



# Latest Laws.com

Helping Good People Do Good Things

## JUDICIARY EXAMS QUESTION PAPER

Free Downloadable Formats

Hello Good People!

**Delhi Judicial Service**

**Mains Examination, 1979**

**Question Paper**

## CRIMINAL LAW, 1979

**Q. 1.** A and B agree to deprive a Nationalised Bank at Delhi of Rs. 25000/-. B, employee of the Bank, makes false entries of deposits in favour of A in the Bank-accounts. On that basis he induces the Manager of the Bank to sign five drafts of Rs. 5000/- each (on different dates and months in two year time) in favour of A payable at Kanpur Branch of the Bank. A encashes the drafts at Kanpur.

(Cheating and making false entries in Bank-accounts are offences punishable under Sections 420 & 477A I.P.C. respectively)

- (a) Frame charges against A and B for their trial at Delhi.
- (b) Give a ruling on prosecution request that all offences committed by A and B at Delhi and Kanpur be tried in one trial at Delhi.

OR

Delhi Transport Undertaking announced increase in Bus fares, but the increase was not to affect student commuters. 400 students, including A, B and C decided to oppose the increase by all means. They held-up a D.T.U. Bus at Kingsway Camp crossing. A pushed the driver out of the Bus, B gave fist-blows to Conductor of the Bus, and an unidentified student knocked out two teeth of a passenger P in the Bus by throwing a piece of stone into the Bus.

(Assault, causing hurt, causing grievous hurt, and mischief after preparation to cause hurt are offences punishable under Sections 352, 323, 325 and 440 I.P.C. respectively).

- (a) Frame charges against A, B and C for their trial in metropolitan Magistrate's Court at Delhi.
- (b) Indicate what difference, if any, would it make in their criminal liability if the Bus-fare-hike was to cover students as well.

**Q. 2.** A, B, C and D are friends. E is their arch-enemy. A procures a gun. B purchases ammunition for that gun. A and B make over the gun and ammunition to C. D leads E to a forlorn place, where C shoots him dead.

Discuss the admissibility and probative value of the following at the trial of B, C and D for murder of E:

- (a) Confession of A, recorded under Section 164 Cr. P.C. by a Magistrate, implicating himself and his associates. A died before commencement of trial.
- (b) Confession by B during trial admitting the murder of E as alleged.
- (c) Extra-judicial confession by D to E's brothers obtained under threat that he must state the truth or suffer lynching by hanging from a tree.

OR

(a) B attempts to rape A. She resists and receives hard knocks from B, and is raped by him. She dies the same day from injuries received. Before her death, she made a statement to a neighbour about the

circumstances of her death including the fact of her having been raped by *B*.

At the trial of *B* for murder of *A* and for raping her, the defence objects to that part of her dying declaration which mentioned rape on her contending that it was not admissible under section 32 of the Evidence Act. Overrule the objection and record order to that effect.

(b) *X* was married to *A* in 1970 but was deserted in 1971. She left Delhi for her home-town thereafter. Despite all efforts *A* could not know her whereabouts. He believed her dead. He married *Y* after disclosing all facts about *X* to her in 1975. In 1978 *X* appeared in Delhi and charged *A* with offence of bigamy punishable under section 494 I.P.C.

Discuss the criminal liability of *A* for the offence charged against him.

Q. 3. Under section 125 Cr. P.C., an order for maintenance is made by a Magistrate ordering a father to pay his deserted wife Rs. 60/- p.m. for maintenance of their young son, on the ground that he had neglected or refused to maintain the child in the following three cases:

(a) The mother had the custody of child. At hearing father offered to maintain the child on condition it was left with him.

(b) The mother had custody of the child. She was a teacher on a salary. The father pleaded that the child must be maintained by her from her own earnings and could not be his liability.

(c) Child had been in custody of father and was maintained by him. He left the father and came to live with the mother when the father, one day, chastised him for throwing stones at passers-by.

The father resisted the mother's application and wanted custody of the child and said he would maintain him. Comment on the propriety of the order in each case.

