BOARD OF DEPARTMENTAL EXAMINATION

DEPARTMENTAL EXAMINATION

Paper-1: Criminal Law &Procedure & Code of Civil Procedure Law

FOR IAS/HAS OFFICERS

April, 2023

Time allowed: 3 hours. **Maximum Marks: 100**

Note

1. **Attempt any five questions and at least one from each part.**
2. **Questions carry the marks indicated against each of them.**
3. **Relevant provisions of law be quoted in support of answers.**
4. **Bare Acts of I.P.C., Cr.P.C. Indian Evidence Act and C.P.C.are allowed.**

PART-I

Question No.I.

a). Discuss, in detail, the provision under which the property of a person absconding can be ordered to be attached.

(10 Marks)

b).Under what circumstances, Executive Magistrate is empowered to furnish security for good behaviour from habitual offenders?

(10 Marks)

Question No.II.

Can Judicial or Metropolitan Magistrate not having jurisdiction record confessions and statements? Discuss, in detail, the relevant provision.

(20 Marks)

PART-II

Question No.III.

a). What offence is committed when a person promotes enmity between different groups, on grounds of religion, race, place of birth, residence, language etc., and doing acts prejudicial to maintenance of harmony?

(10 Marks)

P.T.O.

b). Discuss, with illustrations, the exceptions when culpable homicide is not a murder.

(10 Marks)

Question No.IV.

a). When theft is robbery? Discuss the law with illustrations.

(10 Marks)

b). When a person is said to make a false document or false electronic record? Give illustrations.

(10 Marks)

PART-III

Question No.V.

Under what circumstances, the statement made by a person who is dead or cannot be found is relevant? Discuss the law with illustrations.

(20 Marks)

Question No.VI.

Discuss, in detail, the law relating to admissibility of electronic records.

(20 Marks)

PART-IV

Question No.VII.

Discuss, the relevant procedure, where a witness fails to comply with summons, and fails to appear in the Court.

(20 Marks)

Question No.VIII.

a). Under what circumstances, the property can be sold by public auction?

(10 Marks)

b). Can a suit be withdrawn or claim be abandoned partly where the plaintiff is a minor? Discuss the relevant provision.

(10 Marks)

HP Board of Departmental Examination

APRIL - 2023

PAPER: 2: CRIMINAL CASE (for IAS/HAS Officers)

Time: 3 hours **Maximum Marks 100**

ALL Questions are compulsory

QUESTION: I

One person named Sh. Raj Kumar s/o Sh. Ganga Ram R/O Una town submits an application to the Sub Divisional Magistrate (SDM), Una under section 97 Cr. P. C. against Sh. Ram Lal s/o Hari Prasad and Smt Godavri w/o Sh Ram Lal, residents of Hoshiarpur (Punjab) with the following information and prayer:

a) Respondents have illegal custody of his minor son namely, Master Vicky (age 9 years).
b) His (applicant's) wife and mother of the child is in United Kingdom at the time of making the application.
c) Respondents may harm the child.
d) Respondents have threatened (on phone when the Applicant spoke to them) that they will not allow him to meet his son and also they will not allow to him to talk to him telephonically.
e) Applicant deserves custody of the child being the biological father of the child.
f) Search Warrant under Section 97 be issued.
g) The address of the Respondent's house in Punjab is given in the application.
h) Application is dated March 10, 2023.
i) Application is accompanied by an Affidavit of the Applicant about correctness of the contents of the application.

SDM Una conducts oral examination of the applicant, it is revealed that the Respondents are the maternal grandparents of the child alleged to be in illegal custody. The Applicant prays that he, being the father of the child, should be granted the custody.

A. Assume that you are SDM Una. Pass a reasoned and speaking order accepting or rejecting the application, as the case may be. **(10 Marks)**

Assume that the SDM Una issues Search Warrant, and the police produces the child along with the other Respondents before the SDM, on the appointed date.

The Respondents state that the child is their grandchild and is living with them since 2020. The mother of the child is in United Kingdom since 2019 and has not visited India first due to Covid pandemic and later due to the fact that she has not been able to get leave. They state that the

applicant is their son-in-law but they have the apprehension that he and their daughter are living separately in UK. They also state that they have not heard anything from the applicant since 2020 when he left the child with them before leaving for United Kingdom. They state that the child should be allowed to stay with them and that the custody of the child should remain with them only.

The applicant on the other hand contests that he is the biological father of the child and therefore the child needs to stay with him; that he should have the custody of his son; that he would like to take the child to his ancestral home in Una district and then eventually to U.K.

B. Assume that you are SDM, Una. Pass an Order deciding the matter based on the information available with you, keeping in view the provisions related to Search Warrants in the Cr PC and also the pronouncements of judgments by different courts in such matters.

