Delhi Judicial Service (Mains) 2023: Paper 1, General Legal Knowledge and Language — Solution

Model answers to Paper 1 (General Legal Knowledge and Language), 250 marks, 3 hours. Where a choice is allowed (any six of eight notes; one essay), every item is answered here.

Section I: General Legal Knowledge

1. Short notes (any six of eight; all eight are answered here) **(6 x 10)**

(i) Paper leak in public examinations

Repeated leaks have cost lakhs of candidates their fair chance. They attack equality of opportunity in public employment (Articles 14 and 16) and public faith in recruitment.

- Until 2024 there was no central law; prosecutions relied on cheating, forgery and conspiracy under the penal code and on state laws.
- Parliament enacted the Public Examinations (Prevention of Unfair Means) Act, 2024 in February 2024 for central recruitment bodies (UPSC, SSC, railway and bank recruitment boards, NTA and central departments).
- Leaking papers, tampering with answer sheets, impersonation and tampering with computer systems are offences: 3 to 5 years and fine up to Rs 10 lakh; organised offences carry 5 to 10 years and a fine of not less than Rs 1 crore; a service provider faces a heavy fine and a bar from conducting examinations. Offences are cognizable, non-bailable and non-compoundable.

The real cure also needs secure printing, computer-based testing, audit of vendors and quick trials.

(ii) Criminal law reforms

In December 2023 Parliament passed the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam to replace the IPC, the CrPC and the Evidence Act. They were notified to start on 1 July 2024.

- Substantive law: sedition is gone, replaced by a new offence of acts endangering the sovereignty, unity and integrity of India; organised crime and terrorism are defined (sections 111 and 113 BNS); murder by a group of five or more on grounds such as race, caste or religion is made a separate offence; community service appears as a punishment for petty offences.
- Procedure: zero FIR, electronic reporting, audio-video recording of search and seizure, fixed timelines for investigation, charge and judgment, and trial in absence of a declared offender.
- Evidence: electronic and digital records are treated as documents.

Supporters speak of speed and decolonisation; critics fear longer police custody and wide police powers.

(iii) One Nation, One Election

The idea is to hold Lok Sabha and State Assembly elections together, and later local body polls, to save cost and reduce the long periods of model code of conduct.

- A high-level committee under former President Ram Nath Kovind (formed in September 2023) submitted its report in March 2024. It proposed two phases: simultaneous Lok Sabha and Assembly polls first, then local body polls within 100 days.
- It needs constitutional amendments (for example to Articles 83 and 172 on the terms of the Houses, and a new article for simultaneous elections) and, for local bodies, ratification by half the States.
- Concerns: federalism, the fate of a House dissolved early, regional voices and the practical load on voting machines and staff. The basic structure doctrine limits changes that weaken federal democracy.

(iv) Bilkis Bano case: remission granted to convicts

Eleven men convicted of gang rape and murder during the 2002 Gujarat riots were released in August 2022 on remission by the Gujarat Government. On 8 January 2024 the Supreme Court quashed those orders.

- The trial was transferred to Maharashtra, so under section 432(7) CrPC [section 473(7) BNSS] the appropriate Government for remission was Maharashtra, not Gujarat.
- The earlier order that told Gujarat to consider remission was obtained by suppressing facts and was treated as a fraud on the Court; the Court said it cannot be used to give orders without jurisdiction.
- The convicts were directed to return to prison. The Court stressed that remission is a statutory power exercised with reasons, that crime against women needs sensitive treatment and that the rule of law needs equal treatment of all.

(v) Uniform Civil Code

Article 44, a Directive Principle, asks the State to try to secure a uniform civil code for citizens throughout India. It is not enforceable, and it covers marriage, divorce, succession, adoption and maintenance.

- Shah Bano, Sarla Mudgal and John Vallamattom stressed the need for it; Goa already has a common family law.
- The 21st Law Commission (2018) said a uniform code was neither necessary nor desirable at this stage and urged reform within each personal law. The 22nd Law Commission invited fresh views in June 2023.
- Uttarakhand passed a Uniform Civil Code Act in February 2024.
- Issues: Article 25 and 26 freedom of religion, tribal customs (Sixth Schedule areas), gender justice and the risk of imposing the majority norm.

