Uttarakhand Civil Judge (Mains) 2021

Law - III (Revenue and Criminal) (Third Paper) · compulsory paper

RCJ · Time allowed: Three Hours · Maximum Marks: 200

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

Section—A

1. (a) Critically examine the legal provisions to determine the amount of rehabilitation grant in case of a waqf, trust or endowment. Support your answer with the suitable illustrations as applicable in Uttarakhand State. 20
(Words limit : Maximum 200 Words)

1. (b) Under the UP Zamindari Abolition and Land Reforms Act, the cognizance of the suits, notwithstanding anything contained in Civil Procedure Code, shall not be taken except some exceptions. Elucidate. 10
(Words limit : Maximum 100 Words)

1. (c) A, a Zamindar died surviving him two sons X and Y. In the Khewat A's name was removed and in his place X and Y were entered. Each son's share was shown only 1/3. This entry of record of 1359 Fasli year. Whether this entry can be corrected by compensation settlement officer ? Support your answer by law. 10
(Words limit : Maximum 100 Words)

2. (a) Impact of U.P.Z.A. and L.R. Act on the mines leased out by intermediary are not absolute, these are as in illustrative. Critically examine. 10
(Words limit : Maximum 100 Words)

2. (b) The general rule is that the rates of land revenue to continue until duly altered, but the procedure for determination of the land revenue is essential in every case. Examine with legal provisions. 10
(Words limit : Maximum 100 Words)

2. (c) Rights retained by intermediaries on Zamindari abolition are limited, however, law has protected their interests. Comments. 10
(Words limit : Maximum 100 Words)

3. (a) Critically discuss the grounds on which letting or sub-letting of land is allowed under Uttar Pradesh Zamindari Abolition and Land Reforms Act. In support, mention the decision of Uttarakhand Revenue Board. 10
(Words limit : Maximum 100 Words)

3. (b) Bhumidhar with transferable rights is powerful, whereas, Bhumidhar with non-transferable rights has no power, whereas, both are Bhumidhar. Comments. 10
(Words limit : Maximum 100 Words)

3. (c) Critically explain the "Improvement" with the help of legal provisions under the land law. 10
(Words limit : Maximum 100 Words)

4. (a) Explain the following with legal provisions : (i) Under Proprietor (ii) Instalment for payment of rent 10
(Words limit : Maximum 100 Words)

4. (b) For the tenants of 'Sir' it is necessary that, every tenant of land should be recorded, on the ground of this, some provisions of 'Sir' are not applicable on women, minor, lunatic and a person in military etc. Describe the legal provisions on this matter. 10
(Words limit : Maximum 100 Words)

4. (c) Right to get declaration have legal limitations, even its scope in law is very strong. Legally examine this statement. 10
(Words limit : Maximum 100 Words)

5. (a) 'Adhivasi' is defined under land law, to take the possession by him is also clear; but dispute on this matter are serious. Comments over these disputes. 15
(Words limit : Maximum 150 Words)

5. (b) To follow the procedure for the ejectment of land grabber of Scheduled Tribes under UPZA and LR Act are disputed. The courts has delivered welfare judgements in this regard. Comment. 15
(Words limit : Maximum 150 Words)

Section—B

6. (a) Discuss the principle of "Constructive liability". Distinguish between common intention and common object. 20
(Words limit : Maximum 200 Words)

6. (b) What do you understand by solitary confinement ? Discuss the limit of solitary confinement under Indian Penal Code. 10
(Words limit : Maximum 100 Words)

6. (c) 'A' instigates B to give false evidence. B in consequence of this instigation, commits that offence. What offence has been committed by 'A' ? What will be the difference of punishment between A and B ? Elucidate. 10
(Words limit : Maximum 100 Words)

7. (a) Critically discuss the doctrine of transferred malice. 10
(Words limit : Maximum 100 Words)

7. (b) 'X' signs his own name to a bill of exchange intending that it may be believed that the bill was drawn by another person of the same name. Whether 'X' is liable for any offence ? Explain with legal provisions. 10
(Words limit : Maximum 100 Words)

7. (c) 'X' does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn 7 month child with which she is pregnant is thereby caused. What offence 'X' committed ? Explain in detail. 10
(Words limit : Maximum 100 Words)

8. (a) "McNaughton rule is very old, still it is alive." Indian courts, recognize the relevancy of this rule for the application of it, as prescribed in Indian Penal Code. Discuss. 10
(Words limit : Maximum 100 Words)

8. (b) Sedition was added to the Code in 1870, again amended in 1891. Recently court has also expressed its views on the legality and constitutionality of sedition. Keeping in view of the above, express your arguments in for and against of the sedition. 10
(Words limit : Maximum 100 Words)

8. (c) 'X', a girl child of 7 years is sleeping in her house. 'Y', a boy of 19 years enters her house and removes her trouser and left the place. Whether 'Y' is liable for any offence ? Explain. 10
(Words limit : Maximum 100 Words)

9. (a) Attempt is the third stage of offence for committing voluntary grievous hurt by using the acid etc. Punishment for both (commission and attempt) the offences are different. In the light of this offence, elucidate the intention and knowledge. 10
(Words limit : Maximum 100 Words)

9. (b) A, who is a black smith, out of fear joins the gang of dacoits. On their order, he breaks open the lock of a house and decoits enter in that house and plunder it. Whether A has committed any offence ? Explain with reasons. 10
(Words limit : Maximum 100 Words)

9. (c) Six persons were charged under Section 302/149 of Indian Penal Code, three persons were acquitted by the trial court and remaining three convicted under Section 302/34 of the Indian Penal Code and awarded life imprisonment. Legally examine the validity of this conviction. 10
(Words limit : Maximum 100 Words)

10. (a) To what extent intoxication is a defence in criminal prosecution ? Explain this statement with relevant provisions of Indian Penal Code. 15
(Words limit : Maximum 150 Words)

10. (b) Recently Supreme Court of India upheld the Constitutional validity of defamation in Subramaniam Swami V Union of India, Writ Petition (Criminal) No. 184 of 2014 but still there is a debate that criminalization under defemation should be abolished. Critically examine. 15
(Words limit : Maximum 150 Words)