Karnataka Civil Judge (Mains) 2017

Law Paper I · compulsory paper

Date: 15.07.2017 · Max Marks: 100 · Time: 2.00 PM to 5.00 PM

Note: Option is given to the candidates to write answers either in English or in Kannada. If there is any discrepancy in the question in English language and Kannada language, the questions as framed in English language shall prevail.

Part I: The Code of Civil Procedure, 1908 and Principles of pleadings

1. Write short notes on any two of the following questions. 5 x 2 = 10 — 10 Marks

a) Set off and counter claim
b) Principles relating to Resjudicata
c) Garnishee order.

Answer any two of the following questions in this part. 10 x 2 = 20

2. Discuss the principles governing the appointment of Receivers under the Code of Civil Procedure, 1908. What are their powers and duties? Can a collector be appointed as a Receiver? — 10 Marks

3. Critically analyse the provisions as prescribed by the Code of Civil Procedure, 1908 for settlement of disputes outside the court. What are the different modes of settlement as provided under the Code of Civil Procedure, 1908? — 10 Marks

4. What are the requirements of pleadings? How denial should be pleaded? What is the procedure for amendment of pleadings? Can it be permitted? — 10 Marks

Part II: The Code of Criminal Procedure, 1973

5. Write short notes on any two of the following questions. 5 x 2 = 10 — 10 Marks

a) Cognizable and Non-Cognizable offences
b) Trial, Enquiry and Investigation
c) Complaint and Police Report.

Answer any two of the following questions in this part. 10 x 2 = 20

6. The Criminal Law (Amendment Act), 2013 has substantially changed the law in relation to sexual offences in India. Discuss and summarize the amendments to the Code of Criminal Procedure, 1973 by the Criminal Law (Amendment Act), 2013. — 10 Marks

7. Discuss the provisions of bail available under Sections 436 and 437 of the Code of Criminal Procedure, 1973 vis-a-vis Section 436A inserted by the Code of Criminal Procedure (Amendment) Act 2005. Evaluate the significance of insertion of section 436A. — 10 Marks

8. Give a brief account of general provisions of trial in warrant cases as contained in the Code of Criminal Procedure, 1973? — 10 Marks

Part III: The Indian Evidence Act, 1872

9. Write short notes on any two of the following questions. 5 x 2 = 10 — 10 Marks

a) Dying declaration
b) Testimony of an accomplice.
c) Hostile witness

Answer any one of the following questions in this part. 10 x 1 = 10

10. Explain the differences between Primary and Secondary evidence. 10 Marks

11. Distinguish between 'may presume', 'shall presume' and 'conclusive proof'. 10 Marks

Part IV: The Constitution of India

12. Write short notes on any two of the following questions. 5 x 2 = 10 10 Marks

a) Habeas corpus
b) Fundamental duties
c) Preamble of the Constitution of India

Answer any one of the following questions in this part. 10 x 1 = 10

13. Discuss the power of the President to proclaim an emergency. What changes have been brought in this respect by the Constitution 44th Amendment Act? 10 Marks

14. Describe the procedure for carrying out amendments in the Constitution of India? Can fundamental rights be amended? 10 Marks

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