(vi) Same sex marriage in India

In *Supriyo v Union of India* (17 October 2023) a five-judge Bench unanimously refused to recognise a fundamental right to marry or to read down the Special Marriage Act, 1954, leaving the matter to Parliament.

- The Bench held that marriage is not a fundamental right and that the Court cannot rewrite the Act, since that is for the legislature.
- On civil unions and adoption by queer couples the Bench split 3:2 against; the minority wanted a right to a civil union and to adopt.
- The Union told the Court it would form a committee under the Cabinet Secretary on entitlements of queer couples (ration cards, joint bank accounts, medical decisions); the Court recorded this.
- Consensual same-sex relations had been decriminalised earlier in *Navtej Singh Johar* (2018), reading down section 377 IPC.

(vii) Women's reservation

The Constitution (106th Amendment) Act, 2023, the Nari Shakti Vandan Adhiniyam, reserves one-third of the seats in the Lok Sabha, State Legislative Assemblies and the Delhi Assembly for women.

- It inserts Articles 330A, 332A and 334A and amends Article 239AA. One-third of the seats reserved for Scheduled Castes and Scheduled Tribes are also for women.

- The reservation takes effect only after a census taken after the Act and the delimitation that follows. It lasts fifteen years, extendable by Parliament, and seats will rotate after each delimitation.
- The Bill passed in September 2023 almost unanimously. Criticism: the delay, no separate quota for OBC women, and no coverage of the Rajya Sabha and Legislative Councils.

(viii) National Judicial Appointments Commission

The 99th Constitutional Amendment (2014) and the NJAC Act, 2014 replaced the collegium with a six-member commission (the Chief Justice, two senior Supreme Court judges, the Law Minister and two eminent persons).

- In *Supreme Court Advocates-on-Record Association v Union of India* (2015) a Constitution Bench held by 4:1 that both laws are void. Independence of the judiciary is part of the basic structure and a say of the executive with a veto of two eminent persons endangered it.
- The collegium for appointments of judges of the Supreme Court and High Courts was revived. The Court later invited suggestions to improve the Memorandum of Procedure.
- Since 2022 the executive has often criticised the collegium for opacity, while the Court has defended it and has asked for faster clearance of names.

2. True or False **(10 x 2)**

No.	Answer	Reason
(i)	**False**	Article 35A (added by a 1954 Presidential Order under Article 370) only allowed the J&K legislature to define "permanent residents" and give them special rights in jobs, land and scholarships. It did not confer autonomy or constituent power, and it did not restrict Parliament's power in the sense stated. Article 370 and Article 35A were nullified in August 2019, and the Constitution Bench in December 2023 upheld that step.
(ii)	**True**	Res ipsa loquitur ("the thing speaks for itself") applies mostly in negligence claims. Where the accident would not ordinarily happen without negligence and the thing was in the control of the defendant, the court draws an inference of negligence and the burden shifts to the defendant to explain. It is a rule of evidence, not of substantive liability (*Shyam Sunder v State of Rajasthan*).
(iii)	**False**	Justice M. Fathima Beevi was the first woman judge of the Supreme Court (1989). No woman has yet been Chief Justice of India. The first woman Chief Justice of a High Court was Justice Leila Seth (Himachal Pradesh).
(iv)	**True**	Under Article 27(3) of the UN Charter, decisions on non-procedural matters need nine affirmative votes including the concurring votes of the permanent members. A negative vote by any one of the five blocks the resolution. An abstention is not a veto.
(v)	**False**	The group of companies doctrine is a rule of arbitration, not of liability for breach. It lets a tribunal bind a non-signatory company of the same group to an arbitration agreement when the circumstances show a common intention to be bound (*Chloro Controls*; accepted, with limits, by the Constitution Bench in *Cox and Kings*, December 2023). It does not make a holding company liable for its subsidiary's breach of a contract to which it is not a party; that would need lifting of the corporate veil, which is an exception.
(vi)	**True**	The President is the head of the executive (Article 53) and part of Parliament (Article 79). He gives assent to Bills, makes ordinances (Article 123) and summons and prorogues the Houses. He also has judicial powers: pardon, reprieve and remission (Article 72).
(vii)	**False**	The International Criminal Court tries individuals for genocide, war crimes and crimes against humanity; it does not decide disputes between States and does not "bind" a State or an armed group as such. The case on Gaza between States is before the International Court of Justice (provisional orders of 26 January and 28 March 2024), whose orders bind the States parties to the case, and Hamas is not a State.
(viii)	**False**	The 42nd Amendment (1976) inserted "socialist", "secular" and "integrity" in the Preamble. The 43rd and 44th Amendments reversed many other changes of the 42nd, but they did not remove these words, which remain in the Preamble.
(ix)	**False**	The National Judicial Pay Commission deals with the pay structure of the subordinate (district) judiciary, but its recommendations also cover pension, family pension, retirement benefits and other service conditions, and apply to retired judicial officers. They do not cover judges of the High Courts and the Supreme Court. As framed ("only salary and perquisites"), the statement is incorrect.
(x)	**False**	The Jallikattu litigation concerned cruelty to animals under the Prevention of Cruelty to Animals Act, 1960 and Tamil Nadu's amendment permitting the sport as cultural heritage. In 2014 the Supreme Court banned it (*A. Nagaraja*); in May 2023 a Constitution Bench upheld the Tamil Nadu amendment. It was not about human rights violations.

