



Previous Year Paper

U.P. Judicial Service Civil Judge Main Examination, 2006

PAPER – I {LANGUAGE}

Time Allowed: Three Hours

Maximum Marks: 200

Note:

- All questions are compulsory.
- Choice has been given only in Question No. 1.
- Marks are allotted against each question.

1. Write an essay in English on any one of the following topics in about 500 words:

60

- (a) Violence against children
- (b) The Right to Information
- (c) Students and Politics

2. Make a précis of the following passage in your own words in about one-third of the original passage and suggest a suitable title to it.

60

Many of the underdeveloped countries will promote the growth of their economies in one way or another no matter whether they receive substantial outside aid in the process or not. The character of that development, however, is likely to be strongly influenced by the types and amounts of aid available. The outcome is much more likely to be favourable, from the standpoint of the objectives for successful development set up previously, if there is substantial international aid than if there is not.

By substantial aid I mean not only large amounts of technical assistance but also of capital. Initially, the capacity of an underdeveloped country to use capital productively may be surprisingly small-limited by lack of organization, trained personnel, and other social obstacles. At this stage technical assistance is the main need from outside, with comparatively small amounts of capital, much of which may have to be in the form of grants for non-self-liquidating projects in education, health, access roads to rural areas. and the like. If, at this stage, substantial capital is available from outside to supplement what can be formed internally (and to stimulate internal capital formation, for it does that too) the rate of economic growth can be considerably increased, and that strains and frustrations and political risks of the development process are likely to be considerably less.

It is possible for the underdeveloped economies to modernize themselves with very little capital from outside. Japan's imports of capital were small, though some of it came at crucial times. The contribution of foreign direct investments to the advancements of technical know-how also was greater than would be indicated merely by the size of the investment. The Soviet Union industrialized its economy with practically no aid from foreign installations confiscated after the revolution, though it imported machinery in the early days on short-term or intermediate-term credits and hired services of foreign experts.





Both Japan and Russia achieved their development in an authoritarian political and social framework. The outcome in both the cases, from the standpoint of the peace of the world and democratic ideals, was highly unfavourable.

In the absence of the outside aid, the only way to accumulate capital is to increase production without taking much of the benefit in more consumption, or even while pushing consumption standards down. Where the people are already near the subsistence level this may mean extreme hardship. Somehow the people must be motivated to change their accustomed ways quickly, to work hard, and to forgo present consumption so that capital investments can be made. (430 words)

3. Translate into English:

40

जीवन एक चुनौती है। अगर हमें आगे बढ़ना है तो हर समस्या को एक चुनौती के रूप में स्वीकार करना चाहिये। विघ्न, बाधाएँ तथा कष्ट तो आते ही रहते हैं। क्या उनको देखकर हम घबरा जायें? घबराना या हतोत्साहित होना कमजोरी के लक्षण हैं। संघर्ष ही जीवन है। महापुरुषों के जीवन हमें बताते हैं कि उन लोगों ने किस प्रकार से बाधाओं को पार किया। हमारे पूर्व राष्ट्रपति ए. पी. जे. अब्दुल कलाम का जन्म एक मध्यवर्गीय परिवार में सुदूर रामेश्वरम् में हुआ था। उन्होंने तो विद्यार्थी जीवन में ही अखबार बेचा। उच्च शिक्षा के लिए उनके संबंधियों ने आर्थिक सहयोग दिया। "अग्नि उड़ान" नामक पुस्तक में उन्होंने अपने जीवन-संघर्ष की गाथा लिखी है। इस पुस्तक को पढ़ने से हमें यह ज्ञात होता है कि इस महान व्यक्ति का संकल्प कितना दृढ़ था।

4. Translate into Hindi:

40

India must break with much of her past and not allow it to dominate the present. Our lives are encumbered with the dead wood of this past; all that is dead and has served its purpose has to go. But that does not mean a break with, or a forgetting of, the vital and life-giving in the past. We can never forget the ideals that have moved our race, the dreams of the Indian people through the ages, the wisdom of the ancients, the buoyant energy and love of life and nature of our forefathers, their spirit of curiosity and mental adventure, the daring of their thought, their splendid achievements in literature, art and culture, their love of truth and beauty and freedom, the basic value that they set up, their understanding of life's mysterious ways, their toleration of ways of other than theirs, their capacity to absorb other peoples and their cultural accomplishment, to synthesize them and develop a varied and mixed culture. If India forgets them she will no longer remain India.





