



 **Previous Year Paper**

U.P. Judicial Service Civil Judge Main Examination, 1986
PAPER – I {LANGUAGE}

1. Translate into simple court language and record it in Devanagari Script.

Before the learned Session Judge, the main contention of the appellant appears to have been that the case of the prosecution had not been properly established. It appears that the very same arguments were advanced before the High Court. The main argument before the High Court was that the Sessions Judge went clearly wrong in placing any reliance on the statement alleged to have been made by Sabitri Debi to the police officer and recorded by the police officer. It was argued before the High Court that no reliance could be placed on the said statement, which was considered to be the dying declaration of the deceased as the statement had not been made to a magistrate. But to a police officer and the facts and circumstances of the case would indicate the Sabitri debi was not in a fit condition to make any statement at all. It had been further argued tha there was no corroborative evidence of the said statement and, in the absence of any corroboration of the dying declaration, conviction. of the appellant, only on the basis of the dying declaration, could not be justified.

The High Court, in its judgement. Had carefully considered all the facts and circumstances of the case and the material on record. For reasons recorded in a carefully considered judgment, the high court negatived the contentions, held the appellant guilty and dismissed the appeal.

The main argument advanced before us in this appeal on behalf of the appellant is that the statement made by the deceased to the police officer, which has been recorded by the police officer and which has been relied on as the dying declaration of the deceased is not admissible and, in any event, no reliance should be placed on the same. It has been argued that a dying declaration, which can be relied on as evidence, must be made to a magistrate. In our opinion, there is not a requirement of law that such a statement must, necessarily, be made to a magistrate.





U.P. Judicial Service Civil Judge Main Examination, 1986
PAPER – II {GENERAL KNOWLEDGE}

Notes:

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

- 1.**
- (a) 'Terrorism' is a world-wide problem. Comment on this statement with reference to incidents in recent years. Give your own suggestions about possible methods to merit. 13
- (b) What steps, in the legal sphere, have been taken by the Govt. in our country to combat terrorism? Are they sufficient in your opinion. What more should be done? 12
- 2.**
- (a) What effect has environment upon human life? Does the Constitution of India have any provision about it. What administrative measures have been taken by the Govt. of India in this respect. 13
- (b) What step, in the field of law, were taken by the Govt. of India of help the afflicted persons in the Bhopal Gas tragedy? Will the decision of the American Court be of assistance to them? Is so, What? 12
- 3.**
- (a) Describe the form and working procedure of 'Lok Adalat' in U.P. 13
- (b) Do you feel that 'Lok Adalats' will help in ensuing quick and cheap justice. Please give reasons for your answer. 12
- 4.**
- (a) Is non-appearance by a lawyer, who is an agent of his orient, before the Court, by going on strike, justified in law or is it legally unjustifiable. Please support you answer with reasons. 13
- (b) Will a provision for compulsory training for a specified period with a senior advocate, before enrolment of a new advocate, be proper or not, why? 12
- 5.** Please narrate briefly the facts and principles laid down in the following decisions of the Supreme Court:
- (a) Olga Tellis and others v. Bombay Municipal Corporation and other (A.I.R. 1986 Supreme Court 180) 12
- (b) How does the above enactment affect the Supreme court decision A.I.R. 1985 Supreme Court 945 Mohd. Ahmad Khan v. Shah Bano Begum? Describe fully. 13
- 6.**
- (a) What are the main provisions of the Muslim Women (Protection of Rights on Divorce) Act 1986 (Act No. 25 of 1986)? Write your views with reasons. 13
- (b) How does the above enactment affect the Supreme Court decision A.I.R. 1985 Supreme Court 945 Mohd. Ahmad Khan v. Shah Bano Begum? Describe fully. 12





U.P. Judicial Service Civil Judge Main Examination, 1986
LAW PAPER – I {SUBSTANTIVE LAW}

Note:

- Candidates should attempt question Nos. 1 and 6 not more than four of remaining questions.
- Marks carried by each question are given at its end.

1.

(a) Explain " free consent" according to the Indian Contract Act.