OR

(a) Distinguish between criminal rashness and criminal negligence. Illustrate your answer.

(b) There were many thefts in a short period in the vicinity of a police station. Station House Officer A, on one occasion, was fired at by a thief. He received information that three thieves were prowling about at night nearby. He set out patrolling and took with him two constables. He saw a man crouching under a tree who moved away as the police-party came near. The S.H.O. fired at that person and killed him. It was later discovered that the deceased was a coolie at the godown nearby.

Discuss his liability for the offence punishable under section 304A I.P.C.

(c) A and B were practising shooting at a target at a place near a public road. A bullet fired by 'A' wounded and killed a passer-by. Specify the offence, if any, committed by B.

Q. 4. Is it correct to say:

(a) "The evidence of a prosecution witness is unworthy of credit in any particular case if he gives evidence contrary to his statement recorded during investigation under section 161 Cr. P.C. after he has been contradicted, with leave of the Court, with that statement."

(b) "In criminal trial, the burden of proof never shifts to the accused. Even in regard to general or special exception pleaded by the accused, he is entitled to acquittal if the Court be in doubt, at the end of the trial, whether exception pleaded is proved or not."

(c) "There is no bar or limitation for criminal prosecution, however trivial the offence and howsoever delayed the prosecution because time does not erase an offence once committed."

OR

(a) Is the previous bad character of an accused even relevant in a criminal trial? Indicate a few such cases?

(b) Can evidence be led by an accused in defence to prove that a witness against him was bribed by the complainant to depose against him? Why?

## CIVIL LAW-I, 1979

**Q. 1. (a)** At the time of letting, *A*, the tenant, paid Rs. 5000/- to *B* the landlord, as the security for rent. After a few months *A* filed an application before the Controller for the refund of this amount alleging that payment had been made in contravention of Section 5(2)(a) of the Delhi Rent Control Act.

Write a judgment deciding the case.

**Q. 1. (b)** The premises in dispute were built on a lease hold land. One of the terms of the lease between the landlord and the Government was that the building to be put up on the land would be used for the purpose of a 'residential cottage'. Landlord let out the same for running of a boarding and lodging house. The tenant continued this use notwithstanding previous notice. Landlord claimed eviction under proviso (k) to Section 14(1) of the Delhi Rent Control Act, 1958.

Decide giving reasons.

OR

**Q. 2. (a)** The premises in dispute were let to a partnership firm consisting of two partners *P* & *Q*. On the dissolution of the firm the tenancy rights fell to the share of *P*. Landlord claimed eviction under proviso (b) to Section 14(1) of the Delhi Rent Control Act, 1958.

Decide giving reasons.

**Q. 2. (b)** *M* owned a bungalow which was let out to *R*, a doctor for running his clinic. *M* was required by the Government to vacate the residential building in his occupation which had been allotted to him by the Government. *M* claimed eviction of *R* under section 14(A)(1) of the Delhi Rent Control Act. Write Judgment giving reasons.

**Q. 3. (a)** *A* agreed to lend Rs. 10,000/- to *B* on *B*'s mortgaging his house in favour of *A*. *B* committed breach. *A* filed a suit for specific performance of the contract.

Decide giving reasons.

**Q. 3. (b)** *M* entered into a contract with the Government of India for supply of certain goods and deposited Rs. 10,000 as security. It was stipulated in the contract that the amount of the security was to stand forfeited in case *M* neglected to perform his part of the contract. The goods supplied did not conform to the quality and were therefore rejected. Government forfeited the security deposit. *M* filed a suit for recovery of the security amount.

Write a judgment giving reasons.

OR

**Q. 4. (a)** *A* contracted to buy certain land from *B*. *A* failed to perform his part of the contract. *B* filed a suit for specific performance of the Contract. On evidence it was found that there existed right to way of that land.

Decide giving reasons.

