



U.P. Judicial Service Civil Judge Main Examination, 2013 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.
- Write an essay in English on any one of the following topics in about 500 words: 1.
 - The Impact of Universal Declaration of Human Rights
 - (b) The Right to Food and Security
 - **Judicial Activism** (c)
- Make a précis of the following passage in your own words in about one-third of its length 2. and suggest a suitable title to it:

In what is sure to encourage whistle-blowers, the Supreme Court has ruled that identity of persons who tip off anti-corruption agencies about corrupt deals of-bureaucrats can never be revealed to the accused facing prosecution under Prevention of Corruption Act. Anti-Corruption Bureau of Maharashtra had investigated a case of disproportionate assets against a public servant on the basis of a complaint filed by "unknown person" and charge sheeted the accused. The accused wanted a copy of the original complaint on the ground that it was essential for a fair trial. Rejecting his plea, the apex court bench said it failed to see how the accused was prejudiced by non-disclosure of the name of the person who sent the complaint and by not being given the original copy of the complaint received by the Anti-Corruption Bureau.

"Situations are many where certain persons do not want to disclose the identity as well as the information/complaint passed on by them to the Anti-Corruption Bureau. If the names of the persons, as well as the copy of the complaint sent by them are disclosed, that may cause embarrassment to them and sometimes threat to their lives," said Justice Radhakrishnan, who authorised the judgment for the bench.

The bench said what is to be borne in mind is that it was a complaint given by some person to the Anti-Corruption Bureau which triggered the investigation. "Thus, this complaint simply provided information to the Anti-Corruption Bureau and is not the foundation of the case or even the FIR", it said. On the case in hand, the bench said, "In fact, after receiving the complaint the Anti-Corruption Bureau held its independent investigation into the matter and collected the material, which was forwarded to the home department. On that basis, challan (charge sheet) was filed in the court pointing out that sufficient material emerged on record as a result of the said investigation to proceed against the petitioner under Prevention of Corruption Act." (330 words)



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Translate the following passage into English: 3.

महिला सशक्तीकरण के लिए पिछले कुछ दशकों में कई कानून बनाये गये हैं। पहला क्रान्तिकारी कदम 1955-56 में उठाया गया जब हिन्दू विवाह अधिनियम में महिला को पुरुष के समकक्ष रखा गया और पैतृक सम्पत्ति में भी उसे थोड़ा हक दिया गया। फिर 1980 के दशक मे और कई कानून बनाये गये। अब केन्द्र सरकार ने तलाक को सरल बनाने एवं स्त्रियों को पति की जायदाद में हक दिलाने के लिए हिन्दू विवाह अधिनियम, 1955 तथा विशेष विवाह अधिनियम, 1955 में संशोधन करने का निर्णय लिया है। प्रस्तावित संशोधनों में एक प्रमुख प्रावधान यह है कि पत्नी को पति की पैतृक सम्पत्ति में भी हिस्सा दिया जाएगा और यदि उसका विभाजन संभव न हो तो उसमें पति के हिस्से का मूल्यांकन कर उसे भरपूर मुआवजा दिया जाएगा। इस प्रावधान का विरोध भी शुरू हो गया है। ऐसी आशंका व्यक्त की जा रही है कि ऐसा हक देने से तलाक के मामले बढेंगे, जिससे भारतीय परिवार व्यवस्था के परम्परागत मूल्य प्रभावित होंगे।

Translate the following passage into Hindi:

A problem which is facing the newly independent countries of Asia and Africa is how to grow modern without changing their traditional culture completely. On the one hand, they want their societies to be efficient and to be guided by reason. On the other hand, they wish to continue some of the old traditions of their country. In modernising a society, some changes in traditional institutions like family, law, religion and community life are unavoidable. Yet the changes have to be introduced gradually and not violently, without disturbing individuals or the society. Here, it is important to remember that during its struggle for freedom, each country has become strongly aware of itself and its old traditions. It is the duty of the leaders of a society to examine the old traditions. It is the duty of the leaders of a society to examine the old traditions, to decide which ought to be kept, whi<mark>ch ought to</mark> be adopted to modern ways, and which ought to be changed. These changes can be brought about by educating people.