U.P. Judicial Service Civil Judge Main Examination, 2006 PAPER – II {GENERAL KNOWLEDGE}

Time Allowed: Three Hours

Maximum Marks: 200

Note:

- All Questions are compulsory.
- Marks carried by each question are indicated against it.

- (a) Economic reforms which were initiated in 1991 in India were a matter of compulsion and not that of choice. Discuss this statement. (words limit - 150 words)

10

(b) In a debate you are expected to speak in favour of creating a Federal Agency to combat terrorism, arms and drug trafficking and organised crime etc. In the context of provisions of the Constitution, put forth your arguments. (Word limit 150 words)

10
- (a) Write short note on the following: (word limit - 125 each)

15

 - Chanakya-Neeti
 - 'Opinion of Supreme Court on Acts in Ninth Schedule of Constitution'

(b)

5

 - What was the state of contemporary education in Nalanda University?
 - With the Court of which emperor Tansen was associated ?
 - Who founded the Fort William College at Calcutta ?
 - When was the first peasant movement launched by Mahatma Gandhi?
 - Where did Gautam Buddha give his first sermon ?
- Write short note on the following:- (Word limit - 60 each)

20

 - Right to Information' Act - 2005
 - National Rural Employment Guarantee Scheme
 - Role of Agriculture in Indian Economy
 - The development of Tourism in India
 - U.N. Treaty against Nuclear terrorism
- (a) Discuss the advantages and disadvantages of Value Added Tax. (word limit - 150 words)

10

(b) Discuss the objective and goals of the National Population Policy - 2000 (word limit - 150 words)

10





- 5.**
- (a) Which are the departments of Government of India concerned with Science and Technology? 6
- (b) River Valley Projects for irrigation, hydroelectric energy etc. are being criticised by some. According to you which factors should be evaluated first? 6
- (c) What are the prominent symptoms of Aids? 4
- (d) Which 4 Institutions in Uttar Pradesh in the field of Bio-Sciences are functioning within the network of CSIR? 4
- 6.**
- (a) What are the objectives and goals of the National Health Policy - 2000? (word limit-150 words) 10
- (b) Write a short note on National Rural Health Mission 2005-12. (word limit 100 words) 5
- (c) What are the components of National Minimum Needs Programme? (word limit - 100 words) 5
- 7.**
- (a) Write explanatory notes on the following: (word limit - 50 each) 15
- (i) UNESCO
 - (ii) BIOMETRIC - ATM
 - (iii) Genetic Theory
 - (iv) Broad-Band
 - (v) Internet
- (b) Write the full forms of the following: 5
- (i) W.T.I.
 - (ii) H.I.V.
 - (iii) P. I.L.
 - (iv) TERI
 - (v) W.W.F.
- 8.**
- (a) Why have the following been in the news? (word limit - 50 each) 15
- (i) Kalpana Chawla
 - (ii) L.N. Mittal
 - (iii) Jaspal Rana
 - (iv) Y.K. Sabarwal
 - (v) Narayan Murti





(b) Name 5 Community Movements for conservation of Environment.

5

9.

(a) Discuss the role of Hike Brown who recently discovered tiny planet XENA in our solar system and details about it. Why has it not been recognised as a planet fully as has been the case with Pluto? (word limit - 125)

10

(b) Write short notes on the following: (word limit - 35 each)

10

- (i) Pruthvi
- (ii) Aakash
- (iii) Bioenergetics
- (iv) D.N.A.
- (v) Data Mining

10.

(a) Write down the answer to the following on the basis of Census of 2001:

5

- (i) Total population of India
- (ii) Sex ratio in Uttar Pradesh
- (iii) Percentage of unemployed population in India
- (iv) Percentage of literate population in India
- (v) Names of three most populous States in India in ascending order.

(b) Describe the state of Higher Education in Uttar Pradesh. Enumerate the steps in this regard.