**Q. 4. (b)** *A* filed a suit against *B*, his brother, for possession of half share in the property in suit alleging that the property was ancestral. Suit was dismissed and *B* executed a registered deed transferring half share in the said property to *A* to secure reconciliation with *A*. *A* filed a suit for possession upon this instrument. *B* raised the plea that the transfer was without consideration.

Decide giving reasons.

**Q. 5. (a)** *M* married *H* who was undergoing iddat. On the death of *M* after three years of the marriage, *H* claimed share in the property according to Mohammedan law. Other heirs resisted the claim on the plea that the marriage was void.

Decide giving reasons.

**Q. 5. (b)** Parties to the suit were married in the year 1975. Wife did not conceive. It was found that she was incapable of conceiving a child. In the year 1978 husband filed a petition for decree of nullity under section 12(1)(a) of the Hindu Marriage Act.

Decide giving reasons.

OR

**Q. 6. (a)** *A* entered into an agreement with her husband *B* by which the husband authorised the wife to divorce herself from him in the event of his marrying a second wife without her consent. Is the agreement valid under Mohammedan Law? Give reasons.

**Q. 6. (b)** *N* the manager of the joint family gifted a small portion of Zamindari land belonging to joint family, to a stranger with the object of defeating a claim for pre-emption. Other coparcener challenged the alienation being without legal necessity.

Decide giving reasons.

**Q. 7. (a)** Partnership firm consisting of three partners *A*, *B* and *C* was carrying on grain business. *M* filed a suit against the firm and the three partners for recovery of Rs. 25,000/- on a promote executed by *A* on behalf of the firm. *B* and *C* pleaded that *A* had no authority to borrow the money on behalf of the firm.

Decide giving reasons.

**Q. 7. (b)** Goods were delivered to the buyer on approval. After three months the same were stolen from the godown of the buyer. The seller filed a suit for the price of the goods. Buyer pleaded that the property in the goods had not passed to him. Decide giving reasons.

OR

**Q. 8. (a)** *A*, *B* and *C* carried on business as partners. *A* retired. Afterwards the firm borrowed money from *P*. *P* filed a suit for the recovery of the amount against *A*, *B* and *C*.

[74]

On evidence it was found that no public notice of the retirement had been given but *P* knew the fact of retirement.

Decide giving reasons.

**Q. 8. (b)** *M* entered into an agreement with *S* for the purchase of unascertained goods. *S* despatched the goods by train. Goods were lost during transit. *S* filed a suit for the recovery of the price of the goods against *M*.

Decide giving reasons.

**Note:** Section 5(2)(a), 14(1)(K), 14(1)(b), 14(A)(1) of Delhi Rent Control Act, 1958; 12(1)(a) of Hindu Marriage Act. 19(1) and 32(3) of Partnership Act were reproduced in Question Paper.

## CIVIL LAW-II, 1979

**Q. 1. (a)** "A" a native of Agra, after serving a notice under section 80 C.P.C, instituted a suit against the Union of India at Agra on the last day of two month's of service of notice challenging his dismissal from service as Customs Inspector, Ferozapore. Jurisdiction of Agra Court was claimed on the ground that the Union of India was operating its Railway there, and therefore carrying on business there.

Objection was taken by the defendant that the suit could not lie, being not after the expiry of the full two month's period of service of notice under section 80 C.P.C. At the time when the defendant filed the written statement, those two months had long expired. Another plea raised in defence was that the Agra Court had no jurisdiction, and that the proper court was Ferozapore, where A was last posted and caught allegedly taking bribe, or the Amritsar Court from where the Collector issued the dismissal order.

Decide after framing issues.

**Q. 1. (b)** The Agra Court, rightly or wrongly, held in the above case that the suit was not maintainable and that court had no jurisdiction. It further held that the suit should have been instituted at Amritsar Court. Objections were taken by the Union of India there that the suit was not maintainable as "A" had not served a fresh notice under section 80 C.P.C. and that the Amritsar Court had no jurisdiction. "A" in replication asserted that the defendant was estopped from challenging the jurisdiction of the court, having pleaded so at Agra Court, and in any case the plea was barred by *res judicata*. Decide.

