

[This question paper contains 9 printed pages]

Roll Number: _____

HPJS (Main) Examination, 2018

PAPER-I: CIVIL LAW-I

Time: 3 Hours

Maximum Marks: 200

Note:

1. Attempt five questions in all.
2. Question Nos. 1 & 2 of Part-A are compulsory.
3. Attempt the remaining three questions from Part – B.
4. Each question carries 40 marks.
5. Marks are divided and indicated against each part of the question.
6. Write legibly supporting your answers with relevant statutory provisions and appropriate judicial pronouncements as may be desirable.
7. Each part of the question must be answered in sequence in the same continuation.
8. If questions are attempted in excess of the prescribed number only questions attempted first up to the prescribed number shall be valued and the remaining answers will be ignored.

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PART-A

- 1 (a) Describe the features of a 'Judgment' as culmination of a civil suit supposed to be disposing of the matters in issue conclusively. Also underscore the foundational perspective to be possessed by a judge for writing a judgment.

10 Marks

- (b) The Supreme Court of India in *Canara Bank vs. N.G. Subbaraya Setty*, decided on 20th April, 2018 observed:

“In the present case, a belated review petition was filed after arguments were heard and judgment reserved by the appellate Court. Would this Court have to await the outcome of the said review petition before deciding whether the judgment is *res judicata*?”

Elucidate the main procedural issue involved in the matter as reflected by this observation in its possible facets and attempt a well reasoned resolution of the issue in the light of the law and judicial precedent.

10 Marks

- (c) A and B separately sue C for a libel which reflects upon each of them. C in each case says that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither. A obtains a decree against C for damages on the ground that C failed to make out his justification. Whether the fact will be relevant as between B and C also. Explain in the light of the relevant provision of the Indian Evidence Act, 1872 explaining its rationale as well.

10 Marks

- (d) The question is, whether a given letter is in the handwriting of A, a merchant in London. B is a merchant in Calcutta, who has written letters addressed to A and

received letters purporting to be written by him. C, is B's Clerk whose duty was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising him thereon. B, C or D never saw A write. Can the opinions of B, C and D on the question whether the letter is in the handwriting of A be relevant? Refer to relevant provisions of the India Evidence Act, 1872 in support of your answer. 10 Marks

- 2 (a) "Under Order 22 Rule 10, CPC, when there has been an assignment or devolution of interest during the pendency of the suit, the suit may, by leave of the court, be continued by or against person to or upon whom such interest has been assigned or devolved and this entitles the person who has acquired an interest in the subject matter of the litigation by an assignment or creation or devolution of interest *pendent lite* or suitor or any other person interested, to apply to the court for leave to continue the suit. When the plaintiff assigns / transfers the suit during the pendency of the suit, the assignee is entitled to be brought on record and continue the suit. Order 22 Rule 10, CPC enables only continuance of the suit by the leave of the court. It is the duty of the court to decide whether leave is to be granted or not to the person or to the assignee to continue the suit." Elaborate and illustrate the principle with reference to the judicial trends, especially judgment of the Supreme Court of India in *Life Insurance Corporation of India vs. Sanjeev Builders (Pvt.) Ltd.* (decided on 24th October, 2017). 12 Marks

- (b) Respond to the following with reason and judicial authority:-

- (i) No appeal can lie against an order of stay under Section 10 of CPC.
- (ii) An application for revision can lie against an order of stay under Section 10 of CPC.

08 Marks

- (c) “Where evidence offered comes within the meaning of its definition, the court can act on it and need not concern itself with method by which the evidence in question was obtained”. [*Pushpadevi M. Jatia vs. M.L. Wadhwan, SC 1987*]. A confession made to a police officer was used in evidence in departmental proceeding. [*Kuldip Singh vs. State of Punjab SC 1996*]. But, where search and seizure was conducted by not observing the protective provisions of Section 50 of the NDPS Act, 1985, the seizure was held to be not proper and, therefore, not capable of creating presumption of wrongful possession. It was not admissible evidence by itself for proof of unlawful possession. [*State of Punjab vs. Baldev Singh, SC 1999*]. Analyse critically the positions taken by court in these cases and in the light of these judicial renderings give a synthetic position that can deemed to have evolved out of them. 15 Marks

- (d) The rules of proof in civil and criminal cases are generally the same. But point out some differences which must be noted in the process of dealing with cases of civil and criminal nature. 05 Marks