25

(b) During his serious illness High Court employee Sri J.R. Bhatta who was working under the Deputy Registrar proceeded on a month's medical leave but could not become fit and he applied for extending the leave by 24 months 9 days on medical advice. The Deputy Registrar procrastinated and then asked the plaintiff to give an undertaking in writing that he shall not join his duty on the expiry of his leave. Thus compelled the plaintiff gave the undertaking and on that basis the plaintiff was not allowed to join. The plaintiff claimed declaration that he be treated on duty as before since the undertaking was against his wish. If he is entitled to any relief then give reasons in support of your answer.

15

2. Explain the doctrine of frustration or impossibility citing three illustrations.

30

3. Write the contracts which cannot be specifically enforced giving three illustrations.

30

4. Equity will not suffer a wrong to be without a remedy. Explain with illustrations.

30

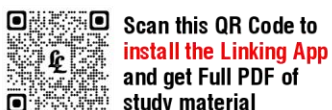
5. Have the changing times, terrorism, unemployment, dearness, drinking and drug-addiction altered the very concept of Hindu marriage? What is its form now? A young person remains imperfect so long as he does not marry and he attains perfection only by marrying. A maiden is always gifted even then demand for money property, car, motor cycle, scooter are made and if not complied with then she is burnt. Do you consider girls are married for selling or burning them, or for adultery? What are the conditions of a Hindu marriage?

40

Or

Equal Rights of Women's Movement gained momentum recently but the Indian Parliament in 1955 granted the most important right to Hindu women. The concept of "permanent union"

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or "eternal union" is only notional now. Under what circumstances dissolution of marriage can take place? 40

Or

What do you understand by "void" and "voidable" marriages. Illustrate your answer. 40

6. When the population swells in the proportion of four times and eight times then polygamy shall bring the population to a monstrous form. There should be only one son but he should be physically fit like a lion. In Islam, monogamy is the general rule while polygamy is only an exception. Comment. 30

7. Define "Tort" giving two illustrations and distinguishing it from breach of contract. 30

Or

Write down the essentials 'negligence' giving two illustrations. 30

8. Define easement giving three illustrations. 30

Or

Write down the essential of licence distinguishing it from lease. 30

9. Define "immovable property", "attached to the earth", "transfer of property." 30

10. Explain the meaning of 'vested interest', 'contingent interest' and 'conditional transfer'. 30





U.P. Judicial Service Civil Judge Main Examination, 1986
LAW PAPER – II {PROCEDURE & EVIDENCE}

Note:

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

1.

- (a) Draft a plaint for recovery of areas of rent and ejectment of a tenant of ground of default. 20
- (b) Draft a written statement in the suit mentioned in above. 20
- (c) Frame issues on the pleading a forementioned. 16

Or

Write judgment convicting the accused for offence under section 307 of the Indian Penal Code (Attempt to murder) after framing appropriate charge for the offence. 56

GROUP-A

2.

- (a) Discuss the statement that an executing court cannot go behind the decree. What are the questions that may be determined by the court executing the decree? 18
- (b) What do you understand by the pecuniary jurisdiction of a court? Will a court be competent to bear a suit exceeding its limits if the parties to the suit have given their consent? 12
- (c) Can revision be filed against an order of a court disallowing an important question put to a witness? 6

3.

- (a) 'Unless a right of appeal is clearly given, by statute it does not exist.' Comment can an appellate court reverse a decree on the ground of misjoinder of parties? 12
- (b) Explain the expression 'suit of civil nature.' 12
- (c) Does the Code of Civil Procedure make any provision for preventing courts of concurrent jurisdiction from trying at the same time two parallel suits in respect of the same matter in issue? If so, what? Discuss. 12





- 4.**
- (a) Explain constructive res judicates. 12
- (b) Who is an indigent person? What is the mode of instituting suit by such persons? 12
- (c) What are the inherent powers of a court ? Illustrate. 12

GROUP-B

- 5.** When can bail be granted in case of a non-bailable offence? Can bail be granted subject to conditions? 36
- 6**
- (a) Under what circumstances can a Magistrate demand security for good behaviour? 12
- (b) Narrate in brief the procedure for Session's trial. 12
- (c) 'For every distinct offence of which a man is accused, there shall be a separate charge and every such charge shall be tried separately.' 12

