

UTTARAKHAND HIGHER JUDICIAL SERVICE EXAMINATION 2009

231

Paper No.1

Time Allowed: 2 Hours

Max. Marks:100

Note:

- o **All questions are COMPULSORY.**
- o **Candidates have a choice to answer questions either in Hindi or in English.**

Part One

50 marks

1. Explain briefly the meaning of any of the five given below.

.... There is 2 marks for each- **total 10 marks**

- a. Namo est supra leges
- b. Delegata potestas non potest delegari
- c. Audi alteram partem
- d. Rex non debet judicare sed secundum legem
- e. Caveat emptor
- f. Domicile
- g. Mesne profits
- h. Pro Bono Publico

[Note:- Candidate have to answer only five of the above.]

2. Below in column 'A' are the names of certain book titles and in column 'B' are the names of authors of these books . You have to match the book with its author.

....There is 1 mark for each- **total 10 marks**

A- Title of the book	B- Author
1. Lost Symbols	1. Jaswant Singh
2. Jinnah-India ,partition, Independence	2. Dan Brown
3. Idea of Justice	3. Amartya Sen
4. Courting Destiny	4. Justice S.S.Sodhi
5. The other side of Justice	5. Shanti Bhushan
6. My own Boswell	6. H.M.Seervai
7. Justice as fairness	7. Motilal Seetalwad
8. My life	8. Thomas Moore
9. Utopia	9. M.Hidayatullah (Former Chief Justice of India)
10. Constitutional Law of India (in three volumes)	10. John Rawls

3. Write briefly about the salient features of the Right to Information Act, 2005 and your assessment about the utility of this Act in present day India.

(250 words)

(Total marks- 10)

4. Secularism is a basic feature of our Constitution. What do you understand by Secularism? While explaining refer to the various provisions of the Constitution of India which are relevant to mention here and which strengthen the argument that secularism is indeed a basic feature of our Constitution. Also refer to leading case laws on this subject.

OR

The independence of India also led to its partition. Was partition necessary? On whom would you fix the responsibility? State briefly the necessary events which led to freedom and partition, such as the Cripps Plan, cabinet Mission Plan, etc.

(Total marks- 10)

5. Write short notes on any two of the followings.
- System software.
 - Word processing software.
 - Electronic mail.

(Total marks-10)

Part two

6. Write an essay of approximately 300 words, on anyone of the following topics;

(Total marks-15)

- Why do you want to become a Judge?
- We have three great personalities and figures in our history. Ashoka the great, Akbar the great and Jawaharlal Nehru. Although these figures are widely separated in time, as the first pertains to ancient India, the second to medieval India and the third to modern India, yet there is some striking similarities in them. Discuss.

[Note:- Candidate have to answer only one of the above.]

7. Write a precis of the following paragraph:

In January 1889, or so the story goes, Motilal Nehru, a twenty-seven- years old lawyer from Allahabad, in UP, travelled to Rishikesh, a town holy to Hindus, up in the foothills of the Himalayas on the banks of the sacred River Ganga(Ganges). Motilal was weighed down by personal tragedy. Married as a teenager, in keeping with custom, he had soon been widowed, losing both his wife and his firstborn son in childbirth. In due course he had married again, an exquisitely beautiful woman named Swarup Rani Kaul. She soon blessed him with another son-but the boy died in infancy. Motilal's own brother, Nandlal Nehru, then died at the age of forty-two, leaving Motilal the care of his widow and seven children. The burden was one he was prepared to bear, but he desperately sought the compensatory joy of a son. This , it seemed was not to be.

Motilal and his two companions, young Brahmins of his acquaintance, visited a famous yogi renowned for the austerities he practiced while living in a tree. In the bitter cold of winter, the yogi undertook various penances which, it was said, gave him great powers. One of the travellers, Pandit Madan Mohan Malviya,

informed the yogi that Motilal's greatest desire in life was to have a son. The yogi asked Motilal to step forward; looked at him long and hard, and shook his head sadly; 'You,' he declared, 'will not have a son. It is not in your destiny.'

As a despairing Motilal stood crestfallen before him, the other man, the learned Pandit Din Dayal Shastri, argued respectfully with the Yogi. The ancient Hindu shastras, he said, made it clear that there was nothing irreversible about such a fate; a great karmayoogi like him could simply grant the unfortunate man a boon.

Thus challenged, the yogi looked at the young men before him, and finally sighed. He reached into his brass pitcher and sprinkled water from it three times upon the would-be father. Motilal began to express his gratitude, but the yogi cut him short. 'By doing this,' the yogi breathed, 'I have sacrificed the benefits of all the austerities I have conducted over many generations.'

The next day, as legend has it, the yogi passed away. Ten months later, at 11.30 p.m. on 14th November, 1889, Motilal Nehru's wife, Swarup Rani, gave birth to a healthy baby boy. He was named Jawaharlal ('precious jewel'), and he would grow up to be one of the most remarkable men of the twentieth century.

Jawaharlal Nehru himself always disavowed the story as apocryphal, though it was attributed by many to two of the protagonists themselves—Motilal and Malviya. Since neither left a first-hand account of the episode, the veracity of the tale can never be satisfactorily determined. Great men are often ascribed remarkable beginnings, and at the peak of Jawaharlal Nehru's career there were many willing to promote a supernatural explanation for his greatness. His father, certainly, saw him from a very early age as a child of destiny, one made for extraordinary success; but as a rationalist himself, Motilal is unlikely to have based his faith in his son on a yogi's blessing.

(Total marks-15)

3. Translate the following paragraph into Hindi.

The whole ratio of the majority judgments as well as the minority judgments in Golak Nath's case, turns entirely on the meaning to be attached to two words—the word 'law' in article 13(2) and the word 'amendment' in Article 368. Therefore the crucial question is—what is the precise meaning to be attached to these two words. To start with any assumption that the word 'amendment' should be construed in its widest sense is to start with the answer instead of starting with the question.

The minority judgments in Golak Nath's case (supra), as also the earlier cases, proceeded on the assumption that the power of amendment dealt with by Article 368 was plenary. This assumption is wholly without foundation.

Article 368 referred only to the topic of constitutional amendment but, was silent as to the subject-matter in respect of which the amending power could be exercised, and was equally silent as to the extent or width of the amending power.

(Total marks -10)

9 Translate the following paragraph into English.

गाँव के बाहर एक लम्बा-चौड़ा मैदान था जो धीरे-धीरे ऊसर बनता जा रहा था। अब उसमें घास तक न उगती थी। उसे देखते ही लगता था, आचार्य विनोबा भावे का दान के रूप में देने के लिए एक आदर्श जमीन है। और यही हुआ भी था। दो साल पहले इस मैदान को भूदान-आन्दोलन में दिया गया था। वहाँ से वह दान के रूप में गाँव-सभा को वापस मिला। फिर गाँव-सभा ने इसे दान के रूप में प्रधान को दिया। प्रधान ने दान के रूप में इसे पहले अपने रिश्तेदारों और दोस्तों को दिया और उसके बचे-खुचे हिस्से को सीधे-कय-विकय के सिद्धान्त पर कुछ गरीबों और भूमिहीनों को दे दिया। बाद में पता चला कि जो हिस्सा इस तरह गरीबों और भूमिहीनों को मिला था वह मैदान में शामिल न था, बल्कि किसी किसान की जमीन में पड़ता था। अतः उसे लेकर मुकदमोंबाजी हुई, जो अब भी हो रही थी और आशा है कि अभी होती रहेगी।

(Total marks -10)