PART-B

- 3 (a) Courts in India exercise jurisdiction both in equity and as well as law, but exercise equity jurisdiction subject to the provisions of law. [*Shiv Kumar Sharma vs. Santosh Kumari, AIR 2008 SC 171*] Mitigate this conundrum by logical indulgence. 07 Marks
- (b) Underline the judicially evolved guideline and legislative processes which can be held to have defined the scope and ambit of the discretion of the courts in not enforcing contractual transactions under the Specific Relief Act, 1963? Illustrate with practical examples. 07 Marks
- (c) The Central Council, a representative body of ABC (a religious denomination) passed a resolution proposing the merger of the group with XYZ (another denomination of the same religion) to have a common management of the affairs of the religious places of two groups. Some members of ABC question the resolution and want to bring a civil suit to stop the proposed merger. What basic requirements will be necessary for them to file a suit on the matter? Decide the forum for filing the suit and draft the necessary pleadings for bringing the suit on both sides. 16 Marks
- (d) In a health care camp irreversible damage was caused to the eyes of a patient operated upon in the camp. Help the victim by drafting necessary pleadings required for claiming damages and to make a plea for payment of exemplary costs to him. 10 Marks

- 4 (a) (i) 'A' deposits a box of jewels with 'B' as his agent. 'C' alleges that jewels were wrongly obtained from him by 'A' and claims them from 'B'. Can 'B' institute an inter-pleader suit against 'A' and 'C'?

In another situation, 'A' deposits a box of jewels with 'B' as his agent. He writes to 'C' for the purpose of making the jewels a security for a debt due from himself to 'C'. 'A' afterwards alleges that 'C's debit is satisfied, 'C' alleges the contrary. Both claim jewels from 'B'.

Can 'B' institute an inter-pleader suit against 'A' and 'C'?

10 Marks

- (ii) On the basis of facts and circumstances draft necessary pleadings for institution of inter-pleader suit/s by 'B' as may be required in the given circumstances.

10 Marks

- (b) Give a concise, lucid and axiomatic version of the process of execution of decrees under the Code of Civil Procedure, 1908.

14 Marks

- (c) "The penal provisions under the Indian Stamp Act, 1899 as applied in the State of Himachal Pradesh are largely outdated, disproportionate and inappropriate." Comment critically.

06 Marks

- 5 (a) Evaluate the operative and enforcement mechanism provided under the Indian Stamp Act, 1899, as applied in the State of Himachal Pradesh taking note of its workability in the changing administrative and business patterns in India after 1995.

10 Marks

- (b) Give an enumerative but summarized critique of the legislative efforts made by significant amendments of the Code of Civil Procedure, 1908 and any other related procedural law during the previous two decades to make justice delivery earnest. 15 Marks
- (c) Give a cogent exposition of the nature, functions and powers of the Subordinate Civil Courts established and regulated under the Himachal Pradesh Courts Act, 1976. 10 Marks
- (d) Define the qualities of a successful mediator in civil matters. 05 Marks
- 6 (a) “Any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be deemed to be also a document, if the conditions mentioned [in the law] are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible.” Locate the relevant section and examine the statement analysing with reference to relevant provisions of the Indian Evidence Act, 1872 along with the conditions specified in those provisions. 15 Marks
- (b) What are perpetual injunctions? Discuss the provisions of the Specific Relief Act related to perpetual injunctions. 10 Marks

- (c) Give an appraisal of the provisions of the Specific Relief Act, 1963 about rectification of instruments. 05 Marks
- (d) Illustrate the expression 'balance of convenience' for the purpose of grant of temporary injunctions with reference to case law. 10 Marks
- 7 (a) A agreed to sell a house to B for Rs.16 lakhs and an amount of Rs.02 lakhs was paid by B to A. After a promise by B to A to pay him remaining amount in few days A put B in possession of the house and also completed the paper work. B failed to keep his commitment. On the basis of these facts –
- (i) What remedy, if any, is available to A under the Specific Relief Act, 1963?
- (ii) Prepare necessary document/s for seeking relief to A under the Specific Relief Act, 1963. 16 Marks
- (b) Give rational account of the provisions of Civil Procedure Code related to discovery and inspection of documents. 08 Marks
- (c) Describe the provisions of Order XLV of the Civil Procedure Code dealing with Appeals to the Supreme Court. 08 Marks
- (d) As mentioned in Section 57 of the Indian Evidence Act, enumerate and illustrate the facts of which Court must take judicial notice. 08 Marks

8 (a) Portray comprehensively the provisions of Order V of the Civil Procedure Code dealing with the “Issue and service of summons”. 10 Marks

(b) “Facts showing the existence of any state of mind such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.”

