Third Paper

WRITING SKILL, COURT PRACTICE, TRANSLATION AND CURRENT LEGAL KNOWLEDGE

Time Allowed – 3:00 Hours

Instructions:

1. All questions are compulsory. Please, adhere to the words limit of answer where it is given with the question. Violation may lead to minus marking.

2. Write your Roll No. in the space provided on the first page of Answer-Book or Supplementary Sheet. Writing of his/her own Name or Roll No. or any mark of identification in any form or any Number or Name or Mark, by which the Answer Book of a candidate may be distinguished/identified from others, in any place of the Answer Book not provided for, is strictly prohibited and shall, in addition to other grounds, entail cancellation of his/her candidature.

3. In case there is any mistake either or printing or of a factual nature, out of the Hindi and English versions of the question, the English version will be treated as standard.

4. Writing of all answers must be clear & legible. If the writing of Answer Book written by any candidate is not clear or is illegible in view of Valuer/Valuers then the valuation of such Answer Book may not be done.

P.T.O.
Q.1- Write an article in Hindi on any one of the following legal topics:
निम्नलिखित विषयों में से किसी एक पर हिंदी में लेख लिखिए:

(i) Mediation
मध्यस्थता

(ii) Right of Victim
पीड़ित के अधिकार

Q.2- Summarize the following legal passage into English (In 200 words)
निम्नलिखित विषयक गद्यांश का अंग्रेजी में संक्षिप्तकारण कीजिए (200 शब्दों में):

Generally the principle of punishment is grown up from a legal demand of the society. Capital punishment is also one of such demands. If a cruel and brutal minded criminal is not punished, and he is left free to move in the society, it destroys the very structure of the society. Every person becomes cruel. Human civilization becomes "Jungle Justice". Nobody will respect the law and order. Mighty rules the weaker. The physically strong person kills children, women and weak persons for the smallest reasons. The peace in the society disappears. Thus the prosperity of the society will be stopped. Therefore, the law demands to punish the law-breakers. The capital punishment was evolved some centuries ago due to legal demand, and still it is continuing, because the majority of the human beings accepted it, and conceded to it. It has become necessary to eliminate the most violent law-breakers. Else the majority people cannot live peacefully.

The capital punishment is not imposed for every small or big offence. Only for grave, unpardonable, heinous crimes it is imposed. There are 511 Sections in the Indian Penal Code defining various offences and prescribed offences. Out of 511 sections, only less than 10 sections impose capital punishment. In those crimes too, the crime of the wrong-doer must be proved by the prosecution beyond any doubt to the entire satisfaction to the Court. In majority of such cases, the Courts acquit the accused on several reasons, such as discretion, defective prosecution, hostile witnesses, benefit of doubt, etc. etc. In certain cases, viz rape, plundering of buses, trains, etc. It is very hard for prosecution to procure the evidences. The general public fear to give their evidence before the Court, because of the fear of goondas and criminals. Some of the criminals offer bribe to the police, public prosecutors, witnesses, etc.
They appoint eminent advocates, who twist the evidences in cross-
examination, argument, etc. They raise certain complicated legal points.
The Court has no way except to acquit the criminals. In the rarest of rare
cases, the Sessions Judge imposes death sentence, if the prosecution
proves the offence successfully and the witnesses give their evidence
perfectly. After that, the High Court has to confirm such death sentence.
After confirmation, the convict can appeal to the Supreme Court. Even
after, the appeal is dismissed by the Supreme Court, there are chances to
the convicted person to file mercy petition before the Governor and the
President.

**COURT PROCEDURE**

न्यायालय प्रक्रिया

Q.3(a)- What is the procedure of withdrawing lapsed amount of Civil
Courts Deposits (CCD)?

सिविल कोर्ट्स डिपोजिट (सी.सी.डी.) की व्ययगत राशि को प्राप्त करने की क्या प्रक्रिया है ?

Q.3(b)- What procedure is provided in M.P. Civil Court Rules 1961 for return
of Original documents?

मध्य प्रदेश सिविल न्यायालय नियम 1961 में मूल दस्तावेजों की वापसी के संबंध में क्या प्रक्रिया उपलब्ध की गई है?

Q.3(c)- Whether a stranger can obtain a copy of Judicial Proceeding in civil
case? Discuss with relevant provisions of Rules & Order (Civil).

क्या कोई अपरिचित सिविल प्रकरण में न्यायिक कार्यवाही की नकल प्राप्त कर सकता है ? ‘नियम एवं आदेश (सिविल)’ के सुसंगत प्रावधानों के साथ विवेचना करें।

Q.3(d)- In what form and how report of the conviction of a Govt. Servant will
be sent to the head of his department? Discuss briefly in the light of
provision of M.P. Rules & Orders (Criminal).

