Uttarakhand Civil Judge (Mains) 2018

Law III (Revenue and Criminal) · compulsory paper

Time allowed: Three hours · Maximum marks: 200

Group A

1(a) [20 marks]

Can the Land Management Committee admit a person as a bhumidhar with non-transferable rights or as an asami in any land in the village? If so, when?

1(b) [5 marks each]

Write short notes on the following:
(1) Agricultural year
(2) Date of vesting
(3) Sayer
(4) Intermediary

2(a) [15 marks]

How far has the position of mines and minerals been changed by the U.P. Zamindari Abolition and Land Reforms Act?

2(b) [marks not printed]

How is the Mines Tribunal composed? What is its jurisdiction?

3(a) [15 marks]

Explain compensation and rehabilitation grant and point out the distinction between them.

3(b) [15 marks]

Distinguish between Gaon Sabha and Gaon Panchayat.

4(a) [10 marks]

P, a Hindu bhumidhar, asserts that his interest in his holding should devolve in accordance with the order of succession of his personal law and not in accordance with the Uttar Pradesh Zamindari Abolition and Land Reforms Act. P accordingly challenges the Act. Will P succeed?

4(b) [marks not printed]

Who is the preferential heir in the following cases?
(i) A male bhumidhar dies leaving his brother's son and daughter's son.
(ii) A female bhumidhar holding in her own right dies leaving her husband and uterine brother.

4(c)(i) [5 marks]

A, a bhumidhar with transferable rights, transfers by way of gift his 10 acres of land to B, who has his own 5 acres of land. Is this transfer void according to the Act? Will it make a difference if the gift had been made to a charitable institution?

4(c)(ii) [5 marks]

A, a bhumidhar with non-transferable rights, lets out his holding to B. Is the lease valid under the Act? Will it make a difference if A is suffering from a disability within the meaning of Section 157 of the Act?

5(a) [15 marks]

Indicate the order of succession for the devolution of interest in the holding of a female bhumidhar

under Section 174 of the U.P. Zamindari Abolition and Land Reforms Act.

5(b)(i) [5 marks]

क्या एक भूमिधर जिसको अन्तरणीय हित प्राप्त है, अपनी कुल जोत या उसका कोई खण्ड वसीयत कर सकता है? यदि ऐसा भूमिधर अनुसूचित जनजाति का है तब क्या स्थिति होगी?

5(b)(ii) [5 marks]

"अ" एक पुरुष भूमिधर 1998 में बिना वसीयत करे मर जाता है। "अ" अपने पीछे अपनी विधवा 'क', एक पुत्र 'ख' एक पूर्व मृत पुत्र की विधवा 'ग' तथा एक सौतेला पुत्र 'घ' को छोड़ जाता है। 'क', 'ख', 'ग' तथा 'घ' के भागों का निर्धारण कीजिये।

5(b)(iii) [5 marks]

एक पुरुष भूमिधर की बिना वसीयत किये मृत्यु हो जाती है। वह अपने पीछे अपनी अविवाहित पुत्री, माता एवं पिता को छोड़ जाता है। उसकी भूमि उत्तराधिकार में किसे प्राप्त होगी? चर्चा कीजिये।

Group B

6(a) [20 marks]

Mens rea is the very cornerstone of criminal jurisprudence.

6(b)(i) [5 marks]

Are the provisions of the Indian Penal Code, 1860 applicable to extraterritorial offences? If so, under what circumstances?

6(b)(ii) [5 marks]

What is the jurisdiction of the courts in India to try an Indian citizen for an offence committed beyond India, or a foreigner in respect of an offence committed within Indian territory?

6(b)(iii) [5 marks]

P, Q and R had a common intention to rob S. While P and Q entered the house of S and beat and robbed him, R stood outside to warn P and Q of any danger. On being prosecuted along with P and Q, R pleaded that he did not commit the robbery or cause injuries to S and hence was not guilty of any offence. Decide.

6(b)(iv) [5 marks]

A, an Indian citizen, commits a murder in Uganda. Can he be tried and convicted of murder in any place where he is found in India?

7(a) [15 marks]

Discuss the law relating to abetment.

7(b) [15 marks]

The law does not take account of trifles. Discuss.

8(a) [15 marks]

When does culpable homicide not amount to murder?

8(b) [15 marks]

Distinguish between culpable homicide and murder in the light of the leading case Reg. v. Govinda.

9(a) [10 marks]

A aims a knife at B and tells C that he will kill B, her son, if she does not deliver her gold chain to him. C gives away the chain to A. What offence has A committed? Give reasons for your answer.

9(b) [10 marks]

Amar drew a loaded revolver completely from his pocket, but his hand was seized by Balwant before Amar could take any aim at Balwant. While struggling, Amar said several times to Balwant, "I will kill you," but he could not press the trigger of the revolver. Can Amar be convicted of attempt to murder? Give reasons for your answer.

9(c) [10 marks]

A places men with firearms at the outlets of a house and warns B that they will fire at B if B attempts to leave the house. What offence has A committed?

10(a) [10 marks]

Write a short note on the criminal breach of contracts of service.

10(b) [10 marks]

Explain locus poenitentiae.

10(c) [10 marks]

Explain the proximity rule.