(20 Marks)

QUESTION: II

The police arrests five persons under Section 107/41(2) 109 read with Section 151 Cr PC on the intervening night of 17th and 18th April, 2023. The arrested persons are produced before the SDM Shimla (Urban) on 18th April. The police report contains the following information:

a) The President of India is coming on an official visit to Shimla from April 18 to April 21, 2023, therefore, the police has increased patrolling and vigil due to security reasons.
b) The Respondents were found roaming in Summer Hill area at around 1 am in the middle of the night under suspicious circumstances. The President is scheduled to visit the HP University, Summer Hill and the Indian Institute of Advance Study, therefore, finding the act of Respondents suspicious, the police questioned them but they did not give satisfactory answers to the questions of the patrolling police personnel, therefore they were arrested.
c) The Respondents could not establish their identities and gave vague answers to the questions by the police personnel. Further, their conduct was not proper as they started to argue with the police and refused to provide documentary evidence regarding their true identity and that they could not give any convincing answer about their presence near the University campus in the middle of the night.
d) The report recommended that the Respondents be detained in custody till the visit of the President was over and that they should be sent to judicial custody till 21st April and the next date of the hearing should be fixed after that.

The Respondents are accompanied by a lawyer who pleads that the Respondents were students of the HP University and they were returning to their rented accommodation after visiting an ailing friend who was admitted in the Indira Gandhi Medical College and Hospital.

The Police did not make proper inquiry and did not allow them to establish their identities. The Respondents were students and responsible citizens. The Identity Cards of 3 out of 5 Respondents are shown to the SDM. In the case of the remaining two, their Aadhar Cards are shown. The advocate states that they were on their way back to the rented accommodation from the hospital but they were arrested without any reason. He pleads that these facts could have been verified easily but the police confined them illegally as there was no reason or justification to arrest them. He pleads that the arrest u.s. 41 (2) 109 Cr PC was not as per law, it was not proper and there was no reason to arrest them. He contended that the arrest was illegal and they were going to challenge the same before the Hon'ble High Court separately. He pleaded that the Respondents should be released immediately and they should be given time to contest the charge. He further pleads that the Police personnel should be warned not to abuse the provisions of law in such brazen manner.

Assuming that you are SDM Shimla (Urban), pass an Order on the basis of information available with you. (30 marks)

QUESTION III

One person, namely Smt Leela Devi makes an application u.s. 107 Cr PC to the SDM, Bilaspur stating therein that Respondents (Hira Lal and his family members) keep threatening her with dire consequences. She feels that her life was in danger and the Respondents could harm her any time. She further stated that they hurl abuses at her every now and then and that she was a widow who lived with her minor son in her own small house which was next to the land owned by the Respondents. The Respondents wanted her to sell her house and small piece of land to them so that they could build a shopping complex on the same. She also pleads that since there was no other male member in her family and her parents were long dead she was always insecure and needed protection from the Respondents.

Based on the information the SDM issues Notice u.s. 111 Cr PC to the Respondents.

The Respondents appear before the SDM and deny the information. They state that their land was located next to the applicant's house but the applicant had encroached upon their land and they were contemplating filing a civil suit against her. They deny having fought with the applicant and say that they had never threatened her.

Soon both the Applicant and the Respondents start accusing each other before the SDM. The SDM finds behavior of the Respondents quarrelsome and aggressive. The SDM orders that Respondents be bound down to keep peace and directs them to furnish personal bonds of Rs 2000 with one surety each of like amount.

Assuming that you are the SDM, draw the Notice Under Section 111 Cr PC on the basis of available information. (10 Marks)

Do you agree with the decision of the SDM directing the Respondents to execute the bonds, give reasons in support of your answer? (10 Marks)

QUESTION IV

i. What is the difference between Section 107, 108, 109 and 110 of the Cr PC? **(05 Marks)**
ii. What is the difference between Sections 133, 145 and 147 Cr PC? **(05 Marks)**
iii. How does pendency of a Civil Suit impacts the proceedings under Section 145 Cr PC? **(05 Marks)**
iv. Suppose you are SDM in a remote sub-division and a person dies in police custody within your jurisdiction, what action would you take? **(05 marks)**

DEPARTMENTAL EXAMINATION FOR IAS/HAS OFFICERS OF

HIMACHAL PRADESH

APRIL / 2023

PAPER 3: REVENUE LAW & PROCEDURE

TIME ALLOWED :3 HOURS **MAXIMUM MARKS : 100**

NOTE: 1. Attempt any five questions. Each question carries equal marks.

2. Bare Acts/Rules/Manuals can be consulted.

3. Answers should be supported with relevant provisions of Acts & Rules.

Question No.1.

