Uttarakhand Civil Judge (Mains) 2015

Language · compulsory paper

निर्धारित समय : तीन घण्टे · पूर्णांक : 100

Time allowed : Three Hours · Maximum Marks : 100

नोट : (i) अभ्यर्थी सभी तीन प्रश्नों के उत्तर दें। (ii) प्रत्येक प्रश्न के अंक उसके सामने अंकित हैं। (iii) एक प्रश्न के सभी भागों का उत्तर अनिवार्यतः एक साथ दिया जाय।

Note : (i) Candidates should attempt all the three questions. (ii) Marks carried by each question are indicated at its end. (iii) The parts of same question must be answered together.

भाग – 1 / PART – 1

1. Translate the following English Passage into the ordinary language spoken in courts using Devnagri Script. [30 marks]

The ability of the lawyer to confuse others by the use of words has long been the subject of proverb. And yet, no matter what else may be said of him or her, the lawyer, in his or her field – even as the physician and the priest in theirs – remains the last resource of other men and women. When the wisdom of common man fails them and disaster is at hand; when the laymen's brain is overworked till his mental fuse burns out; when the motor car of "Business" blows out its tires and piles up in the ditches of insolvency; when the human derelict is finally tossed upon the rocks of the stormy seas of life; then the lawyer is sent for handling the situation.

Bulk of lawyers work consists in preparing documents etc. It is an open secret that the lawyer, who speaks very good English, falls short of when he writes it. The lawyer seems to loose his mastery of words when he puts his pen, instead of his tongue, to the task of expressing them in statutes, in judicial opinions or in legal documents. It is an ancient charge that the lawyer, as compared to other writers, is prolix and muddy in his literary style and is unduly given to the overuse of words.

It may be truly said that the form and style of our written laws make up of a chief cause for complaint against the language of the lawyer. For laws, like the poor, are not always with us, they are above us and around us and almost reach within us. They must be read and obeyed – and therefore understood – by laymen as well as lawyers; since ignorance of the law excuses no man. For obvious reasons therefore, laws should be as clear and simple as possible. Yet, strangely enough, it is in this matter of writing laws that the lawyer often reaches and surpasses the limits of human capacity.

The chief fault of lawyers is certainly that of prolixity. Webster defines "prolix" as "extending to great length", and then in a note he says: "prolixity is one of the worst qualities of style." There are, of course, deep and subtle reasons for the prolixity of what lawyers write reasons which lawyers do not generally realize or understand. They lie chiefly in two ever-present factors: a constant and inherent complexity of subject matter, and an urge towards guarded and cautious language. It may be from experience, it may be from instinct – but the lawyer uses his pen as if it were an old-fashioned musket; he is always afraid of the "kick" when the thing goes off. Lawyers who are intellectually honest will recognize this tendency toward prolixity in their own experience, and will constantly be on their guard against it.

Another chief defect in the writing of lawyers is the fact that they prefer to go round a subject with their words rather than straight to it. In their use of language they prefer a steam shovel rather than a

spade – and then they neglect to cast away the rubbish.

It may be admitted – indeed it must not only be admitted but asserted – that the lawyer's problem in writing is a difficult one. Whether he has to write a statute, a deed, a will or what not, the lawyer must do more than the average writer. A lawyer must so word his document that it will be impossible to misconstrue it. The average writer does not have this problem; he need only write for the average reader. In other words, he so writes that his words ought not to be misconstrued; but the lawyer must so write that his words cannot be misconstrued. To put the matter another way, the average writer may expect good faith – that is, an honest intention to get at the meaning of what is written – from his reader. The lawyer, on the other hand, must anticipate bad faith on the part of many of his readers and must guard against it.

