



## Previous Year Paper

### U.P. Judicial Service Civil Judge Main Examination, 2000

#### PAPER – I {GENERAL KNOWLEDGE}

**Note:**

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

1. (a) Argue for and against the decision of the Government of India to constitute a Commission for the review of the Constitution. 10  
(b) Examine the basic structure doctrine of the Constitution. 12
2. (a) What is the concept of social justice as envisaged in the Constitution? Discuss. 12  
(b) What is the procedure prescribed in the Constitution for the appointment of a judge of the Supreme Court? Discuss citing decided cases. 12
3. (a) Discuss the power of the President to proclaim an emergency. What changes have been brought in this respect by the Constitution 44th Amendment Act? 12  
(b) Discuss the discretionary powers of the President.
4. (a) Comment on the legality of nuclear weapons in International law. 10  
(b) How wide is the jurisdiction of the International Court of Justice? What has been its contribution in the development of International law? Discuss. 15
5. (a) Explain the concept of legal personality. 12  
(b) Do the judges make law ? Discuss. 12





## **U.P. Judicial Service Civil Judge Main Examination, 2000**

### **PAPER – II {LANGUAGE}**

Translate into simple language spoken in Courts in Devanagari script:

The relevant time to judge the need of the Landlord is the time of application. But where situation changes between the date of making of the application and passing of the order, the District Magistrate should take into consideration the changed circumstances at the time of making the order. If on that date the landlord has no need of the building his application should be rejected. Need must exist also on the date when the higher court deals with the matter.

The land lord of a building, which is vacant, or has fallen vacant, or is about to fall vacant, can apply for the release of the entire building or a portion thereof, according to his needs till the vacancy or expected vacancy has not been filled in, in physical sense. Thus, where an order of allotment had been issued in favour of a prospective tenant and proceedings under the old Act for eviction of the landlord were in progress, and the landlord applied for the release of the building, it was held that the application was maintainable. Mere order of allotment in favour of prospective tenant, was therefore not deemed sufficient to disentitle the landlord from applying for the release of the building in her favour as the right was considered to be an overriding one. But it is needless to point out that in case, the allottee takes possession of the building in pursuance of the allotment order, then the landlord will have no right to apply for release as there would be neither actual nor expected vacancy. However, if the allotment order has been passed in violation can apply for its cancellation and if his application is allowed, his release application, though moved after the allotment order, will be entertained. The jurisdiction to release even if allottee is in possession, cannot be disputed. But, if the landlord has had notice of the notification of vacancy but fails to apply for release and further allows the allotment, proceedings to culminate in an order of allotment, he cannot afterwards claim that right. The only preferential claim which the landlord has under the 1972 Act is, that if he applies for release, the case shall have to be decided before application filed by others for allotment are considered.

OR

Despite the fact that under the Old Act the need of the landlord for personal occupation was given an extended meaning by the courts so as to include not merely the need of occupation by the landlord himself but also the needs of members of his family, the Legislature has deemed it necessary to make the law specific on the point.





**U.P. Judicial Service Civil Judge Main Examination, 2000**  
**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) "Women must be honoured and adorned by their fathers, brothers, husbands and brothers-in-law, who desire their own welfare. Where women are honoured, there the Gods are pleased; but where they are not honoured, no sacred rite yields reward. The husband receives his wife from the Gods; he must always support her while she is faithful." (Manu) How far this concept exists in the Hindu Marriage Act, 1955.
- (b) 'A' and 'B' are two brothers constituting a Joint Hindu Family. Before coming into operation of the Hindu Succession Act, 1956, 'A' brings a suit for partition, but dies during the pendency of the suit. His widow claims to be substituted for her husband and thus to continue the suit. Her claim is resisted by 'B' on the ground that the interest of 'A' has passed to him by survivorship. Decide.

**2.**

- (a) "Sharing of profits is not conclusive evidence of partnership". Comment.
- (b) Who are the persons capable of getting relief under the Specific Relief Act, 1963?
- (c) 'A' promises to obtain employment for 'B' in the public service, and 'B' promises to pay Rs. 10,000/- to 'A' Examine the legality of these agreements.
- (d) What is the law of maintenance in respect of a Muslim wife?

**3.**

- (a) What is the foundation of vicarious liability under the Law of Tort? Which are the special relationships by which this liability is incurred?
- (b) "Easement is a right to the limited use of land without possession." Explain this statement Enumerate

**4.**

- (a) How does a contract differ from quasi-contract? the different kinds of quasi-contracts provided in the Indian Contract Act, 1872
- (b) Define a contract of indemnity. How does a contract of indemnity differ from a contract of guarantee?





