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JUDICIARY EXAMS QUESTION PAPER

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Kerala Judicial Service

NCA Mains Examination, 2011

Question Paper

KERALA JUDICIAL SERVICE EXAMINATION 2011
(NCA Vacancies)

Duration : 3 Hours

Marks : 100

PAPER – I

Part –I

Rewrite the following sentences in passive voice :

1. Why did your brother write such a letter.
2. People speak English all over the world.
3. The teacher made him write the answer five times.
4. Close the door.
5. You cannot pump the ocean dry. (5 x1=5 marks)

Rewrite the following sentences in positive degree without changing the meaning :

6. Very few people in our state are as courageous as our leader.
7. No other boy in the class is as good as he is. (2 x 1=2 marks)

Frame questions to get the underlined word or clause as answer :

8. My father is a farmer.
9. The books kept in the steel almirah are mine.
10. Birds build their nest in trees. (3 x 1=3 marks)

Report the following dialogue in reported speech :

11. He says, 'My father is going to Delhi tomorrow'. (1x2=2 marks)

Rewrite the sentences after making corrections, if any.

12. We discussed about the matter yesterday.

13. Ramu mentioned about his visit to London.

14. This is a decision by a three Judges Bench.

15. The spectacles of the Magistrate was stolen.

16. Each of the witnesses were given batta.

(5x1=5 marks)

Fill in the blanks with the appropriate word from the bracket.

17. I.....him last year. (saw/have seen)

18. When I reached the court, the Magistrate.....away. (went/had gone)

19. I met one of the boys who.....been selected for the award. (has/have)

20. Two years have passed.....the District Judge inspected the court.

(after/since)

21. The Munsiff and Magistrate.....present. (was/were)

22. The District Judge accompanied by the Chief Judicial Magistrate

.....coming. (is/are)

23. If it.....I will not come. (rains/is raining)

24. Who is to.....? (blame/be blamed)

(8x1=8 marks)

Frame sentences using the following words :

25. A burning question.

26. Put up with.

27. Stationary.

28. Lessen

29. Adapt

(5x1=5 marks)

Insert articles where necessary :

30. He bought utensil.

31. Mangoes of our tree are not yet ripe.

32. Aluva is on Periyar.

33. Switzerland is European country.

34. My brother is Munsiff-Magistrate.

(5x1=5 marks)

Rewrite the following sentences using correct prepositions :

35. The training was over noon.

36. We workday.

37. The table is made.....wood.

38. Honesty is best policy.

39. Her hair was hanging.....her back.

(5x1=5 marks)

Part -II

40. Write a précis of the passage given below :

If the old world is dead, there are at least faint indications that a new one is getting ready to be born. Most encouraging of all is the increasing concern with the good earth and its bounty. Even if education has not reached the poor, awareness has. Witness the Chipko and Appiko movements where tribals, and mainly women, hugged their trees to prevent them being felled. The tribal has now realized that government claims of development only mean money and advantage to some fat men in a far-off city. They no longer want cash compensation for being displaced by dams and mines-they want land for land. Environment activism has already stopped two dams-Silent Valley in Kerala and Bedthi in Karnataka. Strong protests have also led to litigation against lime-stone mining in lush Dehradun. The report's ultimate message is in its shared statement of concern : "Nature can never be managed well unless the people closest to it are involved in its management". There is Still time to act, however gloomy the scenario may look. Otherwise there is worse to come.

(15x1=15 marks)

41. Translate the attached passage into English.

(15x1=15 marks)