5

(c) Bring out the importance of the following as industrial cities in U.P. (word limit - 75)

5

- (i) Aligarh
- (ii) Banaras
- (iii) Agra
- (iv) Noida
- (v) Bhadoi





U.P. Judicial Service Civil Judge Main Examination, 2006 LAW PAPER – I {SUBSTANTIVE LAW}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

- Candidates have to attempt Question No. 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) "Fundamental Duties do not destroy Fundamental Right but balance them". Examine the above statement by citing judicial pronouncements
- (b) How far judicial decisions interpreting constitutional provisions relating to appointment and transfer of judges have affected established principles of constitutional law?
- (c) "Secularism is many a time mistaken as non-religious."
- (d) "Right to privacy is now fully recognised as a Fundamental Right in India Explain

2.

- (a) Distinguish between "contract of indemnity" and "contract of Guarantee" Is contract of Insurance a contract of indemnity?
- (b) Examine the circumstances under which a firm may be dissolved on just and equitable ground.

- 3.** Section 53-A of the Transfer of Property Act does not confer "title" It enables a person without title to defend his "possession" Do you agree with the above statement? Give reasons for your answers with the help of decided cases.

4-A Explain the following:

- (a) He who comes to equity must come with clean hands.
- (b) Equity imputes an intention to fulfil obligation.
- (c) Equity had come not to destroy law but to fulfil it.

4-B.

- (a) Describe the disabilities of a trustee as given under the "Indian Trust Act".
- (b) What do you understand from a "Breach of Trust? Describe the remedies available to the beneficiary in case of breach of trust.





5.

- (a) Briefly discuss the law of intestate succession to the property of a deceased Hindu
- (b) 'A' a Hindu died in 1948 leaving behind his wife "W", who took her husband's properties as a limited owner. In 1954, "W" made a gift of some lands to her niece 'B'. 'C', a collateral of 'A' and presumptive reversioner sued for a declaration that the gift to 'B' is not binding on him. In 1959, W adopted 'B's son 'P' Later in the same year 'W' died. 'C' sued for possession of land
Decide the case with the help of the decided cases.

6.

- (a) Discuss in detail the Islamic procedure of 'divorce' and its development in India with the help of decided cases. Discuss with the help of decided cases the validity of "Triple Divorce" under Muslim Law. Do you agree that "Triple Divorce" has no place in Shariat Give reasons.
- (b) 'K' a Muslim die leaving a son 'B' a widow 'X' and a grandson Y by a pre-deceased son. 'K' by his 'will' bequeathed 1/3 of the estate to 'B' and 'Y' 'X' does not consent to the bequest in favour of "Y" Is this bequest valid?

7.

- (a) Briefly discuss the provisions relating to rectification of 2 instruments and rescission of contract in the light of Specific Relief Act, 1963
- (b) Define "Easement". Distinguish it with 'profit a prendre' Explain with illustration.

8.

- (a) "The old distinction between sovereign and non-sovereign functions or Governmental and non-governmental functions no longer invoked to determine the liability of the State"
Do you agree with this view? Comment with the help of decided cases.
- (b) "Subject to certain exceptions, an agreement without consideration is 'nudum pactum' and is also void." Discuss

9.

- (a) Define gift. What are the essentials of a valid gift? When can a gift be suspended or revoked? Discuss with the help of decided cases.
- (b) Discuss the utility of the anti-defection law in the backdrop of recent development in India. Solve the following problem:

10.

- (a) 'A' is working with a hatchet. The head of the hatchet flies off and kills a man standing nearby. Decide A's liability if any.





- (b) A partner of firm of solicitors borrows Rs. 500 in the name of the firm. Examine the liability of the firm in the light of the implied authority of the partners.
- (c) 'B' offered to sell his house to 'A' for Rs. 1,00,000. 'A' replied that he is ready to purchase the house for Rs. 90,000 to which 'B' refused. Then 'A' agreed to purchase the house for Rs. 1,00,000. Is 'B' bound to sell his house?



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U.P. Judicial Service Civil Judge Main Examination, 2006 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) Arvind, s/o Sri Mukund, R/o Banda was married to Sushila, Die Sri Dinesh, R/o Kanpur on April 20, 1995 at Daliganj, Kanpur. Even after six years of marriage Sushila could not give birth to any child, the relations of Sushila and Arvind did not remain happy for this reason. Mukund and his wife also did not like Sushila for this very reason. They misbehaved with her. In 2000 Arvind and his parents sent Sushila to her parent's house. During these five years Arvind gave no maintenance to Sushila. Arvind and his parents did not return her personal property also such as necklace and bangles. Sushila wants to obtain decree of dissolution of marriage. Draft a plaint for dissolution of marriage in the above case on behalf of Sushila.