3. Legal perspective of the following (three or four sentences each) **(10 x 2)**

- **(i) Electoral Bonds:** a 2018 scheme that allowed anonymous donations to parties through bearer bonds sold by the State Bank of India. In *Association for Democratic Reforms v Union of India* (15 February 2024) a Constitution Bench struck it down as violating the voter's right to information under Article 19(1)(a). It also struck down the related amendments (unlimited corporate donations and secrecy of donors) and ordered disclosure of the data.
- **(ii) Stare decisis:** the rule that courts follow earlier decisions. Under Article 141 the law declared by the Supreme Court binds all courts. The Supreme Court is not bound by its own past decisions, but departs from them only for strong reasons and through a larger Bench. A decision given in ignorance of a binding rule is *per incuriam*.
- **(iii) Regional benches of the Supreme Court:** Article 130 lets the Supreme Court sit in Delhi or at other places chosen by the Chief Justice with the President's approval. The 229th Law Commission Report (2009) proposed a Constitution Bench in Delhi and four regional cassation benches. The question is of access to justice versus the unity of the apex court, and no regional bench has been set up.
- **(iv) Government of India Act, 1935:** the British Act that set up provincial autonomy, a proposed federation, a Federal Court and a bicameral scheme. Its federal structure, the office of Governor, emergency powers, the Public Service Commissions and much administrative text were carried into our Constitution, and laws made under it continued under Article 372.
- **(v) Vulnerable witnesses:** child victims, victims of sexual offences, and persons with mental or physical disability who may be unable to testify freely in open court. The Supreme Court in *Sakshi* and later in *Smruti Tukaram Badade* approved the use of screens, closed-circuit links and vulnerable witness deposition centres modelled on the Delhi High Court's guidelines, and directed High Courts to adopt such rules. The Witness Protection Scheme, 2018 was also approved by the Court.
- **(vi) Minimum Support Price:** the price at which the Centre promises to buy specified crops, announced each season on the recommendation of the Commission for Agricultural Costs and Prices. It is an executive policy with no statute behind it, so it is not a legal right. Farmers' demand for a legal guarantee has been the subject of agitation and of a committee formed by the Government.
- **(vii) Control over "law and order" in NCT of Delhi:** under Article 239AA, public order, police and land are outside the Delhi Assembly's legislative power (Entries 1, 2 and 18 of List II) and are with the Union acting through the Lieutenant Governor. The Constitution Bench in 2018 held that the elected Government is bound by "aid and advice" outside these matters, and in May 2023 gave it control over services except these three subjects. Parliament then amended the Government of NCT of Delhi Act in 2023, which is under challenge.
- **(viii) Preventive detention:** detention without trial to prevent a person from acting against security, public order or essential supplies. Article 22(3) to (7) permits it but with safeguards: communication of grounds, the earliest opportunity to represent, and an Advisory Board (for detention beyond three months). Laws such as the National Security Act, 1980 operate under it, and courts review the detaining authority's satisfaction.
- **(ix) Hung legislature:** a House in which no party has a clear majority. The Governor (or the President) uses discretion to invite the party or alliance most likely to command a majority, who

must prove it on the floor. The Supreme Court in *S.R. Bommai* said that a majority is tested on the floor and not by the Governor's opinion. Defection is checked by the Tenth Schedule.