(a) Elaborate on the provisions of arbitration under HP Land Revenue Act, 1954.
(b) What are the powers of Revenue Officers in respect of execution of orders of civil and criminal courts?
(c) What are various modes of service of summons in revenue cases?
(d) Explain the rights of the Government and presumptions with respect to mines-minerals and ownership of forest, quarries and waste lands.

8+4+4+4 marks.

Question No.2.

(a) Explain relevance of Tenancy and Land Reforms Act, 1972 in present day context.
(b) Whether provision of Section 118 under Tenancy Reforms Act 1972 has helped the State of HP? If yes, how and if not why?.

10X2 marks.

Question No. 3.

(a) Explain salient features of HP Ceiling on Land Holding Act, 1972 in brief.
(b) Do you think that the exemptions granted under the act has achieved the purposes for which they were granted?

12+8 marks.

Question No.4

(a) What are the general-rules of succession in the case of males Hindu under Hindu Succession Act'1956? How do they differ in the case of order of Succession among heirs of female Hindu.

P.T.O.

(b) Explain testamentary succession.

15+5= 20 marks

Question No. 5

Explain Benami Transactions under (Prohibition) of Benami Transaction Act 1988. What are its legal implications and penal provisions under the Act.

20 marks.

Question No.6 Explain "Transfer of Property". What may be transferred and what are the exceptions under TP Act, 1882. How it is different from sale of immovable property.

4+12+4 marks.

Question No.7 Who are natural guardians of a Hindu Minor? What are his powers vis-à-vis Hindu Minor. Under what circumstances a natural guardian can be removed and by whom. In normal circumstances when natural guardian ceases to act?

4X5=20 marks

Question No.8

Explain

(a) Rights of Occupancy and Non-Occupancy Tenants.
(b) Rights of Converts Descendants.
(c) Limitation Act 1963 and its importance for any court proceedings.
(d) Revision and Review.

4X5= 20 marks.

HP BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION OF IAS/HAS OFFICERS
[redacted] APRIL 2023
PAPER-5: REVENUE CASE
TIME ALLOWED: 3 Hours Maximum marks 100

Note: (i). Attempt all questions
(ii) Bare Revenue Acts/ Rules/ Manuals can be consulted and the answers should be supported with relevant rules and instructions. The candidates should also support their answers with case laws wherever available.

Question No1:

There is dispute between the parties wrt. the land comprising of Khata khatoni No. 67/73, Khasra No. 738/562, measuring 15.9 bighas, Khata Khatauni No 55/60, Khasra No. 809/559, measuring 7.16 bighas Khata khatoni No. 70/76 to 78 (kitas 7),measuring 9.9 bighas, situated in village Narag, Pargana and Tehsil Sarahan, District Sirmaur. Jamabandi for the year 2000-01. It was averred that the appellant is in joint owner in possession of the suit land alongwith the respondents and proforma respondents and that the respondents have limited share in the suit land. That respondents are threatening to sell best part of the suit land and dispossess the plaintiff and proforma respondents from the land abutting the road side and the plaintiff has prayed that the respondents be restrained from interfering, raising construction, changing the nature and dispossessing the appellant and proforma respondents till the land is finally partitioned, proceedings of which are pending before the A.C. 1st Grade, Sarahan. It has also been prayed that the respondents be directed to desist from alienating any part of the suit land exceeding their share and that the possession thereof be restored to the appellants and proforma respondents, in its original nature.

The appeal was contested and resisted by respondents No. 1 to 6 by filing joint written statement. They denied that the parties are in joint possession of the suit land. It was also stated by them that the appellants have very little share in the suit land. However, it was pleaded that the respondents are in possession of the land which was developed by them. It was also pleaded that the respondents are in possession of the land as per the family arrangement and private partition based on that and, that their possession cannot be disturbed as the respondents have spent huge amount on the development of the land. According to them, the possessions are separate and the partition proceedings have also become final as the khanagi Taqseem was never challenged by the appellant. The appellant filed the replication whereby he has re-affirmed and re-asserted the averments made in the appeal and denied the contents of the reply filed by the respondents. The Revenue record still shows the property as jointly owned and possessed by the appellants and the respondents. However, the respondents have shown the copy

of the application which they had filed around three years back before the AC grade I for making entries in the revenue record on the basis of Khanagi Taqseem, which was allegedly witnessed by the Nambardaar of the area and the Pradhan of the concerned Pradhan Gram panchayat. However, the AC Ist grade decided the case after three years of Khanagi Taqseem and therein he decided against the Khanagi taqseem but without giving any reasons. They have also asserted that the possession of land on the basis of Khanagi Taqseem has also been delivered to respective parties. They also averred that the road along which the appellants are claiming their share of land was constructed subsequent to Khanagi Taqseem and that this subsequent development can't alter the things already settled by the parties.