भाग – 2 / PART – 2

2. निम्नलिखित हिन्दी गद्यांश का सामान्य अंग्रेजी भाषा में अनुवाद कीजिये : [30 marks]

Translate the following Hindi passage into ordinary English language :

एक लोकतांत्रिक गणराज्य में औद्योगिक एवं आर्थिक विकास की आधारशिला एक सुदृढ़ विधि-व्यवस्था होती है। यह व्यवस्था संविधान में प्रदत्त की जाती है। स्वतंत्रता के पश्चात् यह व्यवस्था भारत के संविधान में बनाई गई। संविधान के अन्तर्गत हम भारत के लोगों ने समुदाय का समाजवादी ढंग अपनाया। भारत के संविधान के अनुच्छेद 38 में यह प्रदत्त किया गया कि राज्य ऐसी सामाजिक व्यवस्था की, जिसमें सामाजिक, आर्थिक और राजनैतिक न्याय राष्ट्रीय जीवन की सभी संस्थाओं को अनुप्राणित करे, भरसक प्रभावी रूप से स्थापना और संरक्षण करके लोक कल्याण की अभिवृद्धि का प्रयास करेगा। संविधान में 44वें संशोधन द्वारा अनुच्छेद 38 में एक नया निदेशक तत्त्व जोड़ा गया। यह उपबन्धित करता है कि राज्य, विशिष्टतया आय की असमानताओं को कम करने का प्रयास करेगा और न केवल व्यक्तियों के बीच बल्कि विभिन्न क्षेत्रों में रहने वाले और विभिन्न व्यवसायों में लगे लोगों के समूहों के बीच भी प्रतिष्ठा, सुविधाओं और अवसरों की असमानता समाप्त करने का प्रयास करेगा। संविधान का अनुच्छेद 39 यह प्रदत्त करता है कि राज्य अपनी नीति का विशिष्टतया, इस प्रकार संचालन करेगा कि सुनिश्चित रूप से –

i. पुरुष और स्त्री सभी नागरिकों को समान रूप से जीविका के पर्याप्त साधन प्राप्त करने का अधिकार हो।
ii. समुदाय की भौतिक सम्पदा का स्वामित्व और नियंत्रण इस प्रकार बँटा हो जिससे सामूहिक हित का सर्वोत्तम रूप से साधन हो।
iii. आर्थिक व्यवस्था इस प्रकार चले जिससे धन और उत्पादन साधनों का सर्वसाधारण के लिए अहितकारी संकेन्द्रण न हो। भारत के संविधान की उद्देशिका भी भारत के लोगों को सामाजिक एवं आर्थिक न्याय तथा प्रतिष्ठा की समानता को संविधान के उद्देश्यों में वर्णित करती है।

स्वतंत्रता के पश्चात सरकार के समक्ष सर्वोच्च महत्व का प्रश्न था कि आर्थिक एवं औद्योगिक विकास ढंग क्या होना चाहिए जिसके द्वारा उपरोक्त उद्देश्यों को प्राप्त किया जा सके। विश्व स्तर पर मुख्यत: दो ढंग औद्योगिक एवं आर्थिक के अपनाए जाते थे। एक ढंग यह था कि निजी प्रतिष्ठानों के हाथ में छोड़ दिया जाता था कि वे अपने संसाधनों का निवेश करें एवं विकास का ध्यान रखें और इनकी गतिविधियों में राज्य दखल न दे। इस व्यवस्था में हर समय यह खतरा रहता था कि देश का प्रत्येक भौतिक संसाधन निजी क्षेत्रों द्वारा नियंत्रित किया जाएगा और भारत की सामान्य जनता स्वतंत्रता के लाभ से वंचित हो जाएगी। वे अपनी आकांक्षाओं एवं अभिलाषाओं से वंचित कर दिए जाएँगे। यह कुछ हाथों में धन का संकेन्द्रीकरण होगा जो पूरी व्यवस्था के नियंत्रित करेंगे।

औद्योगिक एवं आर्थिक विकास का दूसरा ढंग यह था कि राष्ट्र का प्रत्येक भौतिक संसाधन राज्य द्वारा नियंत्रित किया जाता था। यह ऐसा ढंग था जिसमें व्यक्ति एक अंक मात्र रह जाता था। राज्य का नियंत्रण इतना गहरा था कि व्यक्तियों की क्षमता का निर्धारण राज्य ही करता था कि कौन व्यक्ति राज्य के किस काम आ सकता था। यह ढंग व्यक्ति के विकास का गला घोंट देने वाला था। संविधान के भाग 3 में कई अधिकारों की गारन्टी दी गई है जो व्यक्तियों के लिए सर्वोच्च महत्व के हैं ताकि वे अपने व्यक्तित्व को अपनी क्षमता एवं चुनाव के अनुसार बना सकें और इस प्रकार राष्ट्र निर्माण में अपना सहयोग दे सकें।