U.P. Judicial Service Civil Judge Main Examination, 2013 PAPER – II {GENERAL KNOWLEDGE}

Time Allowed: Three Hours

Maximum Marks: 200

SPECIFIC INSTRUCTIONS

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

1.

- (a) Mention the constitutional provisions pertaining to the creation of new States in India. (Wards limit 150 words)
- (b) Examine critically the progress of Sardar Sarovar Project being constructed on the river Narmada. (Word limit 150)

2.

(a)

- (i) Discuss the effect of the victory of the main opposition party PDP in Bhutan's Parliamentary elections on Indo-Bhutan relations (particularly in the foreign policy). (Word limit 75)
- (ii) Underline the contribution of Moghul emperors in the development of literature. (Word limit 150)

(b)

- (i) Who was the President of Lahore Session of Congress in which the resolution of Poorna Swaraj was passed?
- (ii) Which Gupta ruler is known as Indian Napoleon?
- (iii) Who headed the Press Committee of 1921 that looked into the functioning of press laws?
- (iv) Who was the ablest of the Peshwa rulers?
- (v) Which region was supposed of be the place of residence of the Aryans according to Lokmanya Tilak?
- 3. Write short note on the following: (word limit 50 each)
 - (a) Legislative relation between Union and States
 - (d) Responsibilities of the media
 - (c) International laws on terrorism
 - (d) National Rural Health Mission
 - (e) Insat 3D

- (a) How far is it justified to keep political parties out of the ambit of "Right to Information Act"? (Word limit 150)
- (b) Discuss the significance of the recently held conference of BRICS Nations. (Word limit 150)





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5.

- (a) Discuss the law pertaining to the acquisition and termination of Indian citizenship. (Word limit 50)
- (b) Discuss the recent decision of Supreme Court regarding reservation in promotion in government services. (word limit 50)
- (c) Comment on the constitutional aspect of right to education in India. (Word limit 50)
- (d) Have the family courts become capable of establishing social harmony? Explain. (word limit 50)

6.

- (a) What is your legal opinion pertaining to solving the increasing border disputes of India with its neighbouring countries. (Word limit 50 words)
- (b) When and with what objective World AIDS Day is observed? (Word limit 50)
- (c) What are your suggestions regarding improvement in the Mid-day meal management in India? (Word limit 50)
- (d) What is 52nd Constitutional Amendment of 1985? Explain in short. (Word limit 50)

7.

- (a) Write explanatory notes on the following: (word limit 50 each)
 - (i) Chandrayaan-I
 - (ii) PSLV-C21
 - (iii) Newest Version of Brahmos Cruise Missile
 - (iv) Stem cell: New Life Provider
 - (v) Sahyadri Frigate
- (b) Write the full forms of the following:
 - (i) ASEAN
 - (ii) IISS
 - (iii) NAFTA
 - (iv) PSPDN
 - (v) SUNFED

8.

- (a) Write note on the following: (word limit -50 each)
 - (i) Purace Volcano
 - (ii) Sandy Hurricane
 - (iii) Great Bear Lake
 - (iv) Hokaido Island
 - (v) Uttarakhand Natural Disaster

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- (b) Why have the following been in the news: (word limit 25 each)
 - Dr. Sayeeda Hameed (i)
 - (ii) Amartya Sen
 - (iii) Edward Snowden
 - (iv) Dr. Olafur Regnar Grimsson
 - (v) Habiba Sarbai
 - (vi) Christopher Wild
 - (vii) Manda Banerjee
 - (viii) Mamnoon Husain
 - (ix) Sunita Williams
 - (x) Mohammad Morsi

9.

- (a) Based on the provisional figures of 2011 Census arrange the State of Gujarat, Kerala, Maharashtra and Tamil Nadu in descending order in respect of the following:
 - Female literacy rate
 - (ii) Percentage of tribal population
- (b) Write notes on the following: (word limit - 50 each)
 - (i) Desirability of amendment in the present Representation of People's Act.
 - (ii) 91st Amendment to Constitution.
 - (iii) Food Security Bill
 - (iv) Indian Economy and fall in the value of rupee
 - (v) National Environment Day

10.