ഞാൻ ഈ കേസിലെ വാദിയുടെ സഹോദരപുത്രനാണ് . വാദി 10 വർഷമായി വിദേശത്താണ് . വാദിക്കുവേണ്ടി ഞാൻ ആണ് വാദിയുടെ വക പട്ടികവസ്തു കൈവശം വെച്ച് നോക്കിനടത്തിവരുന്നത് . ഞാൻ ഈ വസ്തുവിന്റെ തൊട്ടുചേർന്നുള്ള തെക്കുവശം വസ്തുവിൽ കുടുംബസമേതം താമസിക്കുന്നു . പ്രതി പട്ടികവസ്തുവിന്റെ കിഴക്കിത് വസ്തുവിന്റെ ഉടമസ്ഥനാണ് . ടിയാൻ ടി വസ്തു 5 കൊല്ലം മുൻപ് വിലയ്ക്കുവാങ്ങിയതാണ് . ടിയാൻ 5 കി.മി. മാറി മറ്റൊരു വസ്തു ഉണ്ട് . ആ വസ്തുവിന്റെ അടുത്തുള്ള മറ്റൊരു വസ്തു ഉടമസ്ഥനുമായി ടിയാൻ സിവിൽ കേസ് നടത്തുന്നു . ആ കേസിലെ പ്രതിയുടെ വസ്തുവിൽകൂടി ഈ കേസിലെ പ്രതിക്ക് വഴിയവകാശം ഉണ്ടെന്ന് അവകാശപ്പെട്ടാണ് ആ കേസ്. ഈ കേസിലെ പ്രതി മറ്റൊരാൾക്കെതിരെയും ഒരു കേസ് കൊടുത്തിട്ടുണ്ട് . ആ കേസിൽപ്പെട്ട വസ്തു ഈ കേസിലെ പ്രതിയ്ക്ക് തീറെഴുതികൊടുക്കാമെന്ന് കരാർ എഴുതിയിട്ടുണ്ടെന്നാരോപിച്ചാണ് ആ കേസ്. പ്രതി പണം അന്ധായ പലിശയ്ക്ക് കടം കൊടുക്കുന്ന പണി ചെയ്യുന്നു . പ്രതി 2 പേർക്കെതിരെ N.I Act Section 138 പ്രകാരം കൊടുത്ത കേസ് തള്ളിപ്പോയി . പ്രതി പട്ടികവസ്തുവിൽ അന്ധായമായി പ്രവേശിച്ചത് 2 തെങ്ങിലെ തേങ്ങ ഇട്ട് കൊണ്ടുപോയി . 40 തേങ്ങാ കൊണ്ടുപോയി . പോലീസിൽ ഞാൻ പരാതി കൊടുത്തു . പോലീസ് കേസെടുത്തു . തേങ്ങയുടെ തൊണ്ട് പോലീസ് കസ്റ്റററിയിലെടുത്തു . തേങ്ങയ്ക്ക് 400 രൂപ വില വരും. പ്രതി പട്ടിക വസ്തുവിൽ അതിക്രമിച്ചുകയറാൻ ശ്രമിക്കുന്നുണ്ട് . അത് വിലക്കി ഉത്തരവുണ്ടാകണം . 400 രൂപ നഷ്ടപരിഹാരവും കോടതിച്ചെലവും അനുവദിക്കണം .

Part -III

42. Write an essay of about 300 words on any two of the following :

1. Trial by media.
2. Uses and abuses of internet.
3. Merit and demerits of the Alternative Dispute Resolution.
4. Role of the judiciary in solving social problems.

(2x15=30 marks)

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PAPER – II

Part – I

(Answer all the questions in one or two sentences. Each carries one mark)

1. What is the basis of novation of a contract?
2. What is the court fee payable in a suit to set aside a registered sale deed in respect of an immovable property?
3. Which is the court in which an application for succession certificate should be filed when the amount is Rs. 5,00,000/-?
4. A suit for specific performance of agreement for sale was decreed in favour of the plaintiff. Can he sell it immediately? Give reasons.
5. What is the deeming provision regarding an award passed by Lok Adalat?
6. Mention two documents the registration of which is optional?
7. When is registration of a decree compulsory?
8. Can days of grace be allowed if the instrument is a cheque. Give reasons.
9. Can a bank transfer a debt payable to it? Give reasons.
10. What is the right of a widower under the Indian Succession Act?
11. In a petition filed u/s. 11(2) of KBLR Act the tenant contends that he is not liable to pay the rent which has become time barred. Can it be upheld?
12. What is the period of limitation for a suit for specific performance?
13. Which is the court competent to try an election petition in the cases of a Block Panchayat?
14. Under the Kerala Panchayat Raj Act who shall be made a party to an election petition where the petitioner, in addition to the declaration that the election of the returned candidate is void, claims that he or any other candidate may be declared duly elected?
15. What is the period within which a complaint should be filed in a criminal court for an offence against the Kerala Panchayat Raj Act?