चूँकि दोनों ही ढंग संविधान की आत्मा के अनुकूल नहीं हो पा रहे थे, औद्योगिक एवं आर्थिक विकास का बीच का रास्ता अपनाया गया। प्रथम औद्योगिक नीति 1948 में यह निश्चय किया गया कि भारी एवं मुख्य उद्योग का आधारभूत ढाँचा एवं ढाँचे के लिए सर्वोच्च आवश्यक राष्ट्र की भौतिक सम्पदा राज्य के नियंत्रण में रहनी चाहिए। निजी व्यक्तियों को भी अनुमति थी कि राज्य द्वारा निर्मित विधि के नियंत्रण में रहते हुए उद्योगों में अपनी कुशलता एवं संसाधनों का निवेश कर सकें।

तब समस्या यह उत्पन्न हुई कि राज्य इन सबको कैसे करेगा। यह निश्चय किया गया कि इनको लोक निगमों एवं सरकारी विभागों के माध्यम से किया जाएगा। इस प्रकार भारी मशीन एवं उपकरण, जलविद्युत योजनाएँ, रेलवे, मूलभूत उद्योगों के लिए कच्चे माल की आपूर्ति, खदान एवं अति-आवश्यक उद्योग राज्य के नियंत्रण में आए। अनेकानेक लोक निगमों एवं राजकीय कम्पनियों की स्थापना की गई जिनमें भारत के लाखों नागरिकों को रोज़गार मिला। इस प्रकार यह आरम्भिक बिन्दु था जिसके द्वारा संविधान के उपर्युक्त उद्देश्यों, देश के लोगों की भावनाओं एवं अपेक्षाओं की पूर्ति हो सके एवं भविष्य में औद्योगिक एवं आर्थिक विकास को प्राप्त किया जा सके।

भाग – 3 / PART – 3

3. निम्न गद्यांश का संक्षिप्तीकरण अंग्रेजी में कीजिए : [40 marks]

Write a précis in English of the following passage :

In 1922 Gandhiji was arrested and charged with sedition for three of his articles in his magazine, Young India. At the conclusion of the trial Gandhiji was asked by the judge if he wished to make a statement before receiving sentence. The following statement was then read :

I owe it perhaps to the Indian public and to the public in England to placate which this prosecution is mainly taken up that I should explain why from a staunch loyalist and cooperator I have become an uncompromising dis-affectionist and non-cooperator. To the court too I should say why I plead guilty to the charge of promoting disaffection toward the government established by law in India.

Section 124 A, under which I am charged, is perhaps the prince among the political sections of the Indian Penal code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has an affection for a person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote, or incite to violence. I have studied some of the cases tried under it, and I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege, therefore, to be charged under that section. I have no personal ill will against any single administrator. But I hold it to be a virtue to be disaffected toward a government which in its totality has done more harm to India than any previous system. It has been a precious privilege for me to be able to write what I have in the various articles, tendered in evidence against me.

The law itself in this country has been used to serve the foreign exploiter. My unbiased examination of the Punjab Martial law cases has led me to believe that at least ninety-five percent of convictions were wholly bad. My experience of political cases in India leads me to the conclusion that in nine out of every ten the condemned men were totally innocent. Their crime consisted in the love of their country. In ninety-nine cases out of a hundred justice has been denied to Indians as against Europeans in the courts of India. This is not an exaggerated picture. It is the experience of almost every Indian who has had anything to do with such cases. In my opinion, the administration of the law is thus prostituted consciously or unconsciously for the benefit of the exploiter.

In fact, I believe that I have rendered a service to India by showing in non-co-operation the way out of the unnatural state in which we are living. In my humble opinion, non cooperation with evil is as much a duty as is co-operation with good. Non violence implies voluntary submission to the penalty for non

co-operation with evil. I am here, therefore, to invite and submit cheerfully to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, the judge, is either to resign your post, and thus dissociate yourself from evil if you feel that the law you are called upon to administer is an evil and that in reality I am innocent, or to inflict on me the severest penalty if you believe that the system and the law you are assisting to administer are good for the people of this country and that my activity is therefore injurious to the public.

De Facto IAS