Uttarakhand Civil Judge (Mains) 2025

भाषा (Language) · compulsory paper

LAJ · 100 marks

Part – I

1. निम्नलिखित अंग्रेजी गद्यांश का सामान्य न्यायालयी भाषा में हिन्दी भाषा व देवनागरी लिपि में अनुवाद कीजिए : (शब्द सीमा : अधिकतम 500 शब्द) 30 अंक

1. Translate the following English passage into the ordinary language spoken in courts, using Hindi Language and Devanagari Script : (Word limit : Maximum 500 Words) 30 Marks

The term “capital punishment” means the maximum punishment – a system of punishment that cannot be exceeded in its severity or be surpassed in the effect as far as human beings can conceive. Obviously, it is the punishment to be awarded only for the most heinous crimes. While the definitions of such crimes vary from country to country, the implication of capital punishment has always been the death sentence, or the death penalty.

In its origin, capital punishment was implemented because the community feared that an individual member’s impious act would bring down the wrath of the gods upon the whole group if he did not pay for it with his death. Later, the criminal was inevitably regarded as a perverse free moral agent who refused to think rightly and who wilfully chose to do wrong, and thus outraged his social group and the gods. Such an individual who wilfully did wrong must forfeit his life. As time went on, it was conceived that crime was more than a personal affair between the guilty and the victim, and the state took over the responsibility of administering punishment. Over the years, forms of punishment have changed; in several nations human decency has prevailed in order to minimize the cruelty of torture as punishment.

Opinion is divided in the world over the question – “Should the death penalty be abolished ?” There are nations that have done away with the ultimate form of punishment, but India has not found it feasible or wise to abolish capital punishment rather the Hon’ble Supreme Court of India has evolved a doctrine of “rarest of rare category” i.e. a convict will be awarded with death penalty only if his case falls within the four-walls of this doctrine otherwise he shall be awarded with the alternative lenient punishment i.e. the life imprisonment.

The issue assumes great significance in the light of the crime rate as well as fresh forms of organised crime that are prevalent today. Those who support the retention of capital punishment point out that it is the only fitting punishment for the perpetrator of a cold-blooded killing and other such crimes. Punishment exists in order to express and confirm the consciousness of crime. It is an essential instrument of civilization; without it a rule of law would be inconceivable, and outrage would inevitably turn to revenge. In order to forestall revenge, punishment must share the object of revenge, which is retribution. Law is the objective order in which private conflicts are extinguished or resolved. By making retribution into the right and responsibility of government, it effectively removes the motive of revenge. So long as the normal conscience regards cold-blooded murder with abhorrence, abhorrence must find its objective expression in law. The law must capture the sense that murder is different in kind from lesser crimes, and that it calls for a solemn and awful punishment.

On another level, it is argued that people who commit atrocious murders should be exterminated, not only as a punishment, but also because society is much better off without them. They should not be kept at state expense with the added risk of escaping and committing another crime. Some psychiatrists are also of the view that if a person has no moral sense and is a psychopath, he should be considered as a nuisance and danger to society, deserving death not so much as a punishment but as a merciful release. (480 words)

भाग – II / Part – II

2. निम्नलिखित हिन्दी गद्यांश का सामान्य अंग्रेजी भाषा में अनुवाद कीजिए : (शब्द सीमा : अधिकतम 500 शब्द) 30 अंक

2. Translate the following Hindi passage into ordinary English language : (Word limit : Maximum 500 Words) 30 Marks

लोक-हित याचिका लोकतान्त्रिक सरकार में न्यायपालिका द्वारा प्रदत्त उपहार माना जाता है। विधि के शासन की गरिमा को बनाए रखना लोकतन्त्र का आधार है। विधि के शासन में लोक-हित याचिका के उद्देश्य से लोकतान्त्रिक गणराज्य में सरकार के समस्त कार्य तथा नागरिकों के अधिकार विधि के अनुसार संचालित किए जाते हैं। यदि लोकतान्त्रिक सरकारों के द्वारा नागरिकों के मानवीय अधिकारों को विधि के अनुसार संचालित नहीं किया जाता है, तो एक ऐसी स्वतन्त्र संस्था की आवश्यकता होती है, जो विधि के अनुरूप कार्य करवाने के लिए विधिक प्रावधानों के अनुसार आदेश दे सके। इस प्रकार के आदेश को पारित करने के लिए ऐसी स्वतन्त्र संस्था, अशिक्षा, गरीबी एवं सामूहिक रूप से प्रभावित पक्षकारों का विशेष ध्यान रखती है। इस प्रकार की एकमात्र स्वतन्त्र संस्था न्यायपालिका होती है। न्यायपालिका विधि के शासन के अनुरूप लोक-हित को सुरक्षित रखने के लिए याचिका को स्वीकार कर लेती है।

लोकतन्त्र में न्याय को लोगों का अधिकार स्वीकार करते हुए सभी व्यक्तियों के लिए न्याय की पहुँच को आवश्यक माना गया है। इसे निम्न प्रकार की दो पद्धतियों से प्राप्त किया जा सकता है :

(1) न्यायिक प्रक्रिया सस्ती होनी चाहिए और सामान्य व्यक्ति को यह सरलता से सुलभ होनी चाहिए। इसके लिए निःशुल्क विधिक सहायता तथा लोक अदालतों के गठन की आवश्यकता होती है।

