UTTAR PRADESH JUDICIAL SERVICE EXAMINATION

LAW PAPER – I

(SUBSTANTIVE LAW)

Time: 03 Hours **Maximum Marks: 200**

***Instructions*:**

(i) Candidates have to attempt Question Nos. **1 and 2**, and any **four** of the remaining ones. Attempt **six** questions in all.

(ii) Marks carried by each question are indicated at its end.

Question No. 1

(a) Explain relations between the Union and the States in legislative matters with reference to various Articles of the Constitution. **(15 marks)**

(b) What are the major commitments of Constitution of India as incorporated in Preamble. **(10 marks)**

(c) Can Parliament amend Part III of Constitution of India relating to Fundamental Rights? Discuss with reference to relevant provisions and case laws, if any. **(10 marks)**

(d) What are the application and interpretation of Article 13 of the Constitution? Discuss the doctrines precisely with leading cases. **(15 marks)**

Question No. 2

(a) Discuss the validity of child marriage under Hindu Marriage Act? Also provide grounds of void and voidable marriages. **(10 marks)**

(b) (i) Briefly explain the sources of Muslim Law.

(05 marks)

(ii) Distinguish between Hiba, Hiba-Bil-Evaz and Hiba-Ba-Shartul-Evaz. **(05 marks)**

(c) Briefly discuss the law relating to liability of finder of goods? Also, can he sell the goods, if yes, under what circumstances? Discuss with help of relevant provisions.

(10 marks)

Question No. 3

(a) Discuss the rule against "Double possibilities." Explain whether valid transfer can be made in favour of an

unborn person? If so, state the conditions with suitable illustrations. **(15 marks)**

(b) What do you understand by mortgage? What are the essentials of valid mortgage? Distinguish between mortgage and charge. **(15 marks)**

Question No. 4

(a) Under what circumstances can a partnership firm be dissolved by the court? What are the consequences, if a partnership firm is not registered? Discuss. **(15 marks)**

(b) What are the rights of partner in the management and conduct of the business of a firm? Can a partner be restrained from carrying on any business other than that of the partnership while he is partner? **(15 marks)**

Question No. 5

(a) Explain the Doctrines of Strict and Absolute Liability with relevant case laws. **(10 Marks)**

(b) Explain the concept of Remoteness of Damage with relevant case laws. **(10 Marks)**

(c) Distinguish Between following: -

(i) Libel and Slander

(ii) Assault and Battery **(5+5 Marks)**

Question No. 6

(a) What are the grounds for Cancellation of an Instrument? In what cases can court refuse to grant relief of Cancellation? **(10 marks)**

(b) Can an employer obtain specific performance against employee who left the job before expiry of period of fixed bond of 03 years? Explain with help of relevant provisions.

(10 marks)

(c) Explain the rights available to person who purchases or hires certain property from person who have imperfect or no title over property? **(10 marks)**

Question No. 7

(a) Define Easement and point out its main characteristics.

(10 marks)

(b) When will a licence be deemed to be revoked under the Indian Easement Act? What are licensee's rights on revocation? Discuss. **(10 marks)**

(c) What do you understand by easement by prescription? What are its essentials? Distinguish between profit a prendre and easement. **(10 marks)**

Question No. 8

(a) Discuss the grounds on which a Muslim wife can seek a dissolution of her marriage. **(10 Marks)**

(b) Mrs. K is the wife of Mr. L, both are residing separately on account of mutual understanding. Mrs. K, is working as Assistant Professor in a reputed college. Mr. L is a renowned businessman having turnover in crores, now Mrs. K wants to file for maintenance. Explain the grounds which you would consider while deciding the maintenance application of Mrs. K. Support your answer with relevant legal provisions and case laws, if any. **(10 Marks)**

(c) C was granted divorce by the Court against P. C got remarried before the expiry of the period of appeal. P filed an appeal against the order of divorce and it has been granted. Discuss the legality of the second marriage of C. Will it make any difference if the appeal is dismissed? Both the parties are Hindu. **(10 Marks)**

Question No. 9

(a) What are the essential conditions of a valid gift under Muslim Law? How far has the law of Mohammedan gift been affected by the Transfer of Property Act, 1882? Discuss. **(10 Marks)**

(b) Discuss the law relating to Pre-Emption under Muslim Law? **(10 Marks)**

(c) Discuss the legal capacity of Hindu Male and Female to take in adoption as Husband and Wife or as single parent? Also, is there any provision for Foreigner to adopt Indian Child? **(10 Marks)**

Question No. 10

(a) Explain whether the following are exception to Section 14 TPA or not –

(i) In case property is transferred for benefit of lineal descendant.

(ii) In case property is transferred for purpose of construction of winery.

(iii) In case property is transferred for purpose of temple promoting sati.

(iv) In case property is transferred for building a library for comic books. **(10 Marks)**

(b) Explain the doctrine of Contributory Negligence with relevant case laws and examples. **(10 Marks)**

(c) 'A' teaches his parrot to recite an offer and then sends the parrot to 'B'. The parrot repeats the recitation. Is this a valid offer? Will it make any difference to your answer, if 'A' ties a message containing an offer for 'B' on the body of the parrot who carries the message to 'B'. **(10 Marks)**

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