Uttarakhand Civil Judge (Mains) 2013

The Present Day · compulsory paper

Time allowed: Three Hours · Maximum Marks: 150

Candidates should attempt all the five questions. All questions carry equal marks. The parts of same question must be answered together.

1(a) Prolonged delay in disposal of mercy petitions filed under Article 72 of the Constitution is a serious hurdle in the dispensation of justice. In the light of this statement and with the help of decided cases evaluate the pardoning power of the President provided under the Constitution of India. [15 marks]

1(b) Explain deterrent aspect of punishment and critically examine the effect of punishment on the society specially when people see high profile persons behind the bar repeatedly on their television. [15 marks]

2(a) Basically fundamental rights provided under part-III of the Constitution are available only against the State but there are certain provisions imposing limitations upon the actions of private individuals also. Discuss. [15 marks]

2(b) Possession of a thing (even if it is wrong) is a good title against the whole world except the real owner. Analyse this statement and state why law protect possession. [15 marks]

3(a) Right to free legal aid and right to consult and be defended by a lawyer cannot be taken away or whittled down simply to deal with one terrorist. Analyse this statement in the light of decided cases and legislative provisions in India. [15 marks]

3(b) Discuss the provisions of neutrality provided under United Nations Charter and comment on the statement that 'rules of impartiality by neutral states are superseded by the United Nations Charter'. [15 marks]

4(a) Discuss the offences provided under 'Protection of Children from Sexual Offences Act, 2012' and write the provisions of this Act to deal with the situations where an act or omission constitutes an offence under this Act as well as any other Act time being in force. [15 marks]

4(b) Discuss the maxim 'Rebus sic stantibus' with reference to Article 62 (1) of the Vienna Convention on the Law of Treaties, 1969. [15 marks]

5(a) With the help of decided cases and recent examples discuss the relevancy of ordinance making power as vitualized by the framers of our Constitution. [15 marks]

5(b) Explain the subjects of International Law with special reference to place of individual in the present scenarios. [15 marks]