Part – II

(Answer any 15 questions in not exceeding 120 words. Each carries three marks)

16. What is meant by impounding of documents? How is an impounded document dealt with?
17. What are the essentials of a valid gift? Can a gift be suspended or revoked?
18. What are the essential requirements of acquisition of easement by prescription?
19. Explain the difference between unlawful object and unlawful consideration. Discuss their legal effect.
20. State the differences between equitable mortgage and anomalous mortgage.
21. Differentiate between acknowledgment and part payment under the law of limitation.
22. Who are the persons capable of making Wills?
23. Examine the admissibility of a compulsorily registrable document.
24. Discuss the statutory charge available to buyer under the T.P. Act.
25. Specific Performance is a discretionary relief. Examine the statement.
26. Who are the persons entitled to a decree of dissolution of marriage under the dissolution of Muslim Marriage Act? State any five grounds on which decree for dissolution can be granted.
27. Examine the right of a sharer to transfer his right in the common property.
28. When can Lok Adalat take cognizance of cases?
29. What are the different modes of discharge of a maker of a negotiable instrument from liability on it?
30. What are the differences between the cases dealt with under articles 64 & 65 of the Limitation Act?
31. What are the particulars to be stated in an election petition under the Kerala Municipality Act?
32. Discuss the right of a landlord under the KBLR Act to get eviction on the ground that the building requires reconstruction.

33. What are the stages at which the court can examine the correctness of the court fees paid in a suit?
34. What is the law governing registration of an equitable mortgage?
35. What is the liability of a co-surety for contribution?

Part – III

(Answer any 5 questions in not exceeding 250 words. Each carries eight marks)

36. (i) Explain the term 'Adverse Possession'.
(ii) What are the facts to be alleged and proved by the party who pleads adverse possession?
37. What are the special provisions regarding a minor under the Limitation Act?
38. What are the presumptions u/s. 118 N.I. Act?
39. (i) What are the requirements of a valid Will?
(ii) How can a Will be proved?
(iii) What is the nature of the burden of proof who propounds a Will? Is the presumption u/s. 90 Evidence Act applicable to Wills?
40. (i) What are the principles governing compensation for breach of contract?
(ii) "Time is the essence of the contract". Explain.
41. (i) What are the rules governing appropriation of payments?
(ii) What are the circumstances in which a party need not perform a contract?
42. Explain the entitlement of a landlord under the KBLR Act to be put in possession of the building if he bonafide needs it for his own occupation or the occupation by any member of his family?
43. Examine the provisions regarding transfer by the following persons.
 - a) Unauthorized person who subsequently acquires interest in the transferred property.
 - b) Joint transfer for consideration.
 - c) Transfer for consideration by persons having distinct interests.

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PAPER – III

Part –I

(Answer all the questions in one or two sentences. Each carries one mark)

1. Which is the court having territorial jurisdiction to entertain a petition u/s. 12 PWDV Act?
2. How should a search under Abkari Act be conducted?
3. What is the period within which the fine imposed under the Indian Penal Code may be levied?
4. What is the offence of rioting?
5. What are the ingredients of the offence of obscene acts and songs?
6. What are the facts of which evidence may be given?
7. What is a confession?
8. In criminal cases when is a previous bad character of an accused relevant?
9. What is the secondary evidence admissible in evidence when the original consists of numerous accounts?
10. What is the presumption as to documents called for and not produced inspite of notice?
11. What is the fact of which evidence may be given to rebut the conclusive proof u/s. 112 Evidence Act?
12. A police officer arrested a person illegally for causing annoyance and without reasonable cause. In a case registered against him he was arrested and produced before the Magistrate. Can he claim bail as of right?
13. What is the purpose of the court's calling for a report from the Probation officer under the Probation of Offenders Act?

14. What is the purpose for which an observation home is established under J.J. Act?
15. What does primary food mean under the P.F.A Act?