Explain and exemplify this statement with the help of illustrations and judicial decisions.

10 Marks

(c) Give an exhaustive view of the motivations and practical purposes for the amendments incorporated in the Specific Relief Act, 1963 in 2018. 10 Marks

(d) Give an appraisal and critical view of the provisions of the Indian Evidence Act related to confession.

10 Marks

[This question paper contains 11 printed pages]

Roll Number: _____

HPJS (Main) Examination, 2018

PAPER-II: CIVIL LAW-II

Time: 3 Hours

Maximum Marks: 200

Note:

1. Attempt five questions in all.
2. Question Nos. 1 & 8 are compulsory.
3. Attempt the remaining three questions from the rest of six questions.
4. Each question carries 40 marks.
5. Marks are divided and indicated against each part of the question.
6. Write legibly quoting provision(s) of law and the relevant case law(s) in support of your answer.
7. Give reasons in support of your answers also.
8. Each part of the question must be answered in sequence in the same continuation.
9. If questions are attempted in excess of the prescribed number only questions attempted first up to the prescribed number shall be valued and the remaining answers will be ignored.

1. With the help of decided cases, discuss the following:

- (a) A and B are husband and wife. A son C, is born to them in the year, 1945. C has got some separate property of his own. A is the natural guardian of property and person of C. A dies in the year, 1958 leaving his widow and his minor son C. Before his death, A executed a will and thereby he appointed his brother D as the guardian of C. After his death, a dispute arose between B and D about guardianship of C. Decide. 10 Marks
- (b) A, a lawyer practising in Delhi went to Singapore with his wife B during the court vacation. There she became sick and was unable to return to Delhi. A consequentially promised orally to send her an allowance of Rs.20,000/- per month till she recovered and joined him. A failed to make the payment. She sent a legal notice to A threatening to sue him. Could A be made liable. Discuss with relevant case laws. 10 Marks
- (c) A sells his plot of land with a small hut thereon to B by an unregistered sale deed. B took formal delivery of possession and constructed a two room house thereon. A sold the same land to C under a registered sale deed on receipt of cash consideration and put him in formal possession. The sale deed in favour of B recited that from the date of sale, B would possess the land as an absolute owner. B filed a suit against C. Decide referring to Section 54

of the Transfer of Property Act and judicial decisions. 10 Marks

(d) A is a landlord and B is his tenant. A terminates the tenancy of B by way of a notice. Later B dies leaving behind the following:-

- (i) His spouse who was staying in her parental home after a decree of judicial separation and was also holding a governmental job.
- (ii) His married son C, who was having his job in another town and was living there with his wife and two children. They used to visit B for festivals.
- (iii) B's second son D who was studying and staying in hostel.
- (iv) B's young unmarried daughter was staying with B.
- (v) B's parents.

Who out of the above will succeed to the tenancy. Refer to statutory provisions of the Himachal Pradesh Urban Rent Control Act, 1987 (HPURCA) and decided cases? 10 Marks

2. (a) Mr P, Karta of a Joint Hindu family died in 1971 leaving behind him five sons and their respective families. PS being the eldest son, became the Karta of the joint family. Y is the eldest daughter of PS. As time passed all the five sons also died. Later one of the son X of the younger brother of PS declared

himself as the Karta by virtue of being the eldest male member of the family. This claim of X was challenged by Y that after death of her father and her uncles, she being the senior most member of the Joint Hindu family, is entitled to be the Karta of the family. Decide, in the light of recent developments of Hindu Law. 14 Marks

- (b) A, a minor girl aged 13 years was married off by her parents to B, who is aged 21 years. A was not ready to get married as she wanted to pursue her studies. Hence A was not happy in this marriage. Later, her friend's father who is a lawyer advised her to seek divorce. Discuss the provision of the Hindu Marriage Act, 1955 under which A can claim divorce from B. Also refer to all the grounds available to a wife for claiming divorce. 13 Marks
- (c) In a case between P and Q, judgment was passed on 10-07-2002. (the decree prepared on 25-07-2002). P is preparing to file an appeal. Hence an application for certified copy was made by P on 11-07-2002 and the certified copy was ready on 01-08-2002 and delivery of certified copy was taken on 05-08-2002 by P. Taking into consideration the time required for filing an appeal, which period should be excluded under Section 12, from the time required for filing an appeal under the Limitation Act, 1963? Discuss referring to decided cases. 13 Marks

