Uttarakhand Civil Judge (Mains) 2011

Law III (Revenue and Criminal) · compulsory paper

Time allowed: Three Hours · Maximum Marks: 200

Note: Candidate 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 has been indicated at its end.

Group A

1(a) [20 marks]

"Zamindari Abolition and Land Reforms Act, 1950 aims to achieve social equality by minimizing the iniquitous distribution of land." Examine the above statement.

1(b) [10 marks]

Discuss the general order of succession, under the Zamindari Abolition and Land Reforms Act, 1950, of the holdings of a bhumidhar in Uttarakhand following his death.

1(c) [10 marks]

Write short notes on any two of the following:
(i) Gram Panchayat
(ii) Cess
(iii) Muafidar

2(a) [15 marks]

Discuss the consequences of vesting of estates in the State.

2(b) [15 marks]

Discuss the concept of buildings in the light of some judicial pronouncements. Is chabutara a building?

3(a) [10 marks]

What were the rights that remained with the intermediaries following the Zamindari abolition? Elaborate.

3(b) [10 marks]

What is meant by a bhumidhar? Present a brief detail of various classes of people who became bhumidhar in the wake of zamindari abolition. What is the current position?

3(c) [10 marks]

"Presently, there are only three categories of tenure holders." Examine the veracity of the above statement referring relevant provisions of Zamindari Abolition and Land Reforms Act, 1950.

4(a) [15 marks]

Who are the persons entitled for rehabilitation grant under the Zamindari Abolition and Land Reforms Act, 1950? How is such a grant calculated?

4(b) [15 marks]

Consider the following portion of the Schedule I to the Zamindari Abolition and Land Reforms Act, 1950:

Sr. No	Status of Intermediary (Zamindar)	Multiple for calculating grant
1	Paying annual land revenue up to ₹25	20
2	Paying annual land revenue exceeding ₹25 but not ₹50	17
3	Paying annual land revenue exceeding ₹50 but not ₹100	14

On the basis of the table given above, calculate the rehabilitation grant payable to a zamindar whose net assets are ₹104 (one hundred and four) and who pays an annual land revenue of ₹26 (twenty six).

5(a) [10 marks]

How can a trespasser be ejected under Zamindari Abolition and Land Reforms Act, 1950? Answer in the light of relevant provisions.

5(b) [10 marks]

Give a brief account of the process to determine land revenue.

5(c) [10 marks]

Briefly discuss the process for recovery of arrears of land revenue.

Group B

6(a) [20 marks]

While fixing criminal liability for an act done in furtherance of common intention, courts consider that "they also serve who only stand and wait." Explain referring some important judgements.

6(b) [10 marks]

Discuss necessity as a defence for an act which otherwise would have been a crime.

6(c) [10 marks]

X, the captain of vessel 'A' finds himself in a situation where he has to run down either a vessel 'B' with 10 passengers or vessel 'C' with 3 passengers on board. 'X' runs down vessel 'B' to save vessels 'A' and 'C'. Can 'A' avail the benefit of the defence of necessity?

7(a) [15 marks]

What is meant by right to private defence? Can somebody while exercising his right to private defence, even kill some other person? Answer in the light of relevant provisions.

7(b) [15 marks]

'A' says to 'B', "I shall shoot you tomorrow." Next day 'B' waits with a pistol and as soon as he sees 'A', he shoots 'A'. 'A' dies. Can 'B' successfully utilize his plea of right to self defence?

8(a) [15 marks]

Define criminal conspiracy. 'A' and 'B' have been charged with criminal conspiracy. 'A' is acquitted. Fix the criminal liability of 'B'.

8(b) [15 marks]

What do you understand by unlawful assembly? Analysing essential elements of unlawful assembly, state whether a lawful assembly may change into an unlawful one.

9(a) [10 marks]

What is sedition? Explain essential ingredients of sedition as a crime.

9(b) [10 marks]

'A' while addressing a rally, says, "This is the Government of corrupt people. Go, torch their houses,

and kill them so that corruption is uprooted in this country." Has 'A' committed a crime?

9(c) [10 marks]

'X' says at an electoral meeting, "This is a government of persons neck deep in corruption. Give them a befitting reply at the hustings." Has 'X' committed a crime?

10(a) [10 marks]

Distinguish between wrongful restraint and wrongful confinement.

'A' gets 'B' seated in a room and, having threatened him not to go out of the room, goes back. 'B' has enough opportunity to escape, but out of fear he keeps sitting there. Can 'A' be charged of some crime?

10(b) [10 marks]

Distinguish between 'hurt' and 'grievous hurt'. 'A' snatched the nose-ring of a lady 'M'. Nose of 'M' incidentally got severed as a result of which 'M' died. Explain the crime committed by 'A'.

10(c) [10 marks]

Distinguish between kidnapping and abduction.

'A', without telling her guardian, kept with him 'R', a girl 15 years of age for a week. After this period 'A' gave 'R' back to her guardian.

Explain the nature of crime committed by 'A'.