**Q. 1. (c)** Can a time barred claim be set up as a set off and can a predecree compromise be set up as a bar to the execution of decree?

**Q. 2. (a)** Can admission be made by signs, silence or words uttered in soliloquy (talking to one-self)? Can an admission of the opposite party be read in evidence against him without confronting him in cross-examination when he appeared as a witness.

**Q. 2. (b)** In civil cases, abstract notions of onus loses much of its significance when both sides have led evidence. Comment.

**Q. 2. (c)** Can a proforma defendant not in issue with plaintiff cross-examine latter's witnesses?

**Q. 2. (d)** A woman married a person in September, 1963. The marriage was dissolved in May 1964 and she married again in June 1964. A son was born to her during the continuance of second marriage in September 1964. It appeared that the second husband had access to her during the first marriage.

On the death of the first husband in 1970, the child claimed heirship to his estate. In support, the mother deposed that he was the son begotten from the said previous husband. Evidence was also led that during his life-time, the deceased treated the child as his son.

The other claimants to the heirship of the estate put up the defence that the child was from the second husband and referred to section 112 Evidence Act. Decide.

**Q. 3. (a)** Can an unregistered award partitioning movable and immovable properties worth more than rupee one lakh, and creating a charge on one property be filed in court for being made a rule of the court under the Arbitration Act?

Can the award be admissible in evidence:

- (i) with respect to matters not compulsorily registrable?
- (ii) for recovery of the amount for which charge was created?
- (iii) for the purpose of explaining the nature of separate possessions resultant from the division of shares?

**Q. 3. (b)** Can oral evidence of arbitrator and of the co-shares who had consented to the award be admissible as to its contents and effect, although the law required such award to be in writing, and the award is not shown as not available?

**Q. 4. (a)** Can an acknowledgement made under section 18 of Limitation Act after the expiry of the period of limitation, but during the vacation when courts were closed, save limitation?

**Q. 4. (b)** On whom the onus of proving that the suit is within time normally rests?

What will be the position when the suit is for recovery of compensation against a carrier for losing or injuring goods, or for non-delivery under Article 10 of the Limitation Act?

Schedule: Section 20, 80, Order 8 Rule 6 C.P.C., 91, 92, 112, 128, 145 of Evidence Act, 18, 19 and Article 10 and 11 of Limitation Act were reproduced.

## LANGUAGE, 1979

### Q. 1. Translate in Hindi:

(a) The average Voter can never be expected to form a useful opinion on the many detailed and complex issues of modern politics and economics, he may fervently wish for peace, but he cannot judge the best methods of securing disarmament and co-operation. He may wish for the abolition of the unemployment and a better standard of life for all, but can hardly hope to judge in detail how these ends may be gained. A striking example of the effective working of the right kind of public opinion is given by the history of the housing of the working classes. One hundred years ago public opinion was indifferent; the most revolting slums were built. Gradually, under the pressure of public opinion, Government began to intervene and improve the standard of housing. Every Government has taken action, some in one way, some in another.

(b) In an educated democracy the Voter should acquire a number of soundly based convictions on the main political questions of the day. He should recognise that he has responsibilities not only as a citizen of his own country, but as a citizen of the world also; that he must be prepared to make sacrifices for international goodwill and cooperation; that there must be equal justice for all; that Government should be by discussion and persuasion rather than by force; that every child should be given a fair chance of growing up sound in mind and body, and making the best of its natural faculties. There is also a further quality which the citizen of democracy must possess: the capacity to choose a good representative and to trust him when chosen. The Voter must have the right standard as to what one should honour and respect in public men: he must recognise integrity, courage and ability. He must be a man of independent judgement and must be taught habit of clear thinking.