3. (a) X, a person of 17 years of age by fraudulently misrepresenting himself to be of 19 years, agreed to sell a plot of land to Y for Rs.10 lakhs and took an advance of Rs.2 lakhs from Y at the time of entering into an agreement to sell. The time of registration of sale deed was within 90 days from the date of agreement to sell. X later refused to execute and register the sale deed. Y filed a suit for specific performance of contract or refund of advance paid. Analyse the legal position of a minor's contract. Discuss the statutory provisions and refer to decided cases. 14 Marks

(b) A, an old lady, granted an estate to her daughter B, with the condition that B should pay an annuity of Rs.5000/- to A's brother, C. On the same day, B made a promise vis-à-vis an agreement with her uncle C that she would pay the annuity as directed by her mother, A. Later B refused to pay the annuity on the ground that her uncle C had not given any consideration, he cannot claim the money as a matter of right. C sues B for breach of contract. Decide giving reasons. Also refer to decided cases. 13 Marks

(c) A sells property to B for Rs.5 lakhs. The sale is subject to a mortgage encumbrance which was believed to be of Rs.2 lakhs. After the sale, it is discovered that the mortgage was invalid, so that B has got complete ownership for Rs.5 lakhs. A then sues B to recover Rs.2 lakhs as part of his purchase

money. Decide about the fate of A's suit with reasons. Discuss in the light of the provisions of Section 55 of the Transfer of Property Act, 1882.

13 Marks

4. (a) Discuss how the Hindu Succession Act, 1956 revolutionised the concept of Women's Property from 'Women's Limited Estate' to 'Absolute Ownership' over all her property, considered to be a step in the direction of gender justice. Referring to the relevant provisions of the 2005 Amendment Act, can we say that Hindu women have been totally empowered as far as their right to property is concerned?

14 Marks

- (b) A was in the business of selling cars which he kept on his farm. His uncle B came for a trip and visited his farm. A took him around and showed him the cars. B returned to his place and three days later sent a letter to A. The letter said, "If I do not hear from you about that black car, I shall consider it as mine for Rs.17,00,000/-." A did not reply back but instructed his manager not to put that black car for auction as it had already been sold to his uncle B. The manager followed the instructions diligently, as a result all the cars except that black car were sold. But B never came forward to make payment for that black car. A sues B to enforce the contract. Would A succeed? Decide.

Discuss the rules regarding the communication of acceptance and revocation.

13 Marks

(c) A is a landlord (a lawyer) and B is a tenant in respect of a residential building. A has a son X who is to get married as well as he has just finished his LL.B and wants to start practice. A files a petition for eviction against B, on the ground that A requires the building (i) for his own use as his family has grown, (ii) for X's marriage, (iii) for use as an office by his son X who intends to start practice. Decide referring to relevant provisions of the Himachal Pradesh Urban Rent Control Act, 1987 (HPURCA) and decided cases. 13 Marks

5. (a) What is a contingent contract? When is it enforceable? A agrees to pay B Rs.10,000/- if B repairs his car. Is this a contingent contract? Explain with the help of legal provisions and decided cases. 14 Marks

(b) A (husband) and B (wife) were highly qualified and both were gainfully employed in different towns i.e. A was employed in his home town, whereas B was employed out of that place. Unfortunately A was not so well employed as B was and thus B was getting higher salary than A. B proposed to A that he should resign and stay with her. On the other hand, A asked her to resign and live with him. A misunderstanding resulted on this issue. A filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Decide referring to the developments in the concept of 'matrimonial home' under Hindu law. 13 Marks

(c) A, a landlord had determined the tenancy of his tenant B by way of a notice dated 07-07-1987. Thereafter, B continued in possession without payment of rent. Later, A went abroad and could not return for a number of years. A returned to India on 15-02-1999. After coming back to India, A was bedridden for a few months. Thereafter, A consulted his lawyer and filed a suit for possession against B on 17-11-1999. Decide referring to relevant provisions of the Limitation Act, 1963 and decided cases. 13 Marks

6. (a) The landlord A issued a 'notice to quit' under Section 106 of the Transfer of Property Act on 25-11-1962 calling upon the tenant B to vacate the tenanted house in the month of October, 1962 otherwise the tenant would be treated as trespasser from 01-11-1962 in respect of the said house. Is the notice to quit valid under Section 106 of Transfer of Property Act? Decide referring to decided cases. 14 Marks

(b) What are the kinds of mortgages under the Transfer of Property Act, 1882? Explain referring to relevant legal provisions. 13 Marks

