

Himachal Pradesh Judiciary - Mains 2014

16 questions. Source: lawmock.com - free previous-year papers & mock tests.

Civil Law - II

Q1. - (a) Compare with the help of decided, the Section 41 mid Section 43 of the Transfer of property Act, (10) - (b) Explain the maxim "lex non cogii odimpossibilia" Refer to decided cases.(10) - (c) "Mimnuuisa" as a source of Hindu Law, (10) - (d) A husband obtained the signature of his wife to u gift deed without milking a misrepresentation as to its character, but subsequently included two more plots in the deed. Discuss the validity of this transaction and refer to case law.

Q2. - (a) Discuss the doctrine of Public policy, It is an illusive concept or described ns an "unruly house", Illustrate your answer.(14) - (b) A appointed 'B' to look after his cultivation and his affairs. as he had become too old to manage them himself 'B' asked him to grant him a lease of his land. 'A' agreed to it and placed his thumb impression upon a deed. Which was intact a gilt of the land Decide and refer to decided Cases. (13) - (c) 'A' was singing for the firm of 'B', Her (A's) songs were recorded by them. During the process of recording, she did not seem to have acted gratuitously, 'B' enjoyed the benefit of her recordings they commercially marketed the cassettes and CD's of her song recording. There was no formal contract. 'B' had no right to make any business by use of her performance Can 'B' liable to Pay for her services? Decide and refer to case law. (13)

Q3. - (a) He, who accepts the benefits under the instruments, must also bear the burden". Explain, and also discuss whether this doctrine is available to cure an illegality?(14) - (b) 'A' sells his property to 'B' and before the sale deed is registered, sells it again by a registered sale deed to 'C'. 'B's sale deed through registered later, has priority, 'C' can claim that 'A' was, a ostensible owner, 'B' can claim protection under Section 41 of the transfer of property Act. Decide. (13) - (c) Discuss Notice to quite tendency under Section 106 of the Transfer of property Act is necessary, if so, give reasons and also mention the relevant case law. (13)

Q4. - (a) Discuss the powers, obligations and duties of 'Shebait' under Hindu Law. (13) - (b) Discuss the pious obligation of a Hindu son to pay debts of his deceased father, when no property is inherited from her father? Further mention lite effects of recent amendment in Hindu succession (Amendment) Act, 2005, Refer to Case Law. (14) - (c) Critically examine the Concept of irretrievable breakdown of Marriage, Can the Courts invoke this Concept for granting divorce under Hindu Marriage Act, 1955. Refer to recent case-law. (14)

Q5. - (a) What are the Pre-Requisites of establishing "Adverse possession" in Hindu law and Limitation Act. (13) - (b) Whether consideration of an application for condonation of delay in filling of an application would be different from the one for condonation of delay in refilling of an application? Discuss and illustrate your answer. (14) - (c) Cheque dated 15th , 16th March 2005 bounced, when presented lor encashment Notices were served on accused on 29,9.2005 who failed to pay amount within 15 days as per Section 138 Negotiable Instrument Act, period of 15 days in the present case expired on 14.10.2005. complaints were filed on 15.10.2005, objection was raised that the complaints were filed beyond time. Decide, objection in the light of Limitation Act. (13)

Q6. - (a) Discuss in the light of recent Supreme Court Judgment, the place of "Live-in relationship under Hindu Marriage Act, 1955. (14) - (b) 'A' incurs a debt to a firm of which 'C', 'D' and 'K' are partners. 'C' and 'D' are insane and 'k' is a minor. When does the period of Limitation run against them? (13) - (c) Define fraud. How far may silence go "under contract Act"? Refer to recent case Law, (13)

Q7. - (a) 'A' was appointed as lecturer in the Delhi university by the Vice Chancellor, though the post on which he was appointed was not sanctioned by the U.G.C. But he was working and taken classes for one year. 'A' filed a case for re-imburse the salary. Will 'A' succeed? Decide. (13) - (b) discuss the utility of Restitution of Conjugal Rights decree under Hindu Law. Refer to recent case law. (14) - (c) "Limitation bar the remedy, but it does not extinguish the right". Explain and illustrate your answer.(13)