(a)

- (i) What is the geographical situation of India?
- (ii) Name the countries bordering India and situated in it's east, northwest, north and south directions.
- In which States are the following situated and what is their importance? (word limit -25)
 - Kokrajhar
 - (ii) Bodh Gaya
 - (iii) Ajanta
 - (iv) Sriharikota
 - (v) Perambur
 - (vi) Narora
 - (vii) Dilwara
 - (viii) Kanchapuram
 - (ix) Shantivan
 - (x) Chittorgarh





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U.P. Judicial Service Civil Judge Main Examination, 2013 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) What do you understand by Judicial Review? What is the effect of Article 13 on Preconstitutional laws and Post- constitutional laws? Explain your answer with the help of decided cases.
- "Subject to the other provisions of this part, trade, commerce and intercourse (b) throughout the territory of India shall be free." (Article 301 of Constitution of India). Discuss with the help of relevant case laws.
- (c) The State Government passed an order of compulsory retirement stating that the employee is not fit for work. Does the order amount to punishment or not? Give reasons for your answer with the help of decided cases.
- (d) The Governor of a State dismissed Council of Ministers enjoying confidence of the House. "A" challenges the action of the Governor on the ground that his action is unconstitutional. Will 'A' succeed? Give reasons for your answer with the help of suitable examples.

- "Fundamental changes in the law relating to marriage has been brought about by the (a) Hindu Marriage Act, 1955." Comment on the above statement and evaluate that how far the Act affected the sacramental character of Hindu Marriage?
- State the consequences (legal effects) that follow from the divorce under Muslim (b) (i)
 - (ii) 'A' marries with a Hanafi woman. After sometime, in a fit of anger, 'A' pronounces Talaq three times and sends the wife to her parent's home. The next day 'A' repents and wants his wife to come back. The wife refuses and maintains that she has been divorced irrevocably. 'A' brings a suit for restitution of conjugal rights and declares that he believes in pure and simple Islam and does not believe in any sects. The wife also sues for her deferred dower. Discuss the rights of the parties.
- What do you understand by Quasi contract? Explain the distinctive features of Quasi Contract? What is juridical basis of responsibility occurring under Quasi Contract? Explain.



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3.

- (a) Discuss the rule against 'Double possibilities". Explain whether valid transfer can be made in favour of an unborn person? If so, state the conditions with suitable illustrations.
- (b) Does the Transfer of Property Act make an exception to the general rule that a person cannot confer a better title to the property than he himself has in it? If so, how do you justify the exceptions?

4.

(a) What are the rights of partner in the management and conduct of the business of a firm? Can a partner be restrained from carrying on any business other than that of the partnership while he is partner?

(b)

- (i) Can a minor be admitted to the benefits of Partnership? If so, what are his rights and disabilities? Refer to relevant case laws.
- (ii) 'A' a partner in a firm of solicitors draws a Bill of exchange in the name of the firm without authority. Decide the liability of the firm in their respect.

5.

- (a) Define malicious prosecution. What are its essential ingredients? What must a plaintiff prove for getting success in case of a suit for malicious prosecution? Can a suit of malicious prosecution be filed against corporation also if yes, in which circumstances?
- (b) What is the law relating to the Vicarious liability' of the State for the wrongful acts of its employees? Is the State liable for the criminal acts of its employees? Discuss with the help of relevant case laws.

6.

- (a) Describe the disabilities of a trustee as given under the 'Indian Trust Act'.
- (b) What do you understand from 'Breach of Trust"? Describe the remedies available to the beneficiary in case of breach of trust.
- (c) Explain the following maxims with illustrations. All Judiciary Exam
 - (i) Equity follows the law.
 - (ii) Equity imputes an intention to fulfil.

7.