(c) The plaintiff bank alleged that on defendant's request on 07-11-1977, it remitted an amount of Rs.14,22,070/- to the defendant. The mistake was alleged to be detected on 09-12-1983, but no debit entry was made even on that date. Further, the bank

filed a suit for recovery of the amount in the month of March, 1985. Moreover, the remittance was for a sum of Rs.14,22,070/- whereas the defendant had only a sum of Rs.1,00,000/- in its account on that date. Decide whether the plaintiff bank was diligent enough to be entitled to the benefit of Section 17 (c) of the Limitation Act, 1963. 13 Marks

7. (a) Whether the delay in the following cases be condoned by the Court on the ground of 'sufficient cause' under Section 5 of the Limitation Act, 1963?

(i) The plaintiff X was a rustic and illiterate villager residing in a remote village. He had appointed a counsel residing at a far off place and the Court was situated at a different place. The suit filed by X was dismissed in default due to non-appearance. There was a communication gap between him and his counsel and a delay of about 3 years took place in filing an application under Order IX, rule 9, CPC for condonation of delay. 07 Marks

(ii) The substitution application for bringing on record the legal representatives of X was filed 3 years after the death of the plaintiff X, and application for condonation of delay was filed 7 years thereafter. The reason for the delay given by the applicant was that her husband who was practising on the criminal side did not

know about the requirements of civil law.

07 Marks

(b) A (lessor) entered into a deed of lease with B (lessee). It was stipulated that the lease would be for 10 years. In the first instance with an option to B to renew the same as long as desired. Before the expiry of the period of 10 years from the date of commencement of the lease, B wrote to A informing about his intention to renew the lease. A refused to comply with the request. B filed a suit for specific performance of the covenant in the lease for renewal. A contended that the condition relating to renewal was hit by Section 14 of the Transfer of Property Act, 1882. Decide referring to relevant provision and decided cases.

13 Marks

(c) In a case, plaint was presented in a Court having no jurisdiction. The Court ordered the plaint to be returned for presentation to the proper Court. The plaintiff took the plaint back after expiry of 4 months from the date of the order. Whether the Court can condone the period of 4 months under Section 14 of the Limitation act, 1963? Decide.

13 Marks

8. (a) With the help of relevant provisions of the Himachal Pradesh Urban Rent Control Act, 1987 (HPURCA) and decided cases, explain the following:-

- (i) Deposit of rent by the tenant. 04 Marks
- (ii) Determination of fair rent. 06 Marks
- (iii) Institution and disposal of applications. 04 Marks
- (b) Who is a 'specified landlord'? Discuss the 'Right to recover immediate possession of premises accruing to certain persons' under the Himachal Pradesh Urban Rent Control Act, 1987 (HPURCA). 13 Marks
- (c) Discuss the special procedure for the disposal of applications for eviction on the ground of bona fide requirement under Section 14 and 15 of the Himachal Pradesh Urban Rent Control Act, 1987 (HPURCA). 13 Marks

[This question paper contains 08 printed pages]

Roll Number: _____

HPJS (Main) Examination, 2018

PAPER–III: CRIMINAL LAW

Time: 3 Hours

Maximum Marks: 200

Note:

1. Attempt five questions in all.
2. Question Nos. 1 & 2 of Part-A are compulsory.
3. Attempt the remaining three questions from Part – B and Part – C selecting at least one question from each part.
4. Each question carries 40 marks.
5. Marks are divided and indicated against each part of the question.
6. Write legibly quoting provision(s) of law and the relevant case law(s) in support of your answer.
7. Give reasons in support of your answers also.
8. Each part of the question must be answered in sequence in the same continuation.
9. If questions are attempted in excess of the prescribed number only questions attempted first up to the prescribed number shall be valued and the remaining answers will be ignored.

PART-A

- 1 (a) (i) Where A sees a person preparing for a crime and does not inform the authorities, is he liable for any offence under the IPC. Elaborate with the help of decided cases. 05 Marks
- (ii) Certain persons suddenly made an attack on the accused in order to cut his crops. The accused having no time to make a complaint to the police resisted the attack and inflicted a wound with a piece of bamboo resulting in the death of a person from the aggressor's party. Discuss the liability of accused with the help of decided cases. 05 Marks
- (b) (i) A with the intention of causing Z to be convicted of a criminal conspiracy, writes 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 has 'A' committed? Explain with the help of decided cases. 05 Marks
- (ii) A plastic surgeon performed the plastic surgery of a patient to remove his nose deformity but the patient died during the operation. Is the doctor liable for the death of the patient under the Indian Penal Code? 05 Marks
- (c) (i) The accused habitually visited prostitutes where one day he happened to meet a sixteen years old married girl leading a prostitute's life. The accused brought her to live with him without the

knowledge of her husband. Has the accused committed any offence under the IPC? Explain with the help of decided cases. 05 Marks