- (b) In reply to plaint draft a written statement on behalf of defendant Arvind

Or

Marriage of Mansi was solemnised on March 1, 2000 at Allahabad At the time of engagement Mansi's father asked Mansi's husband Harish to make it clear if he had any demand before marriage. Harish said to him that he had all the things at his home, he needs nothing except Mansi. After marriage when Mansi came to her in law's house, Harish's mother found that except certain bearing ornaments she had brought nothing in dowry, she was not happy After a few months when Mansi came to ner paternal house, Harish did not call her back for a year. When Mansi's father tried to know its reason, Harish and his father demanded Rs. 50,000 (Rupees fifty thousand) for business Mansi's father showed his inability.

On the advice of relations Harish carried Mansi to his house. But after three months his parents again started misbehaving Mansi had conveyed this information through letter to her father. This sort of misbehaviour, harassment and cruelty of Harish and his parents against Mansi continued till her last breath. On July 4, 2004 night there was a quarrel between Harish and Mansi. On July 5, 2004 at about 11.00 a.m. when Mansi was working in kitchen Harish poured kerosene from a container upon Mansi and Harisr's mother threw a lighted match stick upon her. After shutting the door of the kitchen they went away somewhere After hearing the voice of weeping and crying of Mansi, some neighbours came there. Manu, a neighbour, opened the door. By that time Mansi had burnt to a great extent and was lying unconscious. Manu informed the police. Police with Manu took Mansi to Government Hospital wherein doctors declared her dead. After investigation police submitted its report to concerned Judicial Magistrate against Harish and his parents under Section 498-A/34 and 304-B/34 of IPC.





(Group A)

- 2.**
- (a) Distinguish among legal set-off, equitable set-off and counter 1 claim. Discuss also how they are claimed and what are their effects
 - (b)
 - (i) A sues 'B' on a bill of exchange. 'B' alleges that 'A' has wrongfully neglected to insure 'B's goods and is liable to him in compensation which he claims to set off. Answer with reasons.
 - (ii) 'A' dies intestate and in debt to 'B'. C takes out an administration to 'A's effects and 'B' buys part of the effects from 'C'. In a suit for purchase money by "C" against 'B' the latter wants to set-off the debt. Answer with reasons.
- 3.**
- (a) The Legislature and judiciary have taken several steps to reduce multiplicity of suits and harassment of defendants again and again under Civil Procedure Code, 1908.
 - (b)
 - (i) On the basis of a contract, 'A' institutes a suit against 'B' and obtains a decree. 'B' now wants to institute a suit against 'A' on the basis of an agreement between the parties for which 'A' did not represent them fully
 - (ii) 'A' is an inspector in Police Service. He is dismissed from service by the DIG. Police for disciplinary activities. 'A' files a writ in the High Court on the basis that no reasonable opportunities were given to him for hearing and dismissal action was mala fide. This petition was dismissed. After this, he instituted a suit challenging Article 311(2) of the Constitution that he could be dismissed only by the IG Police who was his appointing authority. Will he be successful in his suit?
- 4.**
- (a) Distinguish among Appeal, Revision and Review and explain the following:
 - (i) Can the court review suo moto or on its own motion its own decision?
 - (ii) Can superior court direct an inferior court to review its previous decision?
 - (b) What do you understand by civil nature of suit? Explain Answer with reasons whether the following suits are of civil nature or not: -
 - (i) Contribution of fund for holding festival
 - (ii) The right of priest to worship in the temple.
 - (iii) Right of a Pardanasheen lady to observe parda.
 - (iv) Expulsion of a member from his caste

Group B

- 5.**
- (a) What do you understand by relevancy of facts? Are all the relevant facts admissible in Court? Explain.
 - (b) Answer with reasons whether the facts which are being proved are relevant.
 - (i) 'A', an accused of theft is seen to give the stolen property to 'H' who is seen to give it to 'A's wife. 'B' says as he delivers it, 'A' says you to hide this." Whether B's statement is relevant?





- (ii) The question is whether 'A' committed a crime? The circumstances are such that the crime must have been committed either by 'A', B, C or 'D'. Every fact which shows that the crime could have been committed by no one else and it was not committed by either 'B', 'C' or 'D'. Whether the above stated facts are relevant?