Q8. - (a) Discuss the procedure of determination of 'fair rent'. Under what circumstances the fair rent can be increased? Refer to recent Cases. (14) - (b) Discuss the relevant provisions regarding the leases of vacant building under the H.P Urban Rent Control Act, 1987. (13) - (c) Discuss with the help of decided Cases the procedure of eviction of tenants under the H.P Urban Rent Control Act, 1987. (13)

Criminal Law

Q1. - (a)(i) A Intentionally causes Z's death, partly by illegally omitting to give Z food and partly by beating Z. What offence, if any has been committed by A? Support your answer with the help of provisions of law and illustrations. (05) - (a)(ii) A. a man who has consumed too much liquor, takes a knife from his house and goes along the road shouting his intention to kill B, with whom he had quarrelled earlier, and kills C who tries to pacify him. What offence, if any, has been committed by A in this case. Support your answer with legal provisions and reasons. (05) - (b)(i) A. a surgeon, knowing that a particular operation is likely to cause the death of Z. who suffers under a painful complaint for Z's benefit, performs that operation on Z. Z dies in consequence. What offence, if any, has been committed by A. Give reasons and provisions of law in support of your answer. (05) - (b)(ii) A and Z agree to fence with each other for amusement. In the course of such fencing, while plying fairly A hurts Z. Is A liable for any offence? Give reasons and relevant legal provisions in support of your answer.(05) - (c)(i) A, with the intention of causing Z to be convicted of a criminal conspiracy. Writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the Police are likely to search. What offence, if any, has been committed by A? Give answer with the support of legal provisions and reasons. (05) - (c)(ii) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. What offence, if any, has been committed by A? Give reasons and provisions of law in support of your answer.(05) - (d)(i) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, the paper so signed may be converted into a valuable security. What offence, if any, has been committed by A? Support your answer with the help of law and reasons.(05) - (d)(ii) A finds the key of Z's house door, which Z has lost and enters house. Trespass by entering Z's house, having opened the door with that key. What offence, if any, has been committed by A? Give your answer with the help of legal provisions and reasons.(05)

Q2. - (a) (i) Under what circumstances can the police arrest any person without a Warrant? (05) - (a)(ii) Discuss briefly the provisions under Cr.P.C regarding Examination of a person accused of Rape by a Medical Practitioner.(05) - (b)(i) Under what circumstances can a court issue 'Proclamation' as well as "attachment of the property" of any person? (05) - (b)(ii) Discuss the provisions with regard to issue of search warrant by a court under Cr.P.C. (05) - (c)(i) Discuss with the help of case law the right of wife to claim maintenance under section 125 Cr.P.C. Can husband also claim maintenance from earning wife under the Act? (05) - (c)(ii) What do you understand by 'Preventive Action of the Police'? Discuss the relevant provisions of Cr.P.C in the regard. (05) - (d)(i) What do you mean by 'First Information Report'? Describe its content and importance in a criminal case. Can an FIR be quashed? (05) - (d)(ii) What is 'Plea-Bargaining'? Discuss its contents and application under Cr.P.C. (05)

Q3. - (a)(i) Explain and illustrate the meaning of the following terms as provided under the Himachal Pradesh Excise Act, 2011? (05) - (a) "Beer" - (b) "molasses" - (a)(ii) Discuss briefly the various Excise Authorities created under the H.P. Excise Act, 2011. Also discuss their powers and Jurisdiction. (05) - (b)(i) Discuss with the power to "enter and inspect" conferred upon an Excise Officer under Section of the H.P Excise Act, 2011 with regard to manufacturing or storage permises of liquor etc.(05) - (b)(ii) Discuss briefly the provisions of Section 26 of the H.P. Excise Act, 2011 which provide for prohibition of sale of liquor to a minor or his employment in liquid Vend or Bar etc.(05) - (c)(i) Under what circumstances, an Authority granting licences etc. can cancel or suspend the same? (05) - (c)(ii) Discuss the Procedure prescribed under Section 35 of the H.P. Excise Act, 2011, with regard to "surrender of licence" by the holder.(05) - (d)(i) Discuss the procedure of 'Payment of Compensation' by the Court to the victim in case of death or injury caused, under Section 42 of the H.P Excise Act, 2011.(05) - (d)(ii) Discuss the procedure of 'Appeal and Revision' as laid down under Section 68 and 69 of the H.P Excise Act, 2011.(05)