GROUP-C

- 7.**
- (a) Distinguish between direct and circumstantial evidence. Can a person be convicted on circumstantial evidence alone? 14
- (b) Distinguish between rebuttable and irrebuttable presumptions? Illustrate. 12
- (c) Distinguish between relevancy and admissibility on evidence. 12
- 8.**
- (a) What is confession? Distinguish between judicial and extra-judicial confession. 12
- (b) State the exception to the rule that confession by an accused in police custody is not admissible in evidence. 12
- (c) 'A', a woman, whose throat had been cut by some sharp-edged weapon, indicated by gestures before her death that 'B' was the person who had cut her throat. Is this statement of 'A' made by gestures admissible as evidence against 'B'? 12
- 9**
- (a) 'Hearsay evidence is no evidence.' Explain and state the exceptions. 24





(b) 'A', who was hit by 'bullet' stated in the hospital in the presence of a Magistrate that 'B' had fired at him. But 'A' did not die of this injury. Is the statement of 'A' made in the presence of the Magistrate admissible in evidence against 'B'? Can it be of any other use?

12

10.

(a) Distinguish between patent and latent ambiguities. Give examples of such ambiguities.

12

(b) Can evidence of the intention of the parties to a document be given contradict the express terms of that document?

12

(c) 'A' went to a lawyer 'B' and stated that he (A) had committed murder of 'C' and he wanted to engage him as his defence lawyer. 'B' replied that he did not defend actual murder and he would instead give evidence against him (A) that he (A) had confessed his crime before him. Can 'B' be allowed to depose against 'A'?

12





U.P. Judicial Service Civil Judge Main Examination, 1986
LAW PAPER – III {REVENUE & CRIMINAL}

Note:

- Candidates should answer six questions. Question Nos. 1 and 6 are compulsory and three questions must be from each group 'A' and 'B'. Marks carried by each question are indicated at its end.
- In Group 'A', Act means UP. Zamindari Abolition and Land Reforms Act.

GROUP - A

- 1.**
- (a) What are the classes of tenure in Uttar Pradesh? State the salient features of each them. 20
- (b) Write notes on:
- (i) Date of vesting 5
- (ii) Land Manager 5
- (iii) Sir 5
- (iv) Beneficiary. 5
- 2.**
- (a) "Devolution of tenancy land in Uttar Pradesh is not affected by the provisions of Hindu Succession Act." Amplify. 15
- (b) Whether a murderer of a murdered tenure holder is excluded from succession under ZA. & L. R. Act ? 15
- 3.** Write short notes on:
- (a) Transfer of agricultural land by members of Scheduled Caste and Scheduled Tribe. 9
- (b) Right of pre-emption 7
- (c) Mode of Service of notice 7
- (d) Gaon Sabha Fund. 7
- 4.**
- (a) What is the summary procedure for ejectment from land of public utility? 15



- (b) On what grounds may an asami be ejected? 15
5. Critically examine the provisions relating of division of holding and distinguish it from family arrangement. 30

GROUP-B

6. Explain "Constructive Liability" in Penal Law with special reference to Section 34 (Common intention) and Section 149 (common object) of the Indian Penal Code. 40
- 7.
- (a) Differentiate between murder and culpable homicide. 15
- (b) A knows Z to be behind a bush. B does not know it. A intending to cause of knowing it to be likely to cause Z's death induces B to fire at the bush. B fires and kills Z. Comment on the criminal liability of A and B. 15
- 8.
- (a) Describe the scope of intention, preparation and attempt to commit a crime. 15
- (b) A intending to murder Z by poison, purchases poison and mixes the same with food which he delivers to the servant of Z for placing it on Z's table. Discuss the criminal liability of A. 15
9. Write short notes on any three of the following:
- (a) Criminal Breach of Trust 10
- (b) Arson 10
- (c) Mischief 10
- (d) "Wrongful gain" and "Wrongful loss." 10
10. What is defamation and its exceptions according Section 499 of the Indian Penal Code? 30