6.

- (a) Explain 'admissions' and 'confessions' and distinguish between them and discuss also to what extent they are admissible in the court.
- (b) Are the following admissions/confessions admissible? (i) 'A' undertakes to collect rents for 'B'. 'B' sues 'A' for not collecting rent due from 'C' to 'B'. 'A' denies that rent was due from 'C' to 'B'. Whether the statement by "C" that he owed rent to 'B' is admissible against 'A' (D) 'A' is on his trial for the murder of C. There is evidence to show that 'C' was murdered by 'A' and 'B' and that 'B' said 'A' and 1 murdered 'C'. Whether the statement of 'B' can be considered as confession against 'A'?

7.

- (a) Write exhaustive but brief note on the following:
- (i) Privileged communications.
 - (ii) Direct and Circumstantial Evidence.
 - (iii) Burden of Proof
 - (iv) Expert Opinion
- (b) Answer with reasons:
- (i) The question is whether a horse sold by 'A' to 'D' is sound. 'A' says to 'B' "go and ask 'C' 'C' knows all about it." Whether C's statement is an admission?
 - (ii) 'A' sues 'B' for damage done by a dog of 'B' which 'B' knows it to be ferocious. Whether the fact that the dog had previously bitten X, Y and Z, that they had made complaint to 'B' are relevant?

8.

- (a) Section 300 of the Criminal Procedure Code provides that a person once convicted or acquitted is not to be tried again for the same offence. What shall be the correct position in the following cases?
- (i) 'A' is tried for causing grievous hurt and convicted. The person injured afterwards dies
 - (ii) 'A' is tried for culpable homicide of 'B' by the Sessions Court and is convicted. Can 'A' be tried again on the same facts for the murder of B?





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(b) Answer with reasons

- (i) In a case Additional Sessions Judge framed charges against accused who were six in number under Section 149 and Section 395 of the Indian Penal 1860 for committing dacoity. Has the charge been properly framed? Explain.
- (ii) 'A' is charged under Section 242 of Indian Penal Code, 1860 with "having been in possession of counterfeit coins, having known at the time when he became possessed thereof that such coins were counterfeit." The word "fraudulently" being omitted in the charge. When can this omission be deemed to be a material error?

9.

- (a) Discuss the jurisdiction of court in cases of juveniles as provided under the Criminal Procedure Code, 1973,
- (b) Explain the law under the Criminal Procedure Code, 1973 relating to sentence in cases of conviction of several offences at a trial.
- (c) What is procedure of trial of offences committed by electronic media?
- (d) Discuss the Procedure of investigation by police in cases of suicide or suspected death of victims

10.

- (a) Explain clearly the distinction in trials between summons case and warrant case.
- (b) Discuss the prosecution process of offences against marriage as provided under Criminal Procedure Code, 1973
- (c) Answer with reasons
 - (i) An incident of murder happens under the jurisdiction of a Police Thana The Police Thana in charge starts investigation in the case. The aggrieved party approaches the concerned Judicial Magistrate to complain against the irregularities being committed by the Police Thana in charge during investigation Can Magistrate order to stop investigation? If yes, when can he do so?
 - (ii) What is judgment under the Criminal Procedure Code, 1973? What are essentials to be shown in a judgment? Discuss.





U.P. Judicial Service Civil Judge Main Examination, 2006
LAW PAPER – III {PENAL, REVENUE & LOCAL LAWS}

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. Write short notes on the following

- Who are entitled to vote at the time of Municipal Election?
- Consequences of dissolution of Municipality.
- Circumstances in which the President of the Municipality may be removed
- Development authority.

2. Discuss the following-

- Constitution and function of Nyaya Panchayat.
- Functions of Gram Sabha,
- The objective of consolidation of land.
- Circumstances in which a building may be released from the occupation of the tenant.

Linking Laws
Group A
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3.

- Write a brief note on co-operative farming societies.
- Discuss briefly the consequences of vesting of Zamindari in the State

4.