Q4. - (a) What grounds of defence are available to a person prosecuted under Section 138 of the Negotiable Instruments Act, 1881, with regard to dishonouring of Cheque for insufficiency of Funds? Refer to case law, if any. (10) - (b)(i) Explain and illustrate the terms "debt or liability" Refer to case law.(05) - (b)(ii) What is the punishment prescribed for the offence committed under Section 138 of the Negotiable instruments Act, 1881 ?(05) - (c) Discuss the provisions of Section 141 of the Negotiable Instrument Act, 1881 wit regard tro offence under Section 138, If committed by companies. What defences are available to any person/Director of the company under the law? Refer to case-law, if any.(10) - (d) Discuss the rules with regard to taking cognizance of the offence committed under Section 138 of the Negotiable Instruments Act, 1881. Which Court is competent to take cognizance of the offence? (10)

Q5. - (a) Explain and illustrate the following terms: (10) - (i) Hunting (ii) Meat (iii) Land (iv) Trophy - (b) Comment upon the constitution of State Board for Wild Life. Also discuss its powers and duties as laid down under the Wild Life (Protection) Act, 1972.(10) - (c) Discuss the powers of the Chief Wild Life Warden to grant permission for hunting of Wild animals in certain cases or for special purposes under Section 11 and 12 of the Wild life (Protection) Act, 1972. (10) - (d) Who are the person who can reside or enter in the Sanctuary? What are their duties towards protection of Sanctuary while staying there? Discuss. (10)

Q6. - (a) Discuss the procedure for the recognition of zoos under the wild Life (protection) Act, 1972. Also state the provisions for Appeal against the order of non-recognition, suspension or cancellation of Recognition by the competent Authority. (10) - (b) Discuss briefly the constitution of National Tiger Conservation Authority. Also state its powers and functions.(10) - (c) Discuss the procedure laid down under the wildlife (Protection) Act, 1972, with regard to regulation of dealings in trophy and Animal Articles etc. (10) - (d) Which activities are prohibited in the area declared by the government as National Park.(10)

Q7. - (a) Explain and illustrate the following terms defined under the Indian Forest Act, 1972. (10) - (i) Forest Produce (ii) River (iii) Tree (iv) Cattle - (b) What do you understand by "Protected Forests"? Which matters can be regulated by the government in "Protected Forests" (10) - (c)(i) Discuss the procedure for formation of village forests. (05) - (c)(ii) With which powers the Sate Government may invest the Forest officers under Section 72 of the Indian Forest Act, 1972? (05) - (d) Discuss briefly the provisions regarding "Power to try Forest Offences summarily" and "Power to Compound Forest offences under the Indian Forest Act, 1972. (10)

Q8. - (a)(i) Write a note on 'Mensrea' (05) 8.(ii) Distinguish between 'common object' and 'Common intention'. Refer to Case-law. - (b)(i) Distinguish between 'Abetment' and 'conspiracy' (05) - (b)(ii) Distinguish between 'Adultery' and 'Rape' (05) - (c)(i) Distinguish between 'unlawful Assembly' and 'Riots' (05) - (c)(ii) Differentiate between 'Simple Hurt' and 'Grievous hurts' (05) - (d)(i) Describe various stages of Commision of an offence. (05) - (d)(ii) Distinguish between 'theft', 'Extortion', 'Robbery' and 'Dacoity' (05)