

UTTARAKHAND HIGHER JUDICIAL SERVICE EXAM - 2011

Maximum Marks: 100

Time Allowed: 2 hours

Note (i) All questions are Compulsory.

(ii) Candidate can answer the Questions either in English or in Hindi.

Paper No. 1

Part One

Q. 1. Write Short Notes (30-40 Words) on **any two** of the following:
(3 Marks Each, Total Marks 6)

- I. The Constitution (111th Amendment) Bill, 2009
- II. Jasmine Revolution
- III. Central Bureau of Investigation and Ors. V. Keshub Mahindra
(Hon'ble Supreme Court's Judgment delivered on 11 May 2011)
- IV. The Commercial Division of High Courts Bill, 2009

Q. 2. Myanmar conducted general elections in November 2010 which was welcomed by countries all over the world including India. State the background and the reasons which made this election so significant?
(60-70 words, 4 Marks)

OR

Write briefly about the celebrations undertaken to mark the 150th birth anniversary of Rabindranath Tagore in 2011.

Q.3 Mentioning all relevant statutes, trace the development of Higher Courts in India from 1773 Regulating Act onwards to the time of coming into force of Article 124 of the Constitution of India. (Approx. 200 Words, 10Marks)

OR

At times it has been noticed that judicial activism activated through Public Interest Litigations (PILs) results into mere dialogic activism, but then in a vibrant democracy like ours, dialogic activism too has a significant role to play.

In the light of this statement, critically examine the nature of Judicial Activism and PILs in the present scenario.

Q. 4 What do you understand by an 'Operating System' of a computer? Name any two operating systems used in computers? (2+2 = 4 Marks)

Q. 5 What is 'Phishing' with regard to internet banking? (2 Marks)

Q. 6 Answer the following: (1 Mark Each)

- I. Who is the founder of the popular Social Networking Site 'Face book'?
- II. If you are asked to make a PowerPoint presentation, which one of the following e- tools will you likely use
 - a. Skype
 - b. Adobe Acrobat
 - c. Microsoft office
 - d. Twitter
- III. What is the full form of IP in an IP Address?
- IV. Which computer conglomerate came out with the popular tablet computer named 'iPad' in April 2010.

Q 7. Write a Note (in about 100 words) of **any two** of the following **topics** (5 marks Each, Total Marks 10)

- I. Narcoanalysis technique
- II. Durham Rule in Defence of Insanity
- III. Asphyxia by hanging and Strangulation.

Q.8 Explain briefly (in about 25-30 Words) the meaning of **any five** of the following legal maxims/phrases (2 Marks Each, Total Marks 10)

- I. De minimis non curat lex
- II. Clausula rebus sic stantibus
- III. Pendente lite
- IV. Actio personalis moritur cum persona
- V. Actus me invito factus non est meus actus
- VI. Ex turpi causa non oritur actio
- VII. Per Incuriam
- VIII. Uberrima fides

Part Two

**1. Write an Essay in about 300 words on any one of the following topics:
(15 Marks)**

- i. Law alone cannot enforce Women Equality.
- ii. Infrastructure deficit is the foremost problem of Judicial System in India.
- iii. A Judge must bear in mind that when he tries a case he is himself on trial.

2. Make a précis of the following passage: (15 Marks)

An irrevocable commitment to democracy based on the rule of law remains the proudest achievement of the Indian state since independence. Our understanding of the rule of law as the sheet anchor of democratic rights and a just society is inextricably linked to the preservation of individual liberty and freedom of all our citizens. We believe that the power of the State is to be applied for the advancement of the basic human rights of all our citizens. But at the same time it should be so constrained by the rule of law as to advance civil and political rights of the individual and thus prevent oppressive governance. It is a matter of pride for us that India is one of the very few nations, in the developing world and certainly the only one of its size and diversity to have remained a vibrantly democratic republic in real and in operational terms.

India presents a shining example of constitutionalism and the rule of law. India's Constitution is not only one of the most comprehensive documents of its kind in the world, but one whose every phrase has been animated by vibrant and dynamic judicial interpretation. It is not a bare text, but a living, evolving organism. Constitutional jurisprudence, generally, has struck a balance in favor of perceived social good. Well known legal doctrines have thus been reinterpreted in the context of the legitimate demands of social justice, inclusive growth and redressal of historical injustices or imbalance within India's fast transforming economy and polity.

3. Translate the following paragraph into Hindi (10 Marks)

The weight of judicial authority leans in favour of the view that the Statement of Objects and Reasons accompanying a bill, when introduced in Parliament cannot be used to determine the true meaning and effect of the substantive provisions of the Statute. They cannot be used except for the limited purpose of understanding the background and the antecedent state of affairs leading up to the legislation and the evil which the statute was sought to remedy. If the provisions of the National Commission of Minority Educational Institutions Act are interpreted keeping in view the background and context in which the Act was enacted and the purpose sought to be achieved by this enactment, it becomes clear that the this Act is intended to create a new dispensation for expeditious disposal of cases concerning minority educational institutions.

4. Translate the following paragraph into English. (10 Marks)

विधि-व्यवसाय पूर्ण रूप से स्वतन्त्र व्यवसाय है। किसी भी क्षेत्र में स्वतन्त्रता एक निश्चित सीमा तक ही लाभप्रद हो सकती है। प्रायः देखा गया है कि लोग स्वतन्त्रता को तो अपना मौलिक जन्म सिद्ध अधिकार मानते हैं, लेकिन कर्तव्यपालन की उपेक्षा करते हैं। कर्तव्यपालन की अवहेलना अक्षम्य अपराध है। विधि-व्यवसाय में पूर्णरूपेण स्वतन्त्रता अधिवक्ता समाज के एक विशेष वर्ग को उसके कुप्रभाव के कारण निरंकुश बना रही है, अधिवक्ताओं का यह वर्ग अपने स्वभाव से स्वेच्छाचारी होता जा रहा है। जबकि एक समय में अधिवक्ता समाज ने ही देश के स्वतन्त्रता संग्राम में, समाज एवं राष्ट्र की प्रगति के हित में प्रमुख समस्याओं को हल करने में तथा राष्ट्र को राजनैतिक नेतृत्व देने में महत्वपूर्ण भूमिका निभायी है। आज न्यायालयों की गरिमा, न्यायालयों के उच्च आदर्श, न्यायालय की स्वतन्त्रता, न्यायालय प्रांगण का स्वच्छ एवं स्वतन्त्र वातावरण, अधिवक्ता वर्ग पर काफी सीमा तक निर्भर करता है। न्यायालयों के न्यायाधीश मूलतः अधिवक्ता समाज की ही देन हैं। भारतीय जनमानस अधिवक्ता वर्ग के उच्च आदर्शों के प्रति अत्यन्त आशावान है।