- (a) When will a licence be deemed to be revoked under the Indian Easement Act? What are licencee's right on revocation? Discuss.
- (b) Write the contracts which cannot be specifically enforced under the Specific Relief Act, 1963. Support your answer with example.

8.

(a) "A contract cannot be enforced by a person who is not a party to it even though it is made for his benefit." Point out also the exceptions to this rule. Discuss and refer to decided cases.



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(b)

- (i) Do you agree with a view that the Hindu Law of Adoption had undergone a complete change? If yes, then state the changes brought about by the Hindu Adoptions and Maintenance Act, 1956 in the law of adoption.
- "X" wants to adopt a daughter on the ground that his only daughter had left the (ii) house without his permission and had joined the Film industry in Bombay. Discuss the legality of adoption.

9.

(a)

- What are the essential conditions of a valid gift under Muslim Law? How far has (i) the law of Mohammedan gift been affected by the Transfer of Property Act, 1882? Discuss.
- (ii) When and how can a gift be revoked by a donor under Muslim law? In what cases the power to revoke comes to an end? Discuss.
- 'A's wife 'W' deserted him for a long time and ignored all his attempts to resume cohabitation. So much so that she did not reply even to a single letter of his intention. Ultimately 'A' obtained a decree of judicial separation against her. Thereafter because he had no son, he adopted a son without further reference to 'W'. Is this adoption valid under the Hindu Adoption and Maintenance Act, 1956?
- 10. Solve three problems with reference to relevant laws:
- (a) 'A' points an unloaded pistol at 'B', who sues him for an assault. 'A' in his defence pleads that the pistol was unloaded. How will you decide this case. Give reasons to support your May answer.
- (b) 'A' teaches his parrot to recite an offer and then sends the parrot to 'B'. The parrot repeats the recitation. In this a valid offer? Will it make any difference to your answer, if 'A' ties a message containing an offer for 'B' on the body of the parrot who carries the message to 'B'.
- A, B and C are partners in a firm X & Co. C retires from the partnership and all the assets (c) and liabilities are taken over by the two partners A and B who carry on the firm after the retirement of C. A creditor of the firm after the retirement of C, files a suit against A, B and C for the recovery of the debt. Is C liable? Give reasons for your answer.
- After the death of her husband, 'A' a Mohammedan widow got her name entered in the Government records as owner of her husband's property and was mortgaging and selling portions of it, one of the heirs of her husband sued her alience for his share. Can he succeed? Give reasons for your answer.



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U.P. Judicial Service Civil Judge Main Examination, 2013 **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) The ancestral house in which Hariom resides has one window each in west side in rooms of the first floor and the second floor through which air and light ingress in the house. In April, 2013 Mahesh Kumar purchased the plot which lay on the western side of Hariom's house and so constructed his new house that he erected a wall in front of the aforesaid two windows, due to which the ingress and egrees of air and light through these windows was totally stopped. Hariom suffered not only the physical comfort and pleasure of his living due to the aforesaid act of Mahesh Kumar, but the value of his property was also decreased.

Draft a plaint on behalf of Hariom on the basis of the aforesaid facts claiming all types of reliefs whether primary or in the alternative, which could be claimed against Mahesh Kumar, in this matter.

(b) Draft a written statement on behalf of Mahesh Kumar in reply to the aforesaid plaint, in which all the defences possible in reference to the aforesaid allegations be taken.

On 23.10.2011 complainant Rahim filed an F.I.R. at police station Sarsawa, alleging that on 12.10.2011 at about 7 p.m. his minor daughter Victim' aged about 14 years had gone to the fields for stool with her younger sister Farzana. After sometime Farzana returned home and told that two boys have forcibly taken away the 'Victim'. Upon enquiry being made villagers Gayyur and Ashfaq told the complainant that Arif, son of Ishaq Ali and Riyasat, son of Farzand Ali, both residents of Village Tipri, Raigarh had taken away plaintiff's daughter on a motorcycle. A case was registered against Arif and Riyasat on the basis of plaintiff's report at No. 248 of 2011 under Sections 363 and 366, I.P.C. Investigation was conducted by sub-inspector T.P. Tiwari.