Part – II

(Answer any 15 questions in not exceeding 120 words. Each carries three marks)

16. What are the provisions for granting bail to an accused under NDPS Act?
17. What is the procedure to be followed when a juvenile is produced before the Magistrate not empowered under the J.J. Act and when a claim of juvenility is raised before him?
18. Write a note on the powers of the court to try summarily a case under the PFA Act?
19. Discuss the powers of the court to release offenders after admonition?
20. Write a note on the power of the Forest Officer to confiscate properties?
21. What are residence orders under the PWDV Act?
22. Discuss the relevancy of statement of a person when it relates to the cause of his death?
23. When is opinion of an expert and opinion as to handwriting relevant?
24. What do primary evidence and secondary evidence mean?
25. What is meant by hearsay evidence?
26. What are the exceptions to the rule against hearsay?
27. What is estoppel? Mention any three types of estoppel?
28. Distinguish wrongful confinement from wrongful restraint.
29. Distinguish abduction from kidnapping.
30. Distinguish dishonest misappropriation of property from criminal breach of trust.
31. Explain the offence of cheating and dishonestly inducing delivery of property.

32. Distinguish bigamy from adultery.
33. Write a note on cruelty by husband or relatives of husband under IPC.
34. What are the provisions in the IPC relating to acts of a child?
35. What are the powers of the court to award imprisonment for non-payment of fine when the offence is punishable with fine only?

Part – III

(Answer any 5 questions in not exceeding 250 words. Each carries eight marks)

36. Confession to police and confession made while in the custody of police are irrelevant. Discuss.
37. Briefly discuss the reliefs that may be granted under PWDV Act.
38. Distinguish between unlawful assembly and common intention.
 - (i) A, B, C, D & E formed themselves into an unlawful assembly. E alone was armed with a deadly weapon and he alone committed rioting. Is it legal for the court to convict the other accused for that offence with the aid of S. 149 IPC?
39. Explain cheating and the offences related to it.
 - (i) A borrows Rs. 1,00,000/- from B. Two months later B demanded repayment of the amount, A with dishonest intention, issues a cheque to B for the said amount. The cheque was dishonoured. Has A committed the offence punishable u/s. 420 IPC? Give reasons.
40. Discuss burden of proof.
 - (i) In a suit for money based on a promissory note the defendant contends that though he borrowed the amount, he has repaid it. On whom the burden on the pleadings lies? Give reasons.
41. When are judgments of courts of justice relevant?
42. (i) What are the ingredients of the offence u/s. 138 N.I. Act?
 - (ii) How can an accused in such a case discharge the burden on him?
43. Discuss the acts done in good faith for the benefit of a child by or by the consent of the guardian and for the benefit of a person with consent.

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PAPER – IV

Part –I

(Answer all the questions in one or two sentences. Each carries one mark)

1. Who shall be made parties to a partition suit?
2. What is the purpose of lodgement schedule filed in a civil court?
3. What are the differences between A & B diaries?
4. What is the provision regarding local inspection by a Judge?
5. A case is posted to 26th September 2011. The plaintiff wants to move an application to obtain an urgent relief before that posting date. What shall he do?
6. How is summons served on a corporation in a criminal case?
7. Under what circumstances a police officer can seize a thing or document?
8. What is the information a police officer has to give when a person is arrested by him?
9. What is the procedure to be followed when gold and silver are produced in a criminal court?
10. What are the two circumstances in which a Judicial Magistrate shall enquire into the cause of death of a person?
11. When can a court which convicts a person release him on bail?
12. How are convicts classified and who makes the classification?
13. When partners are sued in the name of the firm, on whom the summons shall be served?
14. When a plaintiff sues in a representative capacity how can the court determine whether he is an indigent person?
15. What is the effect of a judgment pronounced when a defendant dies after the conclusion of the hearing and before the pronouncement of the judgment?