- 5.**
- (a) State definition, essentials and nature of Muslim marriage. What is option of puberty?
  - (b) Distinguish between coparcenary and Joint Hindu Family.
- 6.**
- (a) What do you understand by 'ostensible owner'? Under what circumstances a transfer of immovable property by an ostensible owner is binding on the real owner?
  - (b) Explain the rule against perpetuity.
- 7.** Explain with illustration the following maxims-
- (a) Equity acts on conscience.
  - (b) Equity is not opposed to law rather it supplements law.
- 8.**
- (a) Bring out distinction with illustration in any two of the following-
    - (i) Public and private trust
    - (ii) Implied and constructive trust
    - (iii) Executed and executory trust
  - (b) "The relationship of partnership arises from contract and not from status." Explain.
- 9.**
- (a) How and when a right of easement is extinguished and when does it revive?
  - (b) Explain the doctrine of frustration of contract.
- 10.** Solve any three of the following problems-
- (a) 'B' contracts with 'C' to pay him Rs. 500/- on a given day and if he fails to pay him then he will pay Rs. 1,000/- to 'C'. 'B' failed to pay on that day. Can 'C' recover Rs. 1,000/ from 'B'?
  - (b) 'A' 'C' and 'D' enter into an agreement for division of gains acquired or to be acquired by them by fraud. A acquired gains by fraud and did not give any share to 'C' and 'D'. Can 'C' and 'D' file a suit against 'A' for division of the gains?
  - (c) 'A' brings his horse and 'B' his tonga and they ply it and distribute the proceeds every evening. Are they partners?
  - (d) 'A' restrains 'B' in a house without any legal justification. Discuss the liability of 'A'.
  - (e) 'A' abuses 'B' in a lonely room. State the liability of 'A'.





**U.P. Judicial Service Civil Judge Main Examination, 2000**  
**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' and 'B' were neighbours. On 5<sup>th</sup> January, 1998 'B' instituted a criminal complaint against A who was an employee in Bank. Consequently, 'A' had to remain in prison. After trial the criminal court acquitted 'A' on 11th February, 1999 on the ground that the criminal complaint of 'B' was false and baseless. Now 'A' wants to file suit against 'B' for malicious prosecution. Draft a plaint on behalf of 'A' and write a short judgment.

Or

'A' went to attend a dinner hosted by his competitor 'B' during the dinner 'B' complained that somebody has stolen diamond necklace of his wife, police was called and everybody present was searched. The diamond necklace was recovered from the possession of 'A' during search made by the police in presence of other guests 'A' alleges that he is being falsely implicated by 'B' due to enmity by putting this necklace into his coat without his knowledge. In the light of above facts frame a charge and write a judgment of conviction.

**Group A**

2. Discuss the concept of "Substantial Question of Law" on which the second appeal is filed before the High Court under Section 100 of Civil Procedure Code?
3. (a) How you will decide that a suit is of civil nature? Are the following suits of civil nature.
- (i) Right to take out religious procession.
  - (ii) Right of a Pardanasheen lady to observe Parda.
  - (iii) Right to franchise.
- (b) State the circumstances in which a party to suit be refused permission to amend his pleading.
4. (a) Explain and illustrate the rule relating to joinder of plaintiff and defendants in a civil suit







- (b) A publishes a series of books under the title "The Oxford and Cambridge Publication" so as to induce the belief that the books are publications of the Oxford and Cambridge Universities or either of them. Both Universities join as plaintiff in suit of restraining A from using the title. Discuss with reasons whether both the universities can jointly sue A or not.
- (c) 'A', 'B' and 'C' three persons were chosen by a community to represent them in a suit against 'K' but X, Y and Z other members of the same community supported the defendant 'K' Does it affect the representative character of the suit. Give reasons for your answer.

**Group B**

- 5.**
- (a) What is fact-in-issue? Illustrate your answer
- (b) What facts need not to be proved?
- (c) Explain the reason for exclusion of hearsay evidence. To what extent has the principle of exclusion of hearsay evidence been adopted in the Indian Evidence Act?
- (d) Discuss fully the evidentiary value of retracted confession. Illustrate your answer.
- 6.**
- (a) "Relevancy and admissibility are neither synonymous nor is the one included in other". Elucidate this statement.
- (b) A and B are co-accused of the crime of kidnapping and killing a child. A denies his guilt but B confesses that he along with A has committed the crime. How far the statement by B is relevant against A.
- 7.**
- (a) A agrees to sell to B for Rs. 1000/- "my white horse". A has two white horses. Can evidence be given of facts which show which of them was meant?
- (b) A who was injured by bullet, stated in the hospital in the presence of Magistrate that B has fired him. But A did not die of his injury. Is the statement of A made in presence of the Magistrate admissible in evidence against B? Can it be of any other use?
- (c) A sues B on an agreement and gives B notice to produce it. At the trial A calls for the documents and B refuses to produce it A gives secondary evidence of its contents. Can B in order to contradict secondary evidence produce original document as evidence before the court?





**Group C**

- 8.** When can bail be granted in case of non-bailable offence? Can bail be granted subject to conditions?
- 9.**
- (a) What is first information report? What is its evidentiary value?
- (b) Define charge, "For each offence there must be a separate charge." Discuss this statement.
- 10.**
- (a) What do you understand by summary trial? What offences may be tried summarily and by whom?
- (b) In what circumstances may a police officer arrest a person without an order from magistrate and without a warrant. Can an arrest be made by persons other than a police officer? Explain and illustrate.





