

APRIL 2012

Departmental Examination for Tehsildars/Naib Tehsildars

Paper No 7

Local and Special Laws

TIME: 3 HOURS

MARKS: 100

Note:

1. Question Paper is divided into two parts. Both Parts are compulsory. There is internal choice within the parts.
2. Quote relevant provision from the Act and Rules.
3. Answer should contain proper justification and should have sufficient detail. Mere yes/no or answers without justification will not be enough to get marks.

**PART A (60 MARKS MAXIMUM)**

This part contains SEVEN QUESTIONS in the shape of problems. Each problem carries 12 marks. Attempt ANY FIVE.

**Question No I:**

'A' is released by the Court on probation under the Probation of Offenders Act, 1958. His employer dismisses him on the ground of his conviction by the criminal court. 'A' contends that he is on probation and does not attract any liability. Decide.

**Question No II:**

'B' is caught with timber in his possession in his house. He is charged Under Section 42 read with Section 41 of the Indian Forests Act. Decide the legality of the charge.

**Question No III**

'C' is charged with possession of adulterated food articles. He applies for sending the second part to the Central Food Laboratory. The application is accepted by the Court. Second sample is sent to the Central Food Lab which issues the result that the sample was deteriorated and it was not fit for analysis. What happens to the Charge against 'C'?

**Question No IV**

Home Secretary issues a circular under the Indian Arms Act prohibiting the possession of a knife having more than 5 inches blade. 'Y' is caught with a knife having 6 inches blade. What offence has been committed by 'Y'?

**Question No V**

'D' is the Director of a Company. He is prosecuted under Essential Commodities Act. However the Company is not arrayed as an accused. Decide the liability of 'D'.

**Question No VI**

Sanction is granted to prosecute 'X' under the Prevention of Corruption Act for commission of offence punishable under Section 7 of the Prevention of Corruption Act. He is charged and committed for commission of offences punishable under Section 7 and 13 (2) of the Act. Decide the legality of the Charge.

**Question No VII**

'Z' is a dismissed government servant. He is charged for commission of offence punishable under section 13 of the Prevention of Corruption Act. He files an appeal against the dismissal and is reinstated subsequently. He challenges the proceedings against him on the ground that there is no sanction. Decide.

**PART B (40 MARKS MAXIMUM)**

This part contains 4 Questions. Each question carries 20 Marks. **Attempt ANY TWO out of FOUR Questions**

**Question No VIII**

- i. Who can grant license under the Indian Arms Act?
- ii. What is the procedure to transfer a weapon from one person to another?
- iii. How many licensed weapons can a person keep?
- iv. Who cannot hold an Arms License?
- v. Who can restrict the territorial jurisdiction of an arms license?

(4 marks each)

**Question No IX**

- i. What is the responsibility and duty of PIO under the RTI Act, 2005?
- ii. How the word 'information' has been interpreted in the orders the Chief Information Commissioners and by Information Commissioners appointed under the Act?
- iii. Can an Appellate Authority impose penalty upon PIO?
- iv. Can and by whom a dealing assistant be penalized for delay in supplying information?
- v. What is the role of RTI Act in good governance? Elucidate.

(4 marks each)

**Question No X**

- i. What is the procedure of transfer of forest land for non-forestry purposes under the Indian Forests Act?
- ii. What is the significance of High Court Rules and Orders?

(10 marks each)

**Question No XI**

- i. What are the offences and penalties under the Indian Explosives Act, 1884?
- ii. What is the classification of explosives in the Rules made under the Indian Explosives Act, 1884, as applicable toady?

(10 marks each)