(ii) The accused was the Branch Manager of the complainant company who was occupying the flat allotted to him by the company. On his transfer elsewhere, he was asked to vacate the flat which he did not despite several notices by the company. The company, therefore, instituted criminal proceedings against him. Is he liable for any offence under the IPC? 05 Marks

(d) (i) A shopkeeper says to B, who manages his business – “Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty.” Is A liable for making such statement against Z? Explain with the help of case law.

05 Marks

(ii) A Police Inspector (accused) invited his subordinate (deceased) to have a drink with him in his room. When they were drunk, the nephew of the deceased came and called him for dinner. As the deceased got up to leave the room, the accused got annoyed and started abusing the deceased. When the deceased objected to this, the accused drew up his service revolver and fired two shots which caused the death. Discuss the criminal liability of the accused. Elaborate with the help of case law. 05 Marks

- 2 (a) (i) Objective behind inclusion of Section 50A in the Cr.P.C. 05 Marks
- (ii) Discuss the scope and objective of Section 357A, 357B and 357C of the Cr.P.C. 05 Marks
- (b) (i) The right to Appeal is a Statutory Right. Explain with the help of case law. 05 Marks
- (ii) Explain Plea Bargaining as provided in Cr.P.C. and its relevancy in the modern time. 05 Marks
- (c) (i) Explain the procedure of Trial before a Court of Session under the Cr.P.C. 05 Marks
- (ii) What is a charge? Form of charges and scope and objective behind Joinder of charges. 05 Marks
- (d) (i) The FIR u/s 154 Cr.P.C. is not to be an encyclopaedia. Explain with help of case law. 05 Marks
- (ii) Explain the Cr.P.C. provisions regarding conditional order for removal of Public Nuisance. 05 Marks

PART-B

- 3 (a) Discuss with the help of decided cases the offence by companies under the provisions of the Negotiable Instruments Act, 1881. 10 Marks
- (b) Explain with the help of decided cases, the dishonour of cheque for insufficiency etc. of funds in the account. 10 Marks
- (c) What is the procedure envisaged under the Negotiable Instrument Act, 1881 for taking

cognizance by the court in case of offences committed under Section 138 of the Negotiable Instruments Act, 1881. 10 Marks

- (d) Discuss with the help of decided cases the presumption in favour of holder of a cheque under Section 139 of the Negotiable Instruments Act, 1881. 10 Marks

4 (a) (i) Explain briefly the power to grant Licenses, permits and passes under the Himachal Pradesh Excise Act, 2011. 05 Marks

- (ii) Explain the meaning of the following terms as provided in the Himachal Pradesh Excise Act, 2011?

(a) Brewery

(b) Molasses

05 Marks

(b) (i) Discuss briefly the prohibition on import, export or transport of liquor under the Himachal Pradesh Excise Act, 2011. 05 Marks

- (ii) Explain briefly the provisions relating to Appeal and Revision under the Himachal Pradesh Excise Act, 2011. 05 Marks

(c) (i) Discuss the penalty for unlawful production, manufacture, possession, import, export, transport, sale etc. of liquor under the Himachal Pradesh Excise Act, 2011. 05 Marks

- (ii) Discuss the penalty for consumption of liquor in a chemist shop under the Himachal Pradesh Excise Act, 2011. 05 Marks

- (d) (i) Discuss the provisions relating to confiscation of articles under the Himachal Pradesh Excise Act, 2011. 05 Marks
- (ii) Explain the prohibitions with regard to possession of liquor under the Himachal Pradesh Excise Act, 2011. 05 Marks

PART-C

- 5 (a) Explain and illustrate the meaning of the following terms under the Wildlife (Protection) Act, 1972:-
- (i) Weapon
 - (ii) Uncured trophy
 - (iii) Hunting
 - (iv) Livestock
 - (v) Land 10 Marks
- (b) Explain the Constitution, Powers and Functions of the National Tiger Conservation Authority under the Wildlife (Protection) Act, 1972. 10 Marks
- (c) What are the prohibition on trade or commerce in trophies, animal articles etc. derived from certain animals under the Wildlife (Protection) Act, 1972? 10 Marks
- (d) Discuss the circumstances in which hunting of wild animals may be permitted. Is there a provision for special purpose to grant of permit? Explain. 10 Marks
- 6 (a) Explain the Constitution, Powers and Functions of the Central Zoo Authority. Also discuss the provision relating to Recognition of zoos and Acquisition of

animals by a zoo under the Wildlife (Protection) Act, 1972. 10 Marks

(b) Write brief notes on the following as provided under the Wildlife (Protection) Act, 1972:-