एक शासकीय सेवक की दोषसिद्धि की रिपोर्ट किस फॉर्म में और कैसे उसके विभाग के प्रमुख को मेल जायेगी। मध्य प्रदेश रूल्स एण्ड आर्डर (आपराधिक) के प्रकाश में संक्षिप्त विवेचना करें।

**KNOWLEDGE OF CURRENT LEADING CASES**

Q.4- Briefly state the principles of law or guidelines laid down by the
Supreme Court in following cases. Out of given two options you
may choose one -

4(b) Badshah Vs. Urmila Badshah Godse and another (2014)1 SCC 188  OR  State of M.P. Vs. Pradeep Sharma (2014)2 SCC 171

4(c) Lalita Kumari Vs. Govt. of U.P. (2014)2 SCC 1  OR  Aparna A. Shah Vs. Sheth Developers Pvt. Ltd. and another (2013)8 SCC 71


Q.5(a)- Translate the following 15 Sentences into English :-

1. सरकार की उक्त कार्यवाही नैसर्गिक न्याय के सिद्धांत, साम्या और निष्पक्ष व्यवहार के अनुरूप है।

2. प्रस्ताव की स्वीकृति की संसूचना प्रस्तावक के लिये पूर्ण होने से पहले उसे किसी भी समय प्रतिसंबंधित किया जा सकता है।

3. प्रतिकूल निष्पक्ष निरक्षर्न होगा, यदि किसी व्यक्ति की विशेष जानकारी में के तथ्यों से संबंधित साक्ष्य को उक्त व्यक्ति द्वारा प्रस्तुत नहीं किया गया है।

4. विनियमक आधार को विधि का बल है और सभी कानूनी प्राधिकारियों पर वंशनकारी है जब वे समान विवादों का मिलान करते हैं।

5. संविदा के भंग से संबंधित समान संयंत्रवहार सिविल तथा दाण्डक उत्तरदायित्व को उत्पन्न कर सकता है।
6. प्रत्येक ने अपनी साक्ष्य में कहा कि उसे उसके पति पर पूरी निष्ठा और विश्वास है और उसे उसकी सत्यनिष्ठा एवं चरित्र पर कोई संदेह नहीं है।

7. विचारण न्यायालय ने साक्ष्य का मूल्यांकन साक्षात्कारीपूर्वक, दक्षतापूर्वक एवं विश्वासपूर्वक किया है।

8. दहेज प्राप्त उन सामाजिक बुराइयों में से एक है जिसने भारतीय समाज के बांचे को कमजोर किया है।

9. कोई भी न्यायालय किसी भी समय पर्याप्त कारण से आदेश दे सकेगा कि किसी भी विशिष्ट तथ्य को शास्त्रपत्र द्वारा साक्ष्यित किया जाये।

10. कोई भी अभिमानक किसी भी न्यायालय में किसी व्यक्ति के लिए कार्य नहीं करेगा, जब तक कि वह उस व्यक्ति द्वारा नियुक्त नहीं किया गया हो।

11. किसी मामले में किसी तथ्य को साक्ष्य करने के लिए साक्षियों की कोई विशिष्ट संख्या अपेक्षित नहीं है।

12. किसी पुलिस ऑफिसर से की गई कोई भी संदर्भीकृत किसी अपराध के अभियुक्त व्यक्ति के विरूद्ध साक्ष्य नहीं की जायेगी।

13. स्थायी नियोजन के प्रतिक्रिया को चिकित्सकों द्वारा सम्पूर्ण शरीर के संदर्भ में या बहुवर्ष विशिष्ट अंग के संदर्भ में अभियुक्त किया जाता है।

14. यदि अधिकरण यह अंतिम निष्कर्ष निकालता है कि स्थायी नियोजन है, तो वह उसके विस्तार को अभिनिर्दिष्ट करने की कार्यवाही करेगा।

15. जब क्षति और उसके प्रभाव के सम्बन्ध में साक्ष्य अभिलिखित की जा रही हो तो अधिकरण को मूल्यांकन नहीं होना चाहिए।

Q.5(b)- Translate the following 15 Sentences into Hindi :-

1. The grant of temporary injunction is discretionary relief and discretion is to be exercised in favour of plaintiff, if he comes with clean hands and with fair conduct.

2. Such evidence is a weak type of evidence unless corroborated by the previous parade or other evidence.

3. Defence of unsoundness of mind or incapable of knowing the nature of the act committed by him is to be established by the accused by cogent defence.

4. Status of a lady in society is paramount consideration, whether she is entitled for share in property being a widow or not, is secondary.

5. Nagar Panchayat is a unit of self-government which is a sovereign body having both constitutional and statutory status.
6. It is well settled in law that if an administrative order is issued in contravention of statutory provision, the same has no sanctity in law.

7. An investigation should not be shut out at the threshold if the allegations have some substance.

8. In a civilized society, a tooth for a tooth and an eye for an eye ought not to be the criterion to clothe a case with rarest of rare case.

9. The Mediation Judge should conduct mediation sessions of the referred matters for mediation as Mediator on every working Saturday.

10. If there are insufficient number of cases for mediation work, he should devote his remaining working hours for regular judicial work.

11. The coordinator must ensure that as far as possible not more than 15 matters are assigned to any one Mediator at a given point of time.

12. The Constitution of India has conferred the fundamental rights and has guaranteed the device for its enforcement.

13. On the one hand judicial activism is getting admiration at all places, on the other hand some are criticising it.

14. Sale deed was 30 yrs old and it was produced in evidence from proper custody, then it would be presumed genuine, unless otherwise proved.

15. The case of Prosecution has to be examined in broad probabilities and cannot be thrown on minor variations.