- **(x) Citizenship Amendment Act:** the 2019 amendment to the Citizenship Act, 1955 lets Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who came into India before 31 December 2014 apply for citizenship; they are not treated as illegal migrants, and the residence needed is cut to five years. It is challenged as violating Article 14 and secularism, since Muslims are not included; the Rules under it were notified in March 2024 and the challenges are pending.

Section II: Language

4. Precis in about 150 words **(30)**

Title: The Press, Trial by Media and the Courts

A responsible press aids the administration of justice by exposing the police, prosecutors, lawyers and courts to public scrutiny. Open reporting and criticism promote public understanding of the rule of law and make the system accountable.

Yet the press is now accused of "trial by media": coverage across all platforms creates, before or after a verdict, a public impression of guilt or innocence that damages reputations. The Supreme Court has held that press freedom is part of free speech, but it has also warned that commenting on pending cases to influence judges and the public harms the institution.

Press freedom is a cherished right and the press is the Fourth Pillar of democracy. The State should be slow to censor or punish, and the media should avoid excess. Plain narration of facts is safe; reporting that presumes guilt or innocence before any formal charge is overreach that can undermine investigation, trial and sentence.

(About 150 words)

5. Translation into Hindi **(30)**

सांगा मोज़ेस युगांडा के एक छोटे-से गाँव में पला-बढ़ा, जहाँ घास-फूस की छत वाले घर थे और बिजली नहीं थी। फिर भी वह अपने कुल का पहला कॉलेज स्नातक बना और उसने कंपाला में बैंक की नौकरी कर ली।

सन् 2009 में युगांडा की राजधानी से घर लौटने पर उसे रास्ते में अपनी बारह वर्ष की बहन मिली। मोज़ेस याद करता है, "वह सिर पर लकड़ी का भारी गट्ठर रखे वहाँ रोती हुई खड़ी थी। वह इसलिए दुखी थी कि गाँव की अधिकतर लड़कियों की तरह ईंधन की लकड़ी की तलाश में उसका हर सप्ताह कई दिन स्कूल छूट जाता था।" "मेरी बहन अपने जीवन को बेहतर बनाने का अपना एकमात्र अवसर, यानी शिक्षा, खोती जा रही थी।"

अपने गृहनगर में यही अकेला बदलाव उसने नहीं देखा था। वह कहता है, "जब मैं छोटा था, हमारा घर राष्ट्रीय वनों से घिरा हुआ था। अब वे सारे पेड़ जा चुके हैं, और बच्चों को लकड़ी बटोरने के लिए अधिकाधिक दूर चलना पड़ता है।"

लकड़ी जलाने से पैदा हुई समस्याओं का हल खोजते हुए मोज़ेस ने नौकरी छोड़ दी और नवीकरणीय संसाधनों के बारे में जो कुछ सीख सकता था, सीखने लगा। आख़िरकार वह जैविक कचरे को ईंधन में बदलने की उस प्रथा तक पहुँचा जो अब लोकप्रिय होती जा रही है।

वह कहता है, "मैंने खिड़की से बाहर देखा तो गन्ने के अवशेष का विशाल ढेर दिखा। युगांडा मुख्यतः कृषि प्रधान देश है, परंतु खेती का कचरा यों ही फेंक दिया जाता है।"

इसलिए मोज़ेस ने इंजीनियरिंग के विद्यार्थियों के साथ मिलकर ऐसी भट्टियाँ बनाना शुरू किया जो खेती के कचरे, यानी कॉफ़ी की भूसी तथा गन्ने और चावल के अपशिष्ट, को कोयले में बदल देती हैं। इस कोयले से खाना पकाने के लिए ईंटनुमा गुटके (ब्रिकेट) बनाए जाते हैं, जो लकड़ी की तुलना में अधिक स्वच्छ जलते हैं और सस्ते पड़ते हैं।

6. Fill in the blanks **(10 x 2)**

No.	Word	Why
(1)	**lucrative**	"Interesting, though not particularly lucrative" (profitable): the contrast is with money.
(2)	**rolling**	A die is rolled.
(3)	**similar**	The idea is not new because someone has done something similar.
(4)	**go back to the drawing board**	The idiom means to start the plan again.
(5)	**enterprise**	"Part of the enterprise" means the whole undertaking.
(6)	**accompanying**	A participle describing the piece of text that goes with the rule.
(7)	**requires**	General statement in the present tense.
(8)	**refine**	Habitual action in the present: "I refine the rules".
(9)	**other**	"Someone other than just me".
(10)	**finalise**	After "before", the present tense is used for a habitual future step.

