

Uttar Pradesh Judiciary - Mains 2023

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Law Paper - I (Substantive Law)

Q1. (a) Examine analytically, in the light of latest judgements, the constitutionality of the reservations to Economically Weaker Sections (EWS) given by the 103rd Constitutional Amendment. [15 Marks] 1.(b) Whether the provisions under Article 16(4) are Fundamental Rights? Analyse with the help of decided cases. [10 Marks] 1.(c) "The principle of basic structure is judicial creation. It has no where been mentioned in the Constitution." Explain with the help of decided cases. Discuss the principle of basic structure. [15 Marks] 1.(d) If there is clash between two Fundamental Rights, what course should be taken by the courts? Discuss in light of decided cases. [10 Marks]

Q2. (a) "Hindu law is not lex loci." - Explain. [10 Marks] 2.(b) what is Avyavaharik debt ? When debt becomes Avyavaharik ? Discuss the law regarding such debts. [10 Marks] 2.(c) Hindu Marriage is a sacrament (Sanskar), whereas Muslim Marriage is a contract. Discuss. [10 Marks]

Q3. (a) What do you understand by "Shevait" and "Mahant" ? Can the office of Mahant be alienated? Discuss. [10 Marks] 3.(b) "Marriage contract in Muslim law differ from contract of sale." - Explain. [10 Marks] 3.(c) What is the effect of Dissolution of Muslim Marriage Act, 1939 on option of puberty ? Discuss. [10 Marks]

Q4. Explain the following : (i) Doctrine of Kafa [10 Marks] 4. (ii) Res ipsa loquitur [10 Marks] 4. (iii) "Partnership", "Partnership at Will" and "Particular Partnership". [10 Marks]

Q5. (a) What do you mean by "Partnership Firm" ? What are duties of partners ? Explain reasons for dissolution of a firm. [15 Marks] 5.(b) 'The test of sovereign immunity has now been disappeared in determining the tortious liability of State.' Explain this statement with the help of latest judicial pronouncements. [15 Marks]

Q6. Differentiate the following: (i) "Damnum sine injuria" and "Injuria sine Damnum". [10 Marks] 6. (ii) "Mortgage by conditional sale" and "Sale with condition of re-purchase". [10 Marks] 6. (iii) "Affirmative Easement" and "Negative Easement". [10 Marks]

Q7. (a) What do you understand by the Doctrine of Lis pendens ? Explain with illustrations. [10 Marks] 7.(b) "He who is prior in time is better in law." Explain this statement. [10 Marks] 7.(c) Discuss the rights and liabilities of buyer and sellers. [10 Marks]

Q8. (a) "Indian Easement Act is complete in itself." Do you agree with this view ? Explain, to what extent it is affected by English law? [10 Marks] 8.(b) What do you understand by specific performance of contract ? Which contracts can be specifically enforced and which cannot be ? Explain. [10 Marks] 8.(c) Explain the circumstances under which an easement extinguishes. [10 Marks]

Q9. (a) What are preventive reliefs under Specific Relief Act, 1963 ? How is it granted? [10 Marks] 9.(b) Is there any special provisions in Specific Relief Act, 1963 for contract to Infrastructure Project ? If yes, Discuss. [10 Marks] 9.(c) Define "Trust" and "Breach of Trust". What are the duties and liabilities of Trustees ? Explain. [10 Marks]

Q10. (a) 'A', a Hindu who has separated from his father 'B', sells to 'C' three fields, X, Y and 'Z', representing that 'A' is authorised to transfer the same, of these fields Z does not belong to 'A', it having been retained by 'B' on the partition; but on 'B's dying 'A' as heir obtains 'Z'. 'O', not having rescinded the contract of sale. Can 'C' sue 'A' to deliver 'Z' to him and succeed? Explain. [10 Marks] 10.(b) Explain the Doctrine of 'Aul' (increase). [10 Marks] 10.(c) A transfers property to his wife, but, in case she dies in his lifetime, transfers to B that which he had transferred to her. A and his wife perish together under the circumstances which make it impossible to prove that she died before him. Examine whether the disposition in favour of B will take effect? [10 Marks]

Law Paper - II (Procedure and Evidence)

Q1. (a) Plaintiff 'A' is the owner of a house. In one of its portions defendant 'B' resides. The defendant has not paid rent for last ten months. On this very ground the plaintiff wants to get his house vacated and also to recover the arrears of rent. On the above facts, draft a plaint on behalf of 'A' for eviction and recovery of arrears of rent. [15 Marks] 1.(b) Draft a written statement on behalf of 'B' in reply to the above plaint of 'A'. [15 Marks] 1.(c) Frame issues on the aforesaid pleadings in question 1 (a) and (b). [10 Marks] OR 1. Write a judgement convicting the accused under Section 300-B of Indian Penal Code after framing appropriate charge for the offence. [40 Marks]

