

UTTARAKHAND HIGHER JUDICIAL SERVICE LIMITED COMPETITIVE

EXAMINATION – 2014

Paper No. 1

**Maximum marks –50**

Time : 1:00 hour.

Note : All questions are compulsory.

Q.1. Write an essay in about 400 words on anyone of the following topics:

- (i) Formation of 'National Judicial Appointment Commission', in the manner it is proposed, is encroachment on independence of Judiciary.
- (ii) Corruption in Public Offices is a matter of great concern.
- (iii) "The Reality Behind Kid's Reality TV shows: an Assault on naïve Childhood and Violation of the Human Rights and the Law."

(15 marks)

Q.2. Write a Precis of the following :

(15 marks)

"One great defect of our civilization is that it does not know what do you do with its knowledge. Science, as we have seen, has given up powers fit for the Gods, yet we use them like small children.

For example, we do not know how to manage our machines. Machines were made to be man's servants; yet he has grown so dependent on them that they are in a fair way to become his masters. Already most men spend most of their lives looking after and waiting upon machines. And the machines are very stern masters. They must be fed with coal, and given petrol to drink, and oil to wash with, and must be kept at the right temperature. And if they do not get their meals when they expect them, they grow sulky and refuse to work, or burst with rage, and blow up, and spread ruin and destruction all round them. So we have to wait upon them very attentively and do all that we can to keep them in a good temper. Already we find it difficult either to work or play without the machines, and a time may come when they will rule us altogether, just as we rule the animals."

Q.3.

Translate the following passage into Hindi:

(10 marks)

As a general rule, the substantive evidence of a witness is the statement in Court. The evidence of mere identification of the accused person at the trial for the first time is from its very nature inherently of a weak character. The purpose of a prior test identification, therefore, is to test and strengthen the trustworthiness of that evidence. It is accordingly considered a safe rule of prudence to generally look for corroboration of the sworn testimony of witnesses in Court as to the identity of the accused who are strangers to them, in the form of earlier identification proceedings. This rule of prudence, however, is subject to exceptions, when, for example, the Court is impressed by a particular witness on whose testimony it can safely rely, without such or other corroboration. The identification parades belong to the stage of investigation and there is no provision in the Code of Criminal Procedure, which obliges the investigating agency to hold, or confers a right upon the accused to claim a test identification parade. They do not constitute substantive evidence and these parades are essentially governed by Section 162 of the Code of Criminal Procedure. Failure to hold a test identification parade would not make inadmissible the evidence of identification in Court. The weight to be attached to such identification should be a matter for the courts of fact. In appropriate cases, it may accept the evidence of identification even without insisting on corroboration.

Q. 4.

Translate the following passage into English:

(10 marks)

“यदि विद्वान मजिस्ट्रेट पिछली दो परिस्थितियों में किसी विवादित सम्पत्ति को धारा 146 दं०प्र०सं० के अंतर्गत कुर्क करता है, तो वह विवाद को विषयवस्तु में तब तक के लिये कुर्क कर सकता है जब तक कि कोई सक्षम न्यायालय उसके कब्जे के हकदार पक्षकारों का अवधारण नहीं कर देता है । परन्तु यदि मजिस्ट्रेट किसी विवादग्रस्त सम्पत्ति को धारा 146 दं०प्र०सं० में पक्षकारों का कब्जा विनिश्चय करने का अधिकार मजिस्ट्रेट का समाप्त नहीं होता है । उसके लिये यह वैधानिक नहीं है कि वह आदेश दे दे कि अपने कब्जे का अवधारण किसी सक्षम न्यायालय द्वारा कराये, वरन् ऐसी स्थिति में

उसे स्वयं धारा 145 दं०प्र०सं० की उपधारा 3 से 10 का प्रयोग करना चाहिए और यह विनिश्चित करना चाहिए कि प्रारम्भिक आदेश पारित करते समय किस पक्षकार का कब्जा विवादित सम्पत्ति पर था । यदि वह यह पावे कि प्रारम्भिक आदेश के समय पक्षकारों में से किसी का यथानिर्दिष्ट कब्जा उस समय नहीं था अथवा वह समाधान नहीं कर पाये कि किसका कब्जा विवाद की विषयवस्तु पर था तब उसको यह अधिकार होगा कि वह यह निर्देश दे कि सक्षम न्यायालय से अधिकार का अवारण करने तक उस विषयवस्तु को कुर्क रखा जाये ।”