(i) Declaration of sanctuary 05 Marks

(ii) Protection of specified plants 05 Marks

(c) Discuss the Constitution and Powers of the Tiger and other Endangered Species Crime Control Bureau under the Wildlife (Protection) Act, 1972. 10 Marks

(d) Explain the Tiger Conservation Plan and also the Alteration and de-notification of tiger reserves under the Wildlife (Protection) Act, 1972. 10 Marks

7 (a) Explain and Illustrate the following terms as defined under the Indian Forest Act, 1927:-

(i) Forest Produce

(ii) Timber

(iii) Cattle

(iv) Forest Officer

(v) Protected Forest 10 Marks

(b) Discuss in detail the power to Reserve Forests under the Indian Forest Act, 1927. Also discuss the power of a Forest Settlement Officer. 10 Marks

(c) Describe the provisions relating to protected forests under the Indian Forest Act, 1927. 10 Marks

(d) Discuss the provisions with regard to control of Timber and other forest produce in transit under the Indian Forest Act, 1927. 10 Marks

- 8 (a) (i) Explain the provisions relating to Acid Attack as an offence under the IPC with the help of case law. 05 Marks
- (ii) Intoxication as a defence of criminal liability with the help of important case law. 05 Marks
- (b) (i) Discuss difference between common intention and common object. 05 Marks
- (ii) Discuss the recent judicial trend with regard to adultery laws in India. 05 Marks
- (c) (i) Discuss change brought in rape laws under the IPC by the Criminal Law (Amendment) Act, 2013. 05 Marks
- (ii) Explain the provisions relating to public nuisance under IPC. 05 Marks
- (d) (i) Discuss Section 498A IPC and Judicial trend to prevent its misuse in the country. 05 Marks
- (ii) Differentiate between Extortion and Dacoity. 05 Marks

[This question paper contains 3 printed pages]

Roll Number: _____

HPJS (Main) Examination, 2018

PAPER-IV: ENGLISH COMPOSITION

Time: 3 Hours

Maximum Marks: 150

Note:

1. Both questions are compulsory.
2. Marks are divided and indicated against each question.
3. Write legibly.

1. Write an essay of 1100-1200 words on any one topic out of the following three topics : 100 Marks

- (a) Social Media: Its Charms and Hazards.
(b) Economic Prosperity vis-a-vis Environmental Conservation.
(c) Education sans Ethics: Virtually Implausible.

2. Translate the following Hindi passage into English: 50 Marks

किसी भी संस्कृति के उदगम के विषय में जानने और समझने में लोककथा का बहुत महत्व है। लोककथाएं वे कथाएं हैं जो सदियों से एक पीढ़ी से दूसरी पीढ़ी और दूसरी पीढ़ी से तीसरी पीढ़ी के सतत कर्म में प्रवाहित होती चली आ रही हैं। ये प्रवाह उस समय से आरम्भ होता है जिस समय से मनुष्य ने अपने अनुभवों, कल्पनाओं एवं विचारों का परस्पर आदान-प्रदान प्रारंभ किया।

आदिवासी समुदायों में लोककथाओं का जो रूप आज भी विद्यमान है वह लोककथाओं के उस रूप के सर्वाधिक निकट है जो विचारों के संप्रेषण और ग्रहण की प्रक्रिया आरंभ होने के समय रहा होगा। लोककथाओं में मनुष्य के जन्म, पृथ्वी के निर्माण, देवता के व्यवहार, भूत-प्रेत, राक्षस आदि से लेकर लोकव्यवहार से जुड़ी कथाएं निहित हैं।

लोककथाओं का मूल उद्देश्य मात्र मनोरंजन नहीं रहा, इसके माध्यम से अनुभावों का आदान-प्रदान, मानवता की शिक्षा, सद्कर्म का महत्व तथा अनुचित कर्म से दूर रहने का संदेश दिया जाता रहा है। इसलिए इन कथाओं में भूत-प्रेत के भय की कल्पना और विभिन्न प्रकार के मिथक विद्यमान हैं जिससे मनुष्य ऐसे कार्य न करें जिससे उसे क्षति पहुंचे। इसे मनुष्यता के विरुद्ध कार्य करने वालों के लिए आदिवासी संसार की भोली-भाली चेतवानी कहा जा सकता है।