### Q. 2. Translate in English:

वास्तविकता यह है कि सत्ता और अधिकारों के विकेन्द्रीकरण के द्वारा व्यवस्था के हर एक स्तर पर आम जनता की सहभागिता के बिना लोकतन्त्र सिर्फ निर्जीव ढांचा है। ऐसा ढांचा जिसमें धीरे-धीरे केन्द्रीयकरण और अधिनायकवाद की ताकतें जोर पकड़ने लगती हैं, क्योंकि इस व्यवस्था के साथ आदमी अपना कोई नाता नहीं जोड़ पाता। भारत जैसे गांवों के देश के लिए सत्ता और अधिकारों के विकेन्द्रीकरण के पंचायती राज सबसे सशक्त राजनैतिक ढांचा हो सकता है। लगभग 20 वर्ष पहले बलवंत मेहता की अध्यक्षता में एक समिति नियुक्त की गई थी। उसने सामुदायिक विकास के कार्यक्रम को अंजाम देने के बारे में कुछ सुझाव दिये थे। इन सुझावों में

पंचायतों को जनता के सामाजिक, आर्थिक और राजनैतिक विकास का आधारभूत संगठन बताते हुए देश में पंचायती राज की स्थापना की हल्का-सा प्रयोग भी किया गया जो सफल नहीं रहा। किन्तु फिर भी कुछ राज्य सरकारों इस प्रयोग को घसीटती रहीं। यदि इस पंचायती राज व्यवस्था को ईमानदारी से लागू किये जाने की कोशिश की जाती तो आज देश का नक्शा ही कुछ और होता।

पंचायती राज की असफलता का प्रमुख कारण पंचायतों के पास पर्याप्त प्रशासनिक अधिकारों और आर्थिक साधनों का अभाव था। अपने अस्तित्व को बनाये रखने के लिए वे पूरी तरह राज्य सरकारों पर निर्भर थीं। ऐसे अपंग और नाम मात्र के पंचायती राज का असफल होना स्वाभाविक ही था।

सरकार को चाहिए कि वह देश में पंचायती राज व्यवस्था की स्थापना के लिए कारगर कदम उठाये। संविधान में भी इस व्यवस्था को कायम करने की बात कही गई है। यदि सरकार लोकतंत्र को सफल बनाना चाहती है तो इस बारे में ठोस कदम बढ़ाने पड़ेंगे।

## ESSAY AND GENERAL KNOWLEDGE, 1979

### PART I

Q. 1. Write an essay on any one of the following:

- (a) Social justice has been the touchstone of main legislative activity in free India.
- (b) Planning and legislation must go hand in hand in a developing country.
- (c) Socio-economic crimes in India.
- (d) For forms of Government let fools contest, whatever is best administered is best.

### PART II

Q. 2. Who wrote the following?

- (a) Arthashastra
- (b) Daskapital
- (c) Ends and means
- (d) Social Contract
- (e) Discovery of India
- (f) Life Divine
- (g) Hindu view of Life
- (h) Gitanjali
- (i) Panchtantra
- (j) Mahabharata

Q. 3. What do the following abbreviations stand for?

COFEPOSA, MRTPC, NCERT, UNICEF, UNDP

Q. 4. What do the following mean?

*ab initio, ad interim, de facto, malafide, obiter dictum, persona non grata, sine die, status quo, ultra vires.*

Q. 5. Who are the following?

- (a) Y.V. Chandrachud
- (b) Ayatollah Khomeini
- (c) Malcolm Frazer
- (d) J.R. Jayawardan
- (e) John Paul II
- (f) Kurt Waldheim
- (g) Chairman Rajya Sabha
- (h) Chairman Law Commission of India

(i) Attorney General for India

(j) Prakash Padukone

Q. 6. Write short notes on any two of the following:

(a) Shah Commission

(b) Antyodaya

(c) International Court of Justice

Q. 7. Describe in about ten lines any two of the following writs:

(a) Habeas Corpus

(b) Mandamus

(c) Certiorari

Q. 8. Explain any two of the following:

(a) Why are mountains colder than plains?

(b) Why is the flash of the lighting seen before thunder is heard?

(c) Why does iron rust?

Q. 9. What do you know about the following?

(a) Durand Cup,

(b) Davis Cup

(c) Ranjit Trophy

(d) Thomas Cup

(e) Beighton Cup