Second Question Paper

WRITING SKILL, COURT PRACTICE, TRANSLATION AND CURRENT LEGAL KNOWLEDGE

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 considered.

P.T.O.
Q.1- Write an article in HINDI on any one of the following legal topics:

(i) Legal Right of an Accused
अभियुक्त के कानूनी अधिकार

(ii) Uniform Civil Code
समान सिविल संहिता

Q.2- Summarize the following legal passage into English (In 200 words)

When we talk of judicial reforms, the role of investigating agencies cannot be underestimated. In fact they need to be thoroughly revamped. Proper administration of justice is not in the hands of the judiciary alone. Proper implementation of laws and maintenance of justice depends upon the character of the personnel of the police, prisons department, political and social leaders and lawyers. In a degenerated society, even thousands of laws cannot ensure proper social justice. Earlier, by punishing the criminals properly and in time, law and order in the society was maintained. As a majority of officials in various departments, leaders of various political parties, religions and castes were conscious of maintaining justice in the society, laws were successful. In those days, these leaders did not try to protect criminals belonging to their party, religion and caste. And this interest in maintaining justice, paved the way for early disposal of cases, conviction of criminals, prevention of crime and reformation of offenders. Today, when people in various walks of life are sheltering criminals on the basis of caste, religion, political affinity etc. there is growing apprehension that justice may not only be delayed but even denied.

During his address on the golden jubilee celebrations of the Supreme Court, Prime Minister Shri Atal Behari Vajpayee spoke thus: "There is an urgent need to curb the strong appetite of our departments and the lawyers representing them for casual litigation and for wasting government money. They routinely file cases or defend cases they know are indefensible and do so only because they
do not want to take responsibility". It is trite law that for delay in examining witnesses and deciding cases certainly results in defeat of Dharma that is "miscarriage of justice". In our system, such a situation has become a rule rather than an exception and this delay can be attributed to ineffective investigation by the police and lack of motivation among public prosecutors who are burdened with a large number of cases. Even in some cases the investigating officer is reported to have submitted the charge-sheet without completing investigations. This weakens the cases which ultimately results in acquittal of the accused.

We have to check the malady in criminal justice delivery system. Needless to add that the Courts alone can do much in solving problem. It is brought to the notice of the Judges that if the role of investigating agency is tainted then the matter should be referred to some impartial agency like C.B.I, which too is blamed for taking long time and undue delay in Investigation. Very often real culprit goes unpunished on account of either evidence not forthcoming or the prosecution witnesses being threatened by the accused, with the result that the Judges express helplessness in the matter with no option except to order large scale acquittals. The sensational case is of "Priyadarshan Mattoo" rape cum murder case which is a glaring example of tainted investigation resulting in acquittal of accused Santosh Singh by Shri G.P. Thareja, Additional Sessions Judge, New Delhi who in his judgment of 449 pages said, "Accused is a criminal but I cannot convict him for lack of evidence" : The trial Judge also said, "the manner in which the CBI investigated puts question mark on its credibility as a premier investigating agency". However, the onus was on the State to negate probability of defence which the trial Judge observed, the State failed to discharge. There was no medical evidence adduced by the investigating agency to suggest that she was raped. Notwithstanding the autopsy report of the deceased regarding the injuries on her person, yet the accused was let off because of procedural lacunas created by role of the investigating agency.
**KNOWLEDGE OF CURRENT LEADING CASES**

Q.3- 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 -

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<tr>
<td>3(a)</td>
<td>Abhiram Singh <em>Vs.</em> C.D. Commachen (Dead) By Lrs. &amp; Ors., AIR 2017 SC 401</td>
<td>OR</td>
<td>Arjun Gopal and Ors. <em>Vs.</em> Union of India &amp; Ors., AIR 2017 SC 173</td>
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<td>3(b)</td>
<td>Vijay Kumar Mishra and Another <em>Vs.</em> High Court of Judicature at Patna and Others, AIR 2016 SC 3698</td>
<td>OR</td>
<td>Syscon Consultants Private Limited <em>Vs.</em> Primella Sanitary Products Private Limited and Another (2016) 10 SCC 353</td>
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<td>3(c)</td>
<td>L.C. Hanumanthappa <em>Vs.</em> H.B. Shivkumar (2016) 1 SCC 332</td>
<td>OR</td>
<td>HDFC Bank Ltd. <em>Vs.</em> Kumari Reshma and ors. AIR 2015 SC 290</td>
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<td>3(d)</td>
<td>Sukh Ram <em>Vs.</em> State of Himachal Pradesh, AIR 2016 SC 3548</td>
<td>OR</td>
<td>Dharmpal <em>Vs.</em> State of Haryana and others 2016 SCW 618</td>
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<td>3(e)</td>
<td>Laxmi <em>Vs.</em> Union of India and Other AIR 2015 SC 3662</td>
<td>OR</td>
<td>Subramanian Swamy <em>Vs.</em> Union of India, Ministry of Law and others. AIR 2016 SC 2728</td>
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<td>3(f)</td>
<td>Kunapareddy alias Nookala Shanka Balaji <em>Vs.</em> Kunapareddy Swarna Kumari and another. AIR 2016 SC 2519</td>
<td>OR</td>
<td>Balveer Singh and Another <em>Vs.</em> State of Rajasthan and Another (2016) 6 SCC 680</td>
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Q.4(a)- Translate the following 15 Sentences into English :-