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**U.P. Judicial Service Civil Judge Main Examination, 2000**  
**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.**

- Explain in brief the essential features of U.P. Zamindari Abolition and Land Reforms Act, 1950.
- Discuss the provisions of the U.P. Zamindari Abolition and Land Reforms Act, 1950 which restricts the holdings from being divided into small fragments.
- Describe the composition and jurisdiction of Mines Tribunal?

**2.**

- What is the difference between the rights of a bhumidhar with transferable rights and a bhumidhar having non-transferable rights under the U.P. Zamindari Abolition and Land Reforms Act, 1950. Elucidate.
- Can a bhumidhar of non-transferable rights acquire rights of bhumidhar of transferable rights. Explain.
- Can a Scheduled Caste bhumidhar transfer his land. Discuss.

**3.**

- Can a bhumidhar get his share separated from a joint holding? Discuss the mode of division. Is there any restriction on this right?
- In a Joint Hindu Family 'A', 'B' and 'C' were three brothers. 'A' was the eldest and major. 'B' and 'C' minors. All the three brothers were joint Bhumidhars. On June 24, 1954 'A' transferred the disputed land to someone. The sale deed was executed by 'A' from his side as a major and on behalf of 'B' and 'C' as a guardian. During consolidation this sale was challenged. Is this sale valid? Explain.
- A possess 11 acres of bhumidhar land and B possesses only 3 acres of bhumidhar land. B transfers his 3 acres land to 'A' Is this sale valid Explain with reason.





**4.**

- (a) Explain the word 'Estate' and discuss that all estates in UP will be free from all taxes and vest in the state. Explain the consequences of vesting of estates in the state.
- (b) Explain the compensation and rehabilitation grant and point out the distinction between them.

**5.**

- (a) Discuss the order of priority in allotment of lands of Gram Sabha Explain also the authority who can set aside the order of such allotment?
- (b) Elucidate under U.P.Z.A. and L.R. Act, 1950 which land to which persons, by whom and in what order of preference can be allotted for the purpose of Abadi site?

**Group B**

**6.**

- (a) Explain mens rea as an element of criminal liability. Is mens rea relevant in crimes of strict liability? Discuss, (b) Rape is the most contemptuous act against society but penal provisions of this offence are not so stringent as ought to be. Will you like to suggest death penalty for committing rape? If yes, why? Explain.

**7.**

- (a) "It is often said that there is a very thin but fine distinction between the offences of culpable homicide not amounting to murder and culpable homicide amounting to murder because the difference is merely a question of different degree of probability of death ensuring "

Examine the correctness of the above statement with the help of the legal provisions and decided cases.

- (b) 'A' beats his wife, she becomes unconscious, believing her to be dead and to save himself from being prosecuted for murder he hangs her in a beam of the house with rope medical report discloses that she died due to hanging. Discuss A's liability
- (c) A boy of 13 years studying in class IX created indiscipline in the class Even after the warning of the teacher he did not mend himself. The teacher caned him. During caning he removed his hand and one cane fell on another student and he was permanently deprived of his one eyesight. Decide the liability of the teacher.

**8.**

- (a) Define kidnapping and abduction and distinguish between them.
- (b) A Hindu girl of 17 years old studying in XII standard under the care and protection of her parents was living with them. She was having criminal intimacy with a shopkeeper running a shop near house. One day the girl left her house and went to the shopkeeper and asked him to take her away permanently. The shopkeeper took her away to several places Later on he was arrested under Section 363 of the Indian Penal Code State whether the shopkeeper be convicted. Answer with reasons.





- (c) A 13 years old girl went to see a fete with her maternal uncle. Due to heavy crowd in fete, she was separated from her maternal uncle. She could not remember even address of her house. One person enticed her to go to his house and took her away to his house. There at his residence he made preparation for the marriage of this girl with his son. In the meantime, this person was arrested by police will he be convicted for kidnapping? Answer with reasons.

**9.**

- (a) "The law of defamation under Indian Penal Code has been retained because criminal law alone can effectively deal with such law breakers. As regard to the freedom of speech and expression, it is sufficiently safeguarded by the several explanations and exceptions added to the definition of defamation in Code." Explain.
- (b) The accused published in his newspaper an account of an outrage on a woman alleged to have perpetrated by two constables within the jurisdiction of certain thana in which four constables were stationed. The charge was not made against any particular and identifiable constables. Was the accused guilty of defamation?
- (c) 'A', a shopkeeper says to B who is his manager, "sell nothing to Z unless he pays you ready money for I have no opinion of his honesty. Z prosecutes 'A' for defamation. Decide the case.

**10.**

- (a) When does theft become robbery? Make important distinction between robbery and dacoity.
- (b) Can a man commit theft of his own goods? Answer with illustration
- (c) Find out the test to distinguish the state of intoxication and state of unsoundness of mind within legal provisions.
- (d) Discuss in brief the various modes of punishment provided under the Indian Penal Code.

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# Linking Laws

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