भारत में अनेक आदिवासी जातियां आज भी अपनी मौलिक मान्यताओं, रीति रिवाजों व लोककथाओं के साथ जीवन यापन कर रही हैं। किन्तु समय और समाज में परिवर्तन के क्रम में ये आदिवासी जनजातियां भी धीरे धीरे अपनी वाचिक धरोहरों को खोने लगी हैं। अतः समय रहते आदिवासी लोक कथाओं की इन धरोहरों को सहेज लेना अत्यंत आवश्यक है। ये कथाएं हमारे लिए उतनी ही महत्वपूर्ण है जितनी कि कोई पुरातात्विक धरोहर क्योंकि इनमें जीवन के अनुभवों एवं कल्पनाओं को बिना किसी कृत्रिमता के प्रस्तुत किया जाता है। ये प्रवाह कहीं सरस्वती नदी की भांति लुप्त न हो जाए इसलिए इन्हे सहेज लेना आवश्यक है।

[This question paper contains 4 printed pages]

Roll Number: _____

HPJS (Main) Examination, 2018

PAPER-V: HINDI LANGUAGE

Time: 3 Hours

Maximum Marks: 100

Note:

1. All questions are compulsory.
2. Marks are divided and indicated against each question / part of the question.
3. Each part of the question must be answered in sequence in the same continuation.
4. Write legibly.

1. निम्नलिखित अंग्रेजी गद्यांश का हिंदी में अनुवाद कीजिए:

30 Marks

The choice which rational men would make in a hypothetical situation of equal liberty determines the principles of justice. In 'justice as fairness', the original position is not an actual historical state of affairs. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain.

2. निम्नलिखित में से किसी एक विषय पर 750 शब्दों तक का सारगर्भित निबंध लिखिए:

50 Marks

- 1 वैश्वीकरण के दौर में नगरों और गाँवों का असंतुलित विकास
- 2 महिला सशक्तिकरण : प्रयास और परिणाम
- 3 भारत में लोकतंत्र के समक्ष चुनौतियाँ।

3. निम्नलिखित प्रश्नों के उत्तर निर्देशानुसार दीजिये:

(क) निम्नलिखित मुहावरों/लोकोक्तियों का अर्थ स्पष्ट करते हुए उनका वाक्यों में प्रयोग कीजिये: 04 Marks

1. बद अच्छा बदनाम बुरा।
2. बहती गंगा में हाथ धोना।
3. हजामत बनाना।
4. सावन के अंधे को हरा ही हरा दिखाई देता है।

(ख) निम्नलिखित शब्दों के शुद्ध रूप लिखिए: 04 Marks

1. द्वंद
2. सन्न्यास
3. पुर्नजनम
4. तदोपरांत
5. सौंदर्यता
6. स्वालंबी
7. अनुग्रहित
8. कवियित्री

(ग) निम्नलिखित शब्द एक या एक से अधिक उपसर्गों के संयोग से बने हैं। इन शब्दों के उपसर्गों को अलग कर उनका अर्थ स्पष्ट कीजिये : 04 Marks

1. दुष्प्रचार
2. अनभिज्ञ
3. प्रत्यक्ष
4. संज्ञान

(घ) निम्नलिखित वाक्यांशों के लिए एक-एक शब्द लिखिए:
02 Marks

1. जो सामान्य नियम के विरुद्ध हो
2. विधायिका द्वारा स्वीकृत नियम
3. आवश्यकता से अधिक धन का संचय न करना
4. ज्ञात इतिहास के पूर्व समय का

(ङ) मिलते-जुलते दिखने वाले निम्नलिखित शब्द-युग्मों के भिन्न अर्थ स्पष्ट कीजिये:
02 Marks

1. चित – चित्त
2. वर्ण – व्रण
3. अवदान – अवधान
4. मण्डित – मुण्डित

(च) निम्नलिखित अनेकार्थी शब्दों के दो-दो अर्थ लिखिए:
02 Marks

1. पृष्ठ
2. घन
3. पद
4. सूत्र

(छ) निम्नलिखित शब्दों के विलोम शब्द लिखिए: 02 Marks

1. क्षणिक
2. संश्लिष्ट
3. विधि
4. आवृत