7. Translation into English **(30)**

Humour is a natural gift. Like love, it arises on its own; but love arises from the attraction between two things, whereas humour is the result of repulsion between two things.

For instance, when a patwari's pen fell down, an exploited farmer who saw it said, "Munshiji, your knife has fallen." People burst out laughing. In truth, though, the remark was born of the patwari's ill-treatment of farmers. Often, in the humour awakened by the mistakes or misfortunes of others, the hidden ego and sense of superiority of the one who laughs play a larger part. Every person who laughs has a little suppressed cruelty in him. Gentle people overlook the mistakes and misfortunes of others with sympathy, but others laugh at them. Along with the feeling of superiority, there is also something like a feeling of gratitude, and a strange tension arises in the mind.

De Facto IAS

8. Essay (about 500 words): The threat of fake news and fake videos in a democracy **(40)**

A democracy works only when citizens can form opinions from true facts. Fake news and fake videos attack that base. A false claim, a doctored clip or a synthetic voice can spread to millions before any correction reaches even a few, and lies that confirm what people already believe travel faster than the truth.

The threat takes several forms. During elections a forged video of a leader can alter votes in a day. In times of communal tension, a false message on a messaging platform can lead to mob violence; India has seen lynchings born of rumours. Fake health advice can kill, and fabricated financial news can move markets. The newest danger is the deepfake: artificial intelligence can now copy a face and a voice so well that even careful viewers are deceived. The harm is double: people believe false things, and, worse, they begin to doubt real evidence, since any genuine video can be dismissed as "fake".

The law touches this problem from several sides. The right to free speech under Article 19(1)(a) protects opinion, criticism and even unwelcome speech, and it can be limited only on the grounds in Article 19(2), such as public order, defamation and incitement to an offence. In *Shreya Singhal* the Supreme Court struck down section 66A of the Information Technology Act as vague and chilling, and warned that the State cannot punish speech merely because it is false or offensive. Existing penal provisions deal with defamation, promoting enmity, public mischief and forgery, and the Information Technology Rules, 2021 put duties of due diligence and takedown on platforms. Election law prohibits false statements about a candidate's character and the model code of conduct restrains misleading campaigns. In late 2023 the Government also warned platforms to act against deepfakes.

A cure that relies only on punishment is dangerous: a power to decide what is "fake" can itself be used to silence criticism. The better answer is layered. Platforms should be transparent about their algorithms, label or remove manipulated media promptly and keep a grievance process with an appeal. Fact-checking should be done by independent bodies, and not by the Government alone. Technology can help: watermarking of synthetic content, tracing of the origin of viral messages with respect for privacy, and detection tools. Courts should test every restriction on the touchstone of proportionality.

The deepest answer is in the citizen. Media literacy must be taught in schools: to check the source, to look for a second report, to pause before forwarding. A responsible press, which verifies before publishing, is the best defence, and news organisations that correct their errors quickly earn public trust.

A democracy cannot survive on lies, but it also cannot survive a State that decides truth for its people. The balance lies in preserving free speech, holding platforms accountable, punishing deliberate fraud that harms others and teaching citizens to doubt before they believe.

Outlines of the other topics:

- **(i) Relevance of grammar in the age of instant messaging:** casual style versus clarity; cost of ambiguity in legal, professional and public writing; grammar as a tool of precision and not of snobbery; the place of abbreviations in informal chat; the role of schools and spell-check tools; conclusion: learn the rules so that one can break them knowingly.
- **(ii) Use of Artificial Intelligence in education:** personalised learning, tutoring and access in remote areas; assessment and teacher workload; risks: cheating, errors, bias, loss of thinking skills,

data privacy of children; need for guidelines, teacher training and equal access; conclusion: AI should assist the teacher and not replace human judgment.