(2) समाज के जागरूक नागरिकों को समाज के निर्धन व्यक्ति की ओर से वाद लाने का अधिकार होना चाहिए।

उपरोक्त द्वितीय आवश्यकता के अनुसार भारत के संविधान की मूल भावना के अनुरूप भारत के समस्त नागरिकों के लिए सामाजिक, राजनैतिक एवं आर्थिक न्याय पर बल दिया गया है। लेकिन संविधान के प्रवर्तन के पश्चात् निर्धनता, विधिक अक्षमता एवं समाज को प्रभावित करने वाले कार्यों के कारण भारत के नागरिक अनुच्छेद 32 एवं 226 में प्रदत्त गारंटी का उपयोग नहीं कर पा रहे थे। इसलिए लोक-हित याचिका को न्यायपालिका ने न्याय प्राप्त करने के साधन के रूप में मान्यता प्रदत्त की है। इस प्रकार के लोकोपकारी कार्य के कारण न्यायपालिका ने कार्यपालिका तथा विधायिका की तरह ही लोक-हित के रूप में प्रत्यक्ष लोकतन्त्र को सफल बनाने की भूमिका का निर्वहन किया है।

लोकतन्त्र जीवन का एक माध्यम है और इसे मानव गरिमा, समानता एवं विधि के शासन से बनाए रखा जाना चाहिए। इस धारणा की पूर्ति के लिए न्यायालय ने लोक-हित याचिका को प्रदूषण नियंत्रण, चिकित्सा सुविधा, सामाजिक प्रगति, कारागारों में बंदियों की सहायता, पुलिस अभिरक्षा में मृत्यु और न्यायाधीशों के स्थानान्तरण तथा नियुक्ति के मामलों में लागू किया है।

लोकतन्त्र में रहने वाले लोगों के स्वस्थ शरीर, स्वस्थ मानसिकता एवं गरिमायुक्त जीवन से ही स्वस्थ लोकतन्त्र पोषित होता है। स्वस्थ लोकतन्त्र को पोषित करने का दायित्व प्रत्येक व्यक्ति का होता है। इसलिए लोकतन्त्र के निवासियों के जीवन को प्रदूषण से सुरक्षित रखने के दायित्व के अन्तर्गत सामान्य व्यक्ति भी वाद ला सकता है।

भाग – III / Part – III

3. निम्नलिखित गद्यांश को सावधानीपूर्वक पढ़ें : (शब्द सीमा : अधिकतम 500 शब्द)

3. Read the following passage carefully : (Word limit : Maximum 500 Words)

Article 44 of the Constitution of India reads : "The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India."

When this article was discussed in the Constituent Assembly, it provoked much agitation, particularly among Muslim members. During the two centuries of their rule, the British interfered little with personal laws; why could not the successor state follow their example ? One member pointed out that 'as far as the Muslims are concerned, their laws of succession, inheritance, marriage and divorce are completely dependent upon their religion'. A second member felt that 'the power that has been given to the state to make the civil code uniform is in advance of the time'. A third member believed that the clause contravened another clause in the Constitution : the freedom to propagate and practice one's religion.

These arguments were forcefully refuted by Dr. B.R. Ambedkar. He believed that "if personal laws were to be saved then in social matters we will come to a standstill". In traditional societies, religion presumed to hold a 'vast, expansive jurisdiction so as to cover the whole of life'. But in a modern democracy this license had to be curtailed, if only 'in order to reform our social system, which is so full of inequities, so full of inequalities, discriminations and other things, which conflict with our fundamental rights'. To assuage the misgivings, Ambedkar said that the State might choose to apply a uniform civil code by consent, that is, only to those who chose voluntarily to submit to it.

During the last years of their rule the British had belatedly initiated the framing of a uniform code for Hindus. That the Hindus were singled out was in part because they were the largest community, and in part because there was a vigorous reform movement among them. Mahatma Gandhi, in particular, had challenged the discriminations of caste and gender, by seeking the abolition of untouchability and bringing women into public life. Although there remained an influential orthodox section, modernist Hindus had campaigned strongly for laws that would make caste irrelevant and enhance the rights of women.

Despite its name, the 'Hindu' Code Bill was to apply to Sikhs, Buddhists and Jains as well as all Hindu castes and sects. Introducing the new bill, Ambedkar told the Assembly that its aim was to 'codify the rules of Hindu Law which are scattered in innumerable decisions of the High Courts and of the Privy Council, (and) which form a bewildering motley to the common man and give rise to constant litigation'. The codification had a dual purpose : first, to elevate the rights and status of Hindu women; second, to do away with the disparities and divisions of caste. (460 words)

(क) उपरोक्त गद्यांश का उचित शीर्षक दीजिए। (शब्द सीमा : अधिकतम 10 शब्द) 10 अंक

(a) Give a suitable title of the above passage. (Word limit : Maximum 10 Words) 10 Marks

(ख) उपरोक्त गद्यांश का संक्षिप्तीकरण अंग्रेजी में कीजिए। (शब्द सीमा : अधिकतम 300 शब्द) 30 अंक

(b) Write a precis in English of the above passage. (Word limit : Maximum 300 Words) 30 Marks