Q2. Answer the following with reasons while mentioning the related decided cases: (a) 'A' Claiming to be a landlord sues the tenant 'B' for recovery of rent. 'B' takes the plea that 'A' is not the landlord. 'A' fails to prove his title and the suit is dismissed. 'A' then sues 'B' and one 'C' for a declaration of his title to the property. Decide. [15 Marks] 2.(b) 'A' obtained a decree ex-parte against 'B' and in execution of the decree brought the properties of 'B' to sale and himself became the purchaser. On appeal by 'B', the appellate court set aside the decree and remanded the suit for re-hearing. Then 'B' applied for restitution. While that application was pending, 'A' then contended that as the suit had been decreed, no restitution can be granted. Is 'B' entitled to restitution? [15 Marks] 2.(c) 'A' advances loan of 60,000 to 'B'. To bring the suit within the jurisdiction of court, 'A' sues 'B' for ? 50,000 only instead of ? 60,000 and obtains a decree. Later on 'A' files a second suit for the balance of ? 10,000 in the same court. 'B' raises an objection. Decide. [10 Marks]

Q3. (a) What do you understand by civil nature of a suit? Explain. [10 Marks] 3.(b) Answer with reasons whether the following suits are of civil nature or not. (i) A suit for wrongful expulsion from a social club. (ii) Suit to declare an election invalid. (iii) Collection of contribution for holding festival. (iv) Right of a Pardanasheen lady to observe. [10 Marks] (i) A Suit for Wrongful Expulsion from a Social Club (ii) Suit to Declare an Election Invalid (iii) Collection of Contribution for Holding Festival (iv) Right of a Pardanasheen Lady to Observe Purdah 3.(c) Distinguish among appeal, revision and review and explain the following: [20 Marks] (i) Can the court review suo moto or on its own motion its own decision? 3. (ii) Can a superior court direct an inferior court to review its previous decision?

Q4. (a) Explain with illustration the rules relating to joinder of plaintiffs and defendants in a civil suit. [20 Marks] 4.(b) 'A' publishes a series of books under the title 'Rohilkhand and Bundelkhand' so as to induce the belief that the books are publications of the Rohelkhand and Bundelkhand Universities or either of them. The two Universities join as plaintiffs in one suit to restrain 'A' from using the title. Discuss with reasons whether both the Universities can jointly sue or not? [10 Marks] 4.(c) 'A' and 'B' were assaulted by C at an interview in C's house. 'A' and 'B' jointly sue C for damages for assault. Was the suit rejected for misjoinder of plaintiffs? Give answer with reason. [10 Marks]

Q5. (a) The Candidates made a 'Gherao' of the Controller of Examination of Public Service Commission. Is this act of the Candidates justifiable? What offence, if any, was committed by the candidates? Elaborate your answer with the provisions of Indian Penal Code and decided cases. [15 Marks] 5.(b) Meenakshi obtained possession of Sheela, a minor girl and employed her for purposes of prostitution. Meenakshi subsequently obtained Manju in adoption, another minor girl from her parents. Meenakshi and the parents of Manju were charged together under Section 372 and 373 Indian Penal Code, 1860. The charges related to both the girls. Can the two charges be tried together? [15 Marks] 5.(c) More than two years ago 'A' was sentenced to death but the sentence has not been executed so far. 'A' moves the court that his death sentence be commuted to imprisonment for life as there was undue delay in the execution of death sentence. Decide with leading cases. [10 Marks]

Q6. (a) Under what circumstances can a Magistrate ask sureties for good behaviour? [10 Marks] 6.(b) Narrate in brief the procedure for Session Trial. [15 Marks] 6.(c) What is plea bargaining? Briefly describe its procedure, whether these provisions apply in respect of all types of offences and all types of victims? [15 Marks]

Q7. Write short note on any two of the followings: (a) Describe briefly the major changes introduced in the Code of Criminal Procedure by the Criminal Law (Amendment) Act, 2018. 7. (b) Now would a Magistrate deal with a situation when he finds that a dispute concerning a piece of land between the two parties is likely to cause a breach of peace? 7. (c) A public servant was charged under Section 409 IPC. Facts constituting the charge also made out an offence under Section 420 IPC but he was not charged for this offence. Can he be convicted for this offence? Support your answer with decided cases? [20*2=40 Marks]

