to a person charged with the offence of defamation? Illustrate your answer.

10.

- (a) Discuss the extent to which drunkenness can be pleaded as a defence to criminal charge?
- (b) Give reasons, state what offence, if any, has been committed by A in the following cases:
- (i) A placed a bomb in a medical store and gave the people inside three minutes to get out before the bomb exploded. 'B' a paralysis patient, failed to escape and was killed.
 - (ii) A and B swimming in the sea after a shipwreck, got hold of a plank not large enough to support both A pushed off 'B' who got drowned.





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