On 22.12.2011 the 'Victim' and Arif together were arrested from bus stand, Nakur. In her statement under section 161, Cr. P.C., Victim' told that she had been repeatedly raped by Arif. On this basis offence under Section 376, IPC was also added in the case. After medical examination 'Victim' was sent in the custody of her father. On completion of investigation charge-sheet was filed in the Court of Chief Judicial Magistrate, Saharanpur under sections 363, 366 and 376, I.P.C. The main defence of accused Arif was that the age of the girl was above 18 and that sexual intercourse was done with her consent. Riyasat denied his role in the matter. On the basis of the facts stated above write a judgment of conviction.



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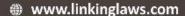
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Group A

2.

- (a) When plaint is liable to be returned? Describe the alternative procedure which the court may adopt after such order. Whether an order for the return of the plaint is appealable? Reply by mentioning provisions.
- (b) Under which other provisions of the Code of Civil Procedure besides Section 11, a second suit has been barred? Discuss briefly.
- (c) Distinguish between the discretionary; inherent and amending powers of court under the Code of Civil Procedure. Illustrate.

3.

- (a) 'A' files a suit against 'B' at Meerut. 'B' moves an application before Supreme Court directly and requests for the transfer of the suit to any other court out side Meerut. 'A' challenges 'B's right of filing such application directly to the Supreme Court.
- (b) 'A' who has purchased an immovable property at an auction sale conducted during the execution of a decree against the judgment debtor 'B', is resisted in obtaining possession of such property by 'X', on the ground that he was the true owner of the property and not the judgment debtor 'B', 'A' objects his claim and asks 'X' for filing a fresh suit of title against 'B'.
- (c) A civil court of original jurisdiction passes an order in a suit against the defendant. Although such an order is appealable before the District Judge, but the defendant files revision. petition against such order before the High Court. The High Court after hearing both the parties reverses the aforesaid order.
- (d) The Court of Civil Judge, Allahabad, decrees a suit on March 1, 2012, on the ground of a question of law, in favour of the plaintiff. On March 2, 2012 Allahabad High Court in another the case, which was pending before it since 15 years, reverses its earlier view on the aforesaid question of law. The defendant files a review application before the aforesaid Civil Judge on the aforesaid ground.

- (a) Which suits and proceedings are considered as 'matters concerning the family' under the Code of Civil Procedure? Who for this purpose are treated as constituting the 'family"?
- (b) Under what circumstances a court may dispose of a suit at the first hearing?
- (c) Describe the rights and options available, under the Code of Civil Procedure, to a minor plaintiff on his attaining majority and the procedure thereof.



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Group B

5.

- (a) In what circumstances statements made by persons who are dead or who otherwise cannot be called as witnesses, may be proved in a case?
- (b) 'A' is being tried for the murder of 'C'. Evidence is given to show that 'C' was murdered by 'A' and 'B' and B's statement admitting that 'A' and 'T' murdered 'C' is also proved. Whether this statement may be considered by the court against 'A"? 'A' the captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course. 'A' produces a book kept by him in the ordinary course of his business showing observations alleged to have been made by him from day to day and indicating that the ship was not taken out of her proper course.
- (c) Whether 'A' may be allowed to prove the aforesaid statement recorded by him in his own favour?

6.

- (a) What are privileged communications under the Evidence Act? When are communications protected from disclosure and when not?
- On the application of the plaintiff a person is summoned in the court to produce a document. When he appears before the court and files the document, the defendant's counsel puts a question to him whether the document was given in his possession by the plaintiff or by the defendant? The plaintiff's counsel opposes defendant's right of putting such question to him. Decide.
- (c) Describe the provisions of the Evidence Act which empower the court to report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession.

- (a) Under what circumstances evidence of an oral agreement or statement contradicting, varying, adding to or subtracting from its terms is not excusable?
- (b) 'A' took on hire lodging of 'B', and 'B' gives him a card on which is written "Rooms, Rs. 200 a month". Whether 'A' may prove a verbal agreement that these terms were to include partial board?
- Write short notes on any two of the following:
 - Who may testify?
 - (ii) Public document.
 - (iii) Patent and latent ambiguity.
 - (iv) Re-Examination.



