

UTTARAKHAND HIGHER JUDICIAL SERVICE EXAMINATION-2013

PAPER NO. 1

Time Allowed: 2 Hours

Max. Marks:100

Part-I

50 Marks

(A) Attempt any four questions

8 Marks

(Each carries equal marks)

1. Write a short note on the Charter of 1726?
2. By which act Supreme Courts of Judicature at Calcutta, Madras and Bombay were abolished?
3. What were the major defects in the Judicial Plan of 1772?
4. What was the importance of the Judicial Plan of 1880?
5. What was the key contribution of the First Law Commission of 1834, established during British rule?
6. Which act established the 'Federal Court of India'?
7. Who headed the First Law Commission of Independent India? What was its major contribution?

(B) Explain any five legal phrases

10 Marks

(Each carries equal marks)

1. Adult Probation
2. Alford Doctrine
3. Capias Mittimus
4. Emancipation
5. Guardian Ad Litem
6. Lis Pendens
7. Mitigating Circumstances
8. Nolo Contendere

(C) Explain the meaning of any four legal maxims

8 Marks

(Each carries equal marks)

1. *e minimis non curat lex*
2. *Ex turpi causa non oritur actio*
3. *Non est factum*
4. *Quantum meruit*
5. *Judgment in personam and judgment in rem*

(D) Answer any four questions

8 Marks

(Each carries equal marks)

1. What are the objectives of Autopsy? Explain the rules that govern a medico legal post mortem examination?
2. Explain different types of Abortion. When is abortion permissible and when is it not? Discuss criminal liability of persons involved in illegal abortion-doctor, woman undergoing abortion, persons encouraging illegal abortion.
3. Explain and classify Insanity. Describe the medico legal aspects of Insanity. What are the main causes of Insanity? Differentiate between true and feigned insanity.
4. Differentiate between hanging and strangulation.

5. Define injury and wound. What is the difference between incised wound and punctured wound? Whether punctured wound can be caused by inflicting the blow of knife?

**(E) Answer any three of the following questions 6 Marks**  
(Each carries equal marks)

1. What are some common uses for a computer?
2. What application allows you to gain access to the world wide web?
3. How will you copy a text from some file in computer?
4. Which mouse button do you use more often?
5. Give some examples of search engines?
6. How do you properly turn off a computer?

**(F) Answer any five questions 10 Marks**  
(Each carries equal marks)

1. Why the United States of America did not attack Serbia despite declaration to this effect by the US President that it was inevitable?
2. What are the major causes for continuous high rate of inflation in India?
3. Why India is feeling constraint to extend every help including monetary to its neighbour countries, viz., Nepal, Bhutan, Tibet, Maldives, Myanmar and Sri Lanka?
4. Write about super cyclone 'Phailin'. How it recently affected India?
5. President of India signed the ordinance on food security on 5 July, 2013, which seeks to give legal rights to 67 per cent of the population for subsidised grains. Discuss the impact of the ordinance and how can it be beneficial for India. Will it affect India positively or negatively?
6. Write your views on pro and anti Telangana movements. Discuss, in brief, impacts of formation of a new state Telangana on the economy and politics of India?
7. President of Ireland signed the Abortion Bill into Law. Compare and contrast it with the abortion law in India?

**PART-2**

**50 Marks**

- Q 1. Write a short essay in English on anyone of the following topics: **15 Marks.**

- (i). Corruption at high places affects the whole country.
- (ii). Where there is a will there is a way.
- (iii). Whistle blower protection in India is sufficient.

- Q 2. Write a précis in English of the following passage:

**15 Marks.**

"It is amazing how few people are aware of the value of solitude and contemplation. The art of living in bed means more than physical rest for you. After you have gone through a strenuous day and compete relaxation, after all the people you have met and interviewed, all the friends, who have tried to crack silly jokes, and all your brothers and sisters who have tried to rectify your behaviour and sponsor you into heaven, have thoroughly got on your nerves. It is all that I admit. But it is something more. If properly cultivated, it should mean a mental house-cleaning. Actually many businessmen who pride themselves on rushing about in the morning and afternoon and keeping three desk telephones busy all the time on their desk, never realized that they could make twice the amount of money if they could give themselves one hour's solitude awake in bed at one o'clock in the morning, or even at seven. What does it matter even if one stays in bed till eight o'clock, a thousand times better that he should provide himself with a good tin of cigarettes on his bedside table and take plenty of time to go up from bed and solve all his problems of the day before he brushes his teeth. There, comfortable stretched or curled up in his pyjamas, free from the irksome woollen underwear or the irritating belt or suspenders and suffocating collar and heavy leather boots, when his toes are emancipated and have recovered the freedom which they inevitably lose in the day time, the real business head can think, for only when one's toes are free in his slippers, and only when one's head is free, is real thinking possible. Thus in that comfortable position, he can ponder over his achievement and mistakes of yesterday and single out the important from the trivial in the day's programme ahead of him. Better that he arrive at ten o'clock in his office, master of himself, than that he should come punctually at nine or even a quarter before to watch over his subordinates like a slave-driver and "then hustle about nothing" as the Chinese say.

Q 3. Translate the following passage into Hindi: **10 Marks.**

"The presumption available under Sections 90 and 90-A are also not similar. Section 90 (2) permits the raising of the presumption in respect of the signature, handwriting, execution and attestation, while Section 90 permits a presumption only in respect of execution. Section 90 deals with documents which are more than 20 years old, while Section 90-A places no such restriction and includes also documents from judicial record. Neither of the two sections, therefore, can be said to be occupying a field



which the other exclusively occupies. They deal with different fields and different circumstances and permit different type of presumption to be raised.

For the reasons given above it is not possible to hold that sub-section (2) of Section 90-A will override and nullify Section 90 if the document, though more than 20 years old, is the basis of the suit or the defence or is relied upon in the plaint or written statement. We, are, therefore, of opinion that *Om Prakash and others v. Bhagwan and others* (AIR 1974 Allahabad 389) does not lay down the correct law."

**Q 4. Translate the following passage into English: 10 Marks.**

"अपीलार्थी के विद्वान् अधिवक्ता का मुख्य रूप से तर्क यह है कि दिनांक 29-7-70 को उ0प्र0 माध्यमिक शिक्षा के अधिनियम के प्राविधान के अन्तर्गत किसी सहायक अध्यापक की नियुक्ति को जिला विद्यालय निरीक्षक की पूर्व अनुमति आवश्यक नहीं थी और न पद सृजन की पूर्व अनुमति आवश्यक थी। उक्त आधार पर उन्होंने यह अभिकथित किया कि वादी की सेवा समाप्ति का आदेश पूर्णतया विधि विपरीत था। मुख्य रूप से उनका आग्रह यह था कि उ0प्र0 शिक्षा अधिनियम की धारा 16 एम0 (2) के प्राविधान के अन्तर्गत किसी सहायक अध्यापक की सेवा बिना जिला विद्यालय निरीक्षक के अनुमोदन के समाप्त नहीं की जा सकती है। इसी कम में अपीलार्थी के विद्वान् अधिवक्ता का यह भी कथन है कि तत्कालीन अधिनियम के अन्तर्गत धारा 16 एफ (2) में यह भी व्यवस्था थी कि यदि नियुक्ति के अनुमोदन प्राप्त करने के 2 सप्ताह के अन्दर जिला विद्यालय निरीक्षक अनुमोदन न दे तो नियुक्ति स्वतः अनुमोदित मानी जायेगी।"

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