Q8. (a) Define 'Evidence'. Discuss the relationship of the Law of Evidence with substantive and procedural law. [10 Marks] 8.(b) What is the difference between burden and onus? What are presumptions in the case of burden of proof as to ownership and proof of good faith? [10 Marks] 8.(c) Discuss the law relationship to digital signatures as provided in Indian Evidence Act. [10 Marks] 8.(d) 'A' a woman whose throat had been cut by some sharp edged weapon indicated by gesture before her death that 'B' was the person who has cut her throat. Is this statement of 'A' made by gestures admissible as evidence against 'B'? [10 Marks]

Q9. (a) When a witness is cross-examined, what other questions can be asked in addition to the questions relating to the incident? [15 Marks] 9.(b) How would the court decide that a particular question is proper or improper? [15 Marks] 9.(c) A woman prosecutes a man for picking her pocket, can this question that she had given birth to an illegitimate child ten years before he asked? Answer with reasons. [10 Marks]

Q10. (a) 'Silence may sometimes amount to an admission'. Explain. [10 Marks] 10.(b) The question is, whether 'A' robbed 'B'. The fact is that after 'B' was robbed, 'C' said in 'A's' presence "the police are coming to look for the man who robbed 'B'" and then immediately afterwards 'A' ran away. Decide the relevancy by giving reasons. [10 Marks] 10.(c) Discuss what are the facts which must be taken notice of and what are the facts which need not be proved as per Indian Evidence Act, 1872. [20 Marks]

Law Paper - III (Penal, Revenue and Local Laws)

Q1. (a) Define and discuss the term 'Consolidation'. What are tenure-holders? To whom it is applicable? Also discuss the benefits of consolidation. [20 Marks] 1.(b) Explain the Provisional Consolidation Scheme in detail. Are changes possible in the Provisional Consolidation Scheme? If so, when and by whom? [20 Marks]

- Q2. (a) Elaborate the composition and function of Nyaya Panchayat under U.P. Panchayat (Raj Act, 1947. What will be its jurisdiction in criminal cases ? Discuss. [20 Marks] 2.(b) Distinguish between Gram Sabha and Gram Panchayat. [10 Marks] 2.(c) Distinguish between rent and revenue. [10 Marks]**
- Q3. (a) Discuss the composition, jurisdiction and powers of Revenue Board under Uttar Pradesh Revenue Code. 2006. [20 Marks] 3.(b) As per the provisions of Uttar Pradesh Revenue Code. 2006, write notes on the following: (i) Field Work and Records of Rights. [08 Marks] (ii) Field Work (iii) Records of Rights (iv) Mutation of Property. [07 Marks]**
- Q4. (a) What are the provisions for fixing rent under the Uttar Pradesh Urban Building (Regulation of Lotting, Rent and Eviction) Act, 1972 ? Explain fully with the help of decided cases. [20 Marks] 4.(b) Elucidate the proceeding for release of building from occupation of tenant under the Uttar Pradesh Urban Building (Regulation of Lotting, Rent and Eviction) Act, 1972. [15 Marks] .**
- Q5. (b) What is the procedure of appointment and removal of a Mayor under the Uttar Pradesh Municipality Act? Explain. [10 Marks] 5.(c) What are the powers of a municipality regarding compulsory acquisition of land? [10 Marks]**
- Q6. (a) What do you understand about the Master Plan ? Also distinguish between Master Plan and Zonal Development Plan. [20 Marks]**
- Q7. (a) How and when a person can take the unsoundness of mind as a defence against criminal liability ? Explain it while defining unsoundness of mind. Also discuss how legal insanity is different from medical insanity? [20 Marks] 7.(b) Distinguish between house-trespass and house-breaking. [05 Marks]**
- Q8. (a) "It is often said that there is a very thin but fine distinction between culpable homicide not amounting to murder and culpable homicide amounting to murder because the difference is merely a question of different degree of probability of death ensuring." Examine the correctness of the aforementioned statement with the help of statutory provisions and judicial pronouncements. [20 Marks] . 8.(b) A, knowing that B is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. B dies in consequence of the blow. Decide whether A is liable for culpable homicide not amounting to murder or culpable homicide amounting to murder. [05 Marks]**
- Q9. (a) Discuss the law relating to "grave and sudden provocation" as laid down in Indian Penal Code and state the extent to which it may mitigate the responsibility of the accused for the offence of murder. Refer the case law to illustrate your answer. [15 Marks] 9.(b) Discuss the criminal law relating to 'necessity' as a ground of excuse from criminal liability. [10 Marks]**
- Q10. Explain the essential elements of robbery. When does it amount to dacoity ? What offence is committed when the offender while committing the above offence, causes the death of any person? [20 Marks] 10.(b) A meets B on the high roads, shows a pistol and demands B's purse. B in consequence, surrenders his purse. Here A has extorted the purse from B by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. Decide what offence A has committed. [05 Marks]**