Part –II

(Answer any 15 questions in not exceeding 120 words. Each carries three marks)

16. How is arrest made under Cr.P.C? What is the special provision regarding arrest of a woman?
17. How is a proclamation for an absconding accused published under Cr.P.C.?
18. What is the procedure to be followed when a Magistrate take cognizance of an offence?
19. What are the facts to be stated in a charge framed by the court?
20. What is the purpose of the examination of an accused u/s. 313 Cr.P.C.? What is the procedure to be followed in examining him? What is the relevance of the answers given in such examination?
21. Distinguish between cognizable and non-cognizable offences.
22. What are the provisions regarding disposal of property by a criminal court?
23. When does the period of limitation commence under the Cr.P.C.? What is the period of limitation to take cognizance under Cr.P.C.?
24. What are the provisions in the CPC regarding objection to jurisdiction of a court?
25. What is the rate of interest a civil court can award in a money suit? What is meant by the principal sum adjudged? Can a bank realise compound interest for agricultural loans?
26. What is the effect of private alienation of property after attachment? When does a property sold in execution sale vest in the purchaser?
27. What are the circumstances in which an application for restitution may be filed? For the purposes of restitution what does the expression 'court which passed the decree or order' mean?
28. What is the effect of the failure of a plaintiff to include the whole claim in his suit?
29. Comment on the joinder of cause of action and objection as to misjoinder of causes of action?
30. When can a court reject a plaint? What is the nature of the order rejecting the plaint? What is the remedy of the plaintiff whose plaint has been rejected?

31. What is the procedure to be followed-

- a) when in a suit summons of a defendant is not served in consequence of the plaintiff's failure to pay costs
- b) when the plaintiff alone appears
- c) when the defendant alone appears

What is the consequence of the order passed in the third situation mentioned above?

32. Can a suit be withdrawn without the leave of the court? What is the legal consequence of withdrawal of a suit without the leave of the court? When can the court allow the abandonment of a suit filed on behalf of a minor? When can the court grant leave to the plaintiff to withdraw the suit with liberty to file fresh suit on the same cause of action?
33. What is the procedure to be followed when a suit is instituted by a next friend of a minor and when a suit is instituted against a minor?
34. What are the circumstances in which the court can attach a property before judgment? Are properties of all kinds attachable under this provision? What is the nature of the order the court should pass?
35. When can the court order substitution or addition of a person as a plaintiff and strike out or add parties? When shall the proceedings as against an additional defendant be deemed to have begun?

Part – III

(Answer any 5 questions in not exceeding 250 words. Each carries eight marks)

36. (i) What are the provisions relating to the execution of decrees against Government?
- (ii) What is the procedure to be followed to attach the salary of a J.D. if he is a government servant?
- (iii) Is there any difference if he is a private employee?
- (iv) What is the attachable portion of salary of a private employee drawing a monthly salary of Rs. 25,000/-?

37. (i) What are the grounds on which sale of an immovable property sold in court auction may be set aside?
- (ii) Can delay in filing the application be condoned?
38. (i) What is owelty?
- (ii) What are the matters to be determined in a preliminary decree for partitions.
- (iii) What is the procedure to be followed if the whole amount required to purchase stamp paper for engrossing final decree is not deposited by no one of the parties?
39. (i) When can trial of a suit be stayed under CPC?
- (ii) What is the scope of Section 151 CPC? How is it different from Section 152 CPC?
- (iii) What are the circumstance under which a Munsiff can review his judgment?
40. Discuss the powers of a police officer investigating case?
41. (i) How is warrant trial different from summons trial?
- (ii) Can a warrant trial be converted into a summons trial?
42. (i) Who can record confession u/s. 164 Cr.P.C?
- (ii) What is the procedure to be followed in recording confession?
- (iii) Is there any difference if it is the statement of a witness?
43. (i) What are the powers of a Judicial Magistrate to order detention of an arrested person during investigation?
- (ii) An accused was arrested and produced before a Magistrate on 1-1-2010. He was ordered to be detained in hospital since he was seriously ill. His detention in hospital continued till 18-1-2010. On 19-1-2010, the investigating officer filed an application for police custody. The court rejected it. Was it legal? Give reasons.
- (iii) A person accused of a bailable offence was released on bail. He failed to attend the court on a posting date and his bond was forfeited. He was arrested and produced. He again applied for bail. He claims that since it is a bailable offence, he has a right to be released on bail. Can his claim be upheld?