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Group C

8.

- (a) Describe briefly the major changes introduced in the Code of Criminal Procedure by the Criminal Law (Amendment) Act, 2013 (No. 13 of 2013) with special reference to certain offences against females.
- (b) Discuss briefly the distinction between the procedure of investigation by a police officer in cognizable and non- cognizable offences.
- (c) Which property may be seized by a police officer, without the courts order? Describe the procedure to be followed by such officer, after such seizure.

9.

- (a) What is plea bargaining? Briefly describe its procedure. Whether these provisions apply in respect of all types of offences and all types of victims?
- (b) Describe briefly the procedure of trial by a Magistrate in complaint cases.
- (c) In which circumstances and in respect to which offences a Session Court or a Judicial Magistrate may order for obtaining security for keeping peace from a person?

- (a) Whether it is compulsory to release an accused on bail in bailable offences? When bail may be taken in case of non-bailable offences? What conditions may be imposed by the court upon such bail?
- Nanakchand was tried along with others on the charge of Section 302 IPC read with Section 149. At the end of the trial the applicability of Section 149 was not established and the trial court convicted him under Section 302 read with Section 34, IPC. Whether the conviction is valid? Reply with reasons and support of leading cases.
- 'B' is tried for causing grievous hurt to 'A' and convicted. While 'B' was undergoing his (c) sentence in jail. 'A' dies on account of the aforesaid grievous hurt. Whether the aforesaid case may be re-opened or 'B' may be tried again on a second case for causing culpable homicide? Reply with the help of provisions and leading cases.



U.P. Judicial Service Civil Judge Main Examination, 2013 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:
 - Building exempted from the operation of U.P. Urban Building (Regulation of Letting, Rent and Eviction) Act, 1972.
 - (b) Determination of standard rent.
 - Enforcement of landlord's obligation regarding repairs.
 - (d) Deposit of rent in court in certain circumstances.
- 2. Discuss the following:
 - (a) Master plan and its amendment.
 - (b) Zonal development plans and its amendment.
 - (c) Acquisition and disposal of land under U.P. Urban Planning and Development Act, 1973.
 - (d) Duration of municipality.

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- Narrate briefly the consequences of the vesting of estate in the State. (a)
- (b) What is Bhumi 'Prabandhak Samiti"? Discuss its constitution.

- (a) Discuss powers, duties and liabilities of Bhumi Prabandhak Samiti.
- (b) Who is a Bhumidhar with non-transferable rights? Discuss.



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5.

- Describe the rules of succession after death of a male Bhumidhar with transferable (a)
- (b) Write short note on 'intermediary'.

6.

- (a) What is a Provisional Consolidation Scheme? Are changes possible in a Provisional Consolidation Scheme? If so, when and by whom?
- (b) How 'Statement of Principles' is prepared? How the objections received on statement of principles are disposed of?

7.

- (a) What do you understand by abetment? Describe various modes of abetment.
- (b) 'A' instigates 'B' to murder 'C', 'B' refuses to do so. Has 'A' committed any offence? Give reasons.

8.

- (a) Discuss the limits within which the right of private defence may be exercised.
- (b) Distinguish between robbery and dacoity.

9.

- (a) Describe the essential elements of theft and point out distinction between theft and extortion
- (b) While 'A', a student of law, was on way to attend library found a purse with money in it on the stair case. 'A' did not know to whom that purse belong 'A' afterward discovered that it belongs to 'B', another student of law. 'A' appropriated the money to his own use. Has 'A' committed any offence?

- The proof of word 'marries' in the offence of bigamy is extra-ordinarily difficult. (a) Elucidate the statement and refer to decided cases
- 'M' having intention to cause injury incites a dog to spring upon 'N' without 'N's consent (b) 'N' is annoyed by the act of 'M' What offence, if any, has 'M' committed?

