UP PCS-J (Mains) 2015

Law Paper III: Penal, Revenue and Local Laws · compulsory paper

1. Write short notes on the following:

1.(a) Effects of notification issued u/s 4(2) of U.P. Consolidation of Holding Act, 1953. 10 Marks

1.(b) Land excluded from consolidation scheme. 10 Marks

1.(c) Meaning and confirmation of the provisional consolidation scheme. 10 Marks

1.(d) Closure of consolidation operations. 10 Marks

2. Discuss the following:

2.(a) No confidence motion against Gram Pradhan under U.P. Panchayat Raj Act, 1947. 05 Marks

2.(b) Determination of standard rent. 05 Marks

2.(c) Composition of municipality and consequences of its dissolution. 10 Marks

2.(d) Removal of the member of the municipality. 10 Marks

Section A

3. Discuss the following:

3.(a) Main reasons for the abolition of zamindari. 10 Marks

3.(b) Gaon fund and consolidated gaon fund 10 Marks

3.(c) Distinction between Sir land and Khudkasht land 10 Marks

3.(d) Distinction between the rights of a bhumidhar with transferable rights and a bhumidhar with non-transferable rights. 10 Marks

4.(a) What do you understand by surrender and abandonment of holding? Answer giving reference to relevant provisions of U.P. Zamindari Abolition and Land Reforms Act, 1950. State the difference between surrender and abandonment. 20 Marks

4.(b) Which are those category of land on which Land Management Committee can not admit a person as a Bhumidhar? Answer referring to the relevant provisions of U.P. Zamindari Abolition and Land Reforms Act, 1950. State the order of preference to be followed under U.P. Zamindari Abolition and Land Reforms Act, 1950, while allotting agricultural land to a Bhumidhar with non-transferable rights or to an Asami. 20 Marks

5.(a) Who is the preferent heir in the following cases?
(i) 'A' a male Bhumidhar dies intestate in 2010. 'A' leaves behind him his widow 'W', a son 'X', a widow of predeceased son 'Y' and step son 'Z'. [10 Marks]
(ii) A female Bhumidhar holding in her own rights dies intestate leaving behind her father, husband, son and unmarried daughter. [10 Marks]

5.(b)(i) In a joint family 'A', 'B' and 'C' were three brothers. 'A' was eldest and major. B and C were minors. All the three brothers were joint bhumidhars. 'A' transferred the disputed land to 'D'. The sale deed was executed by 'A'. On his own behalf as a major and on behalf of 'B' and 'C' as a guardian. Is this sale valid? Explain. 10 Marks

5.(b)(ii) A possesses 10 acres of bhumidhari land and B possesses only 5 acres of bhumidhari land. 'B' transfers his 5 acres land to 'A'. Is this sale valid? Explain with reasons. 10 Marks

6.(a) State the grounds on which suit for the eviction of a tenant on the termination of his tenancy may be instituted. Discuss with the help of relevant provisions and decided case law. 20 Marks

6.(b) State the circumstances in which a landlord or tenant of a building shall be deemed to have ceased to occupy the building. Answer referring to the relevant provisions and decided case law. 20 Marks

Section B

7. State with reasons what offence, if any, has been committed.

7.(a) 'A' is in a house which is in fire with 'Z', a child. People below hold out a blanket, 'A' drop the child from the house top. Knowiing it to likely that the fall may kill the child, but not intending to kill the child and in good faith for the child's benefit. The child is killed by the fall. 05 Marks

7.(b) 'A' a surgeon, in good faith, communicates to a patient, his opinion that he cannot survive. The patient dies in consequence of the shock. 05 Marks

7.(c) 'A' instigates 'B' to murder 'D'. 'B' in pursuance of the instigation stabs 'D'. 'D' recovers from the wound. 05 Marks

7.(d) 'A' puts jewels into a box belonging to 'Z' with the intention that they may be found in that box and this circumstance may cause 'Z' to be convicted of theft. 05 Marks

7.(e) 'A' attempts to pull 'Z's nose. 'Z' in the exercise of the right of private defence, lays hold of 'A' to prevent him from doing so. 'A' is moved to sudden and violent passion in consequence, and kills 'Z'. 05 Marks

8.(a) What do you understand by culpable homicide? When it is murder and when it is not murder? Explain. 15 Marks

8.(b) A, intending to commit theft enters the house of 'B' at night and removes from one of the rooms a heavy box to the courtyard where he opens it. He does not find in the box anything worth taking and leaving it there goes away. Did 'A' committed any offence? If yes, what offence? 10 Marks

9.(a) What is criminal breach of trust? What are its essentials? How it differs from criminal misappropriation? 15 Marks

9.(b) 'A' finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. Whether A has committed any offence? If yes, what offence? 10 Marks

10.(a) Define the offence of defamation. What are its essentials? Explain with illustrations. 15 Marks

10.(b) 'A' is the paramour of 'Z's wife. She gives a valuable property to A which A knows that it belongs to her husband Z and as such she has no authority from 'Z' to give it to A. Inspite of this 'A' takes the property. Whether 'A' has committed any offence? If yes, what offence? 10 Marks