Uttarakhand Civil Judge (Mains) 2009

Law III (Revenue and Criminal) · compulsory paper

Time allowed: Three Hours · Maximum Marks: 200

Candidates should answer six questions in all, out of which they should answer Question No. 1 and any other two questions from Group A and Question No. 6 and any other two questions from Group B. Marks carried by each question are indicated at its end.

Group A

1(a) [20 marks]

Zamindari system has been abolished by vesting and divesting. Comment.

1(b) [10 marks]

Describe briefly the aims and objects of Zamindari Abolition and Land Reforms Act, 1950.

1(c) [10 marks]

Explain any two of the following: (i) Intermediary (ii) Estate (iii) Grove land.

2(a) [15 marks]

What are the circumstances in which the interest of a Bhumidhar with transferable and non-transferable rights in his holding is extinguished? Describe.

2(b) [15 marks]

Discuss the restrictions on transfer of land by a member of scheduled caste who has become a Bhumidhar with transferable rights under Section 131-B.

3(a) [10 marks]

What are the restrictions on transfer of land by a Bhumidhar in Uttarakhand? Discuss.

3(b) [10 marks]

What is a declaration suit? When and by whom it can be filed?

3(c) [10 marks]

Can a Bhumidhar with non-transferable rights bequest his holding? What are the requisites of a valid will? Discuss.

4(a) [20 marks]

When and how holding of a Bhumidhar with non-transferable rights may be treated as abandoned? When can such land be let out on lease? Discuss.

4(b) [5 marks]

'A' has 10 acres of land and 'B' has 3½ acres. 'B' sells his land to 'A'. Is this transfer valid? Answer with reasons.

4(c) [5 marks]

Can a Bhumidhar get his share separated from a joint holding? Is there any restriction on this right?

5(a) [10 marks]

Is a Bhumidhar liable to ejectment? If yes, on what grounds? Will he be entitled to compensation on such ejectment?

5(b) [10 marks]
Discuss powers and functions of Land Management Committee.

5(c) [10 marks]
Describe the order of priority in allotment of lands of Gaon Sabha.

Group B

6(a) [20 marks]
Critically examine the law relating to unsoundness of mind which exonerates the accused from criminal liability.

6(b) [10 marks]
Distinguish between crime and civil wrong.

6(c) [10 marks]
A instigates B to burn C's house. B sets fire to the house and at the same time commits theft of property there. Discuss the criminal liability of A.

7(a) [15 marks]
Whether common law requirement of mens rea must be imported as an ingredient into an offence defined in the statute even where it is not expressly mentioned? Discuss with the help of case law.

7(b) [15 marks]
Distinguish between culpable homicide and murder. If there is any case distinguishing the two decided by the Supreme Court mention that case also.

8(a) [10 marks]
Explain criminal force and distinguish between criminal force and assault.

8(b) [10 marks]
Distinguish between theft and extortion and give examples also.

8(c) [10 marks]
A, a collector of coins took a fistful of coins from the pocket of a fellow coin collector but when he examined them he found that they were his own coins, which were previously stolen from him. Explain, giving reasons, criminal liability of 'A'.

9(a) [20 marks]
Explaining the essential ingredients of forgery, discuss giving illustrations, the essential ingredients of making a false document.

9(b) [10 marks]
A obtains a cheque of Rs. 1,000 (one thousand) from B and after adding a zero he presented it to the bank for being cashed. The bank officer expressed suspicion about the writing. A took the cheque back and destroyed it. Discuss the criminal liability of A.

10(a) [15 marks]
What are the essential ingredients of robbery? When does robbery amount to dacoity? What offence is committed when the offender while committing the above offence causes the death of any person?

10(b) [10 marks]
A fires at an empty carriage believing it to be occupied by his enemy B. Is A liable for some offence?

10(c) [5 marks]

Distinguish between theft and criminal misappropriation.

De Facto IAS