- Discuss the consequences that shall ensue in respect of a transfer which is made in contravention of the provision of the UP Zamindari Abolition and Land Reforms Act.
- 'A' approaches 'C' for filing a suit against 'B' on the allegation that 'B' has illegally encroached upon his Sirdari land and has made unauthorised construction thereon. Where will 'C' file the suit, in the Revenue Court or in the civil Court? Give reasons in support of your answer



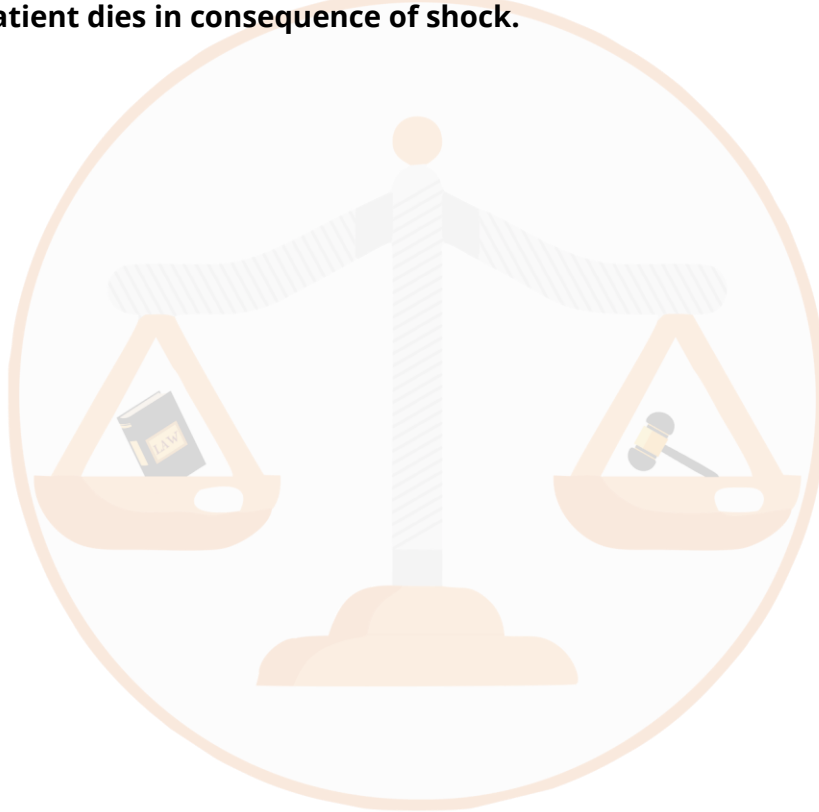


- 5.**
- (a) State the circumstances in which the interest of Sirdar, in his holding may be extinguished.
 - (b) Write notes on the following:
 - (i) Revenue court
 - (ii) Annual Register
 - (iii) Record of Rights
- 6.**
- (a) What do you understand by "collective responsibility of every village for the payment of land revenue"? Discuss the provisions relating to sale of defaulter's holdings as a mode of collection of land revenue.
 - (b) Is a Bhumidhar liable to ejectment? If so, on whose suit and on what grounds? Shall he be entitled to compensation on ejectment?
- 7.**
- (a) When culpable homicide does not amount to murder? Illustrate your answer.
 - (b)
 - (i) Distinguish between theft and extortion
 - (ii) 'A' instigates 'B' to murder 'D' B' stabs D' 'D' recovers from the wound. What offence 'A' and 'B' have committed? Discuss.
- 8.**
- (a) The essence of joint responsibility lies in the common 1 intention to commit the offence actually committed." Discuss
 - (b)
 - (i) State the law relating to 'necessity' as a ground of excuse from criminal liability.
 - (ii) 'A' intended to steal an umbrella from a club of which he was a member. He opened the closet, choosed an umbrella and took it away. Later, it turned out that the umbrella was his own which he had lost a week earlier Discuss 'A' has committed any offence.
- 9.**
- (a) What are the essential elements of robbery? When does it amount to dacoity. What offence is committed when the offender while committing the above offence, causes the death of any person.
 - (b) 'A' wants to kill 'B' with arsenic poison and with that purpose he administers sugar in his food, believing sugar to be arsenic. Discuss liability of 'A'





- 10. Giving 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' an arthritic patient, failed to come out and was killed.
 - (ii) 'A' and 'B' while swimming in the sea after a ship wreck, got hold of a plank not large enough to support both. 'A' pushed off 'B' who got drowned.
 - (iii) 'A' a surgeon, in good faith communicates to 'B', a patient his opinion that he cannot survive. The patient dies in consequence of shock.





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