1. ऑंगुलियां की छाप एवं फोटो का सत्यापन परीक्षा कक्ष में प्रवेश के समय, परामर्श के दौरान और दाखिला के समय किया जाये।
2. तहसीलदार द्वारा अधिवक्ता को न्यायालय से संदेह के लिए कहना न्यायालय की अवमानना की कोटि में नहीं आता है।
3. यह कार्य में उपेक्षावान था, वह समयनिष्ठ नहीं था एवं बारबार चेतावनी के बावजूद उसमें कोई सुधार नहीं हुआ।
4. केवल अपराध संबंधी हत्यारा बरामद न होना अभियोजन के मामले के लिए घातक नहीं होता है।
5. द्वितीयक साक्ष्य को ग्राह्य बनाने के लिए, मूल दस्तावेज की खोज का पर्याप्त सशक्त होना चाहिए।
6. परिवार के लिए यह आवश्यक नहीं है कि यह परिवार में माँग सूचना पत्र का अभियुक्त पर तामीली होना अभिविचन करे।
7. वादार्श संक्षेप वाद के निराकरण के पूर्व कभी भी न्यायालय में व्यय तथा उसके द्वारा प्राप्त घनराशियों का सही व्योरा प्रस्तुत करेगा।
8. अनेक मामलों में यह निर्धारित किया गया है कि एक व्यक्ति जो संविदा का पक्षकार नहीं है संविदा से संबंधित हितों का लाभ नहीं ले सकता।
9. व्या वाइडाक्ट्रोक्टर में दोषमुक्त एक पुलिस अधिकारी को पिंजरामी जॉब में निघटन न करने का एक आधार है।
10. लेकिन सरकार के संसदाध्यक्षक कर्मचारी में राष्ट्रपति नाममात्र का ही प्रधान होता है और मंत्रिपरिषद ही वास्तविक कार्यपालिका होती है।
11. विधि का उल्लंघन किये बिना कोई क्षति कार्य होती है इसे “विधिक अधिकार के अतिलंघन बिना क्षति कार्य” कहा गया है।
12. वाद का सही निराकरण अधिकतर विवादग्रस्त विन्दुओं के सही निर्धारण पर निर्माण है।
13. यह म्हत्रा आवश्यकता है कि निर्णय घोषित किये जाने की तिथि निर्धारित किये बिना निर्णय हेतु वाद सूचकता रखा जाये।
14. यदि राजकाली अधिकारी किसी वाद को किसी कारण वापसी या अस्वीकृत योग्य रूप से ठहराता है तो उसे वह आदेश हेतु न्यायाधीश के पास भेज देगा।
15. आदेशिका शुल्क के साथ पक्षकार न्यायालय में निर्धारित उत्तरा भता, भोजन व्यय तथा अन्य व्यय भी जमा करेगा।
1. Power of the High Court in a review is very much limited and the errors have to be apparent on the face of record.

2. When from the averment of the plaint it is clear that the suit is barred by any law, then plaint can be rejected.

3. A person holding unregistered general power of attorney can appear and act on behalf of a party to the proceeding in a Court.

4. Issue of limitation is a mixed question of fact and law which can be decided only after framing issues and recording of evidence.

5. Any court may alter or add any charge at any time before judgment is pronounced.

6. If the court can compel parliament to make laws then the parliamentary democracy could soon be reduce to an oligarchy of Judges.

7. It was also a question before our framers of the constitution whether to give place to the fundamental rights in the constitution or not.

8. Ossification test is not the sole criteria for determination of the age of the prosecutrix.

9. It is a sacrosanct duty of the husband to maintain his wife.

10. Presence of all the five accused at the place of occurrence is duly proved by the prosecution.

11. Whether Compact disc is covered under the definition of document as per section 3 of the Evidence Act.

12. A witness may be questioned in cross-examination for testing his credibility, memory, means of knowledge, or his accuracy.

13. The Court while exercising the discretion in the exception clause has to record “exceptional reasons” for resorting to the proviso.

14. Deciding the case in such a casual manner reduces the criminal justice delivery system to mockery.

15. Cogent, reliable, convincing and trustworthy evidence has to be accepted.

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