Assuming that you are the Collector of the sub-division and the appeal comes to you, then decide the appeal filed by the appellant with special reference to the provisions contained in section 135 and 136 of HP Land Revenue Act

35 marks

Question No 2:

Applicant's case was that he was owner of land comprised in Khata No. 167, Khatauni No. 230 and Khasra No. 899/160, measuring 2 kanals 1 marla, situated in Up Mohal Anu, Mauza Matti Tipra, Tehsil and District Solan, H.P. He applied for demarcation of the suit land. Demarcation was conducted and its report was affirmed by Assistant Collector First grade Solan on 11.04.2012 in Case titled Ramchand Vs. Om Parkash and others. In this demarcation report, the respondant was found to have encroached over 19.38 Sq. meters of plaintiffs land comprised in Khasra No. 899/160. The encroached area was reflected as Khasra No. 899/160/1. Applicant pleaded that despite requests, the respondent did not hand over the vacant possession of 19.38 Sq. meters of land to him, hence he filed the suit for possession of the aforesaid land measuring 19.38 Sq. meters. In his written statement, the respondent took preliminary objections regarding locus standi, cause of action and maintainability of this appeal. The defendant also pleaded that appeal filed by the applicant was barred by principle of estoppel as previously also, on the same issue, the applicant had filed a civil suit that was dismissed by the learned trial Court. An objection regarding suit being barred by limitation was also raised. The respondent also submitted that his house was constructed on the suit land in the year 1985 after getting the site plan approved from the competent authority. He also submitted that the house was constructed over the suit land with the consent of its previous owner in the year 1985, whereas the plaintiff had purchased the land in question in the year 1998. Plaintiff having stepped into the shoes of previous owner, could not have instituted the civil suit for possession. Regarding the demarcation report, the defence was that the said demarcation was one sided, conducted in violation of principles of natural justice behind the back of the defendant and was also not in consonance with the instructions issued by the Financial Commissioner. It was also submitted that in the said civil suit, it stood established on record that the respondent had constructed his house over Khasra No. 899/160 in 1985 and no new construction was raised by the defendant.

2. The motion of the cam is transferred to the valves through:
   a) Pistons
   b) Rocker Arms
   c) Camshaft pulley
   d) Valve stems
3. The top ring on the piston is known as:
   a) Ring grove
   b) Oil ring
   c) Compression ring
   d) Scrapper ring
4. Two advantages of using helical gears rather than spur Gears in a transmission system are:
   a) Strength & cost
   b) Strength & less end thrust
   c) Noise level & Strength
   d) Noise level & economy
5. The materials used for cylinder head are generally:
   a) Aluminium
   b) High carbon steel
   c) Mild steel
   d) Cast iron
6. The air fuel ratio of petrol engine is controlled by:
   a) Fuel injection pump
   b) Governor
   c) Injector
   d) Carburetor
7. The capacity of a battery is usually expressed in terms of:
   a) Volts
   b) Ampere hours
   c) Watts
   d) Ohm
8. Air cooled engines are fitted in which vehicles?
   a) Trucks
   b) Cars
   c) Air bus
   d) Scooters
9. The radiator in usually made of:
   a) Bronze
   b) Cast iron
   c) Steel
   d) Copper

10. The valve tappet clearance is measured by
    a) Screw pitch gauge
    b) Engineering scale
    c) Feeler gauge
    d) Vernier caliper
11. Which of the following Diesel Exhaust fluid (DEF) is being used for reducing pollution in BS-VI Vehicles.
    a) Urea
    b) Benzene
    c) Soap
    d) Water
12. Which of the following type of License are being issued nowadays?
    a) LTV & MTV
    b) LMV & HTV
    c) LMV & PSV
    d) MTV & HTV

PART-B

(Q. No. 4 is compulsory, attempt any three out of 5,6,7,8,9)

Q. No. 4 What do you understand (attempt any five of the following): **(2x5=10)**

a) Validity of driving license
b) Temporary permit
c) Type approval certificate and testing agency
d) Removal of motor vehicle abundant or left unaltered on a public place
e) Assignment of new registration mark on removal to another state
f) STA &RTA
g) Special procedure related to State Transport undertaking

Q. No. 5 Explain (Any Five) **(1x5=5)**

1) Fast tag
2) HSRP
3) NGT
4) New vehicle scrap policy
5) PANIC button
6) Good Samaritans
7) Testing Agency for Automobiles

Q. No. 6 What is the role of any two of the following authorities? **(2.5x2=5)**

a) Motor Accident Claim Tribunal
b) State Transport Appellate Tribunal
c) Regional Transport Authority.

Q. No. 7 Explain considering the motor vehicle amendment 2019. **(5)**

1) Offences by Juveniles.
2) National road safety board

Q. No. 8 Explain features of amendment in Motor Vehicle Act, 2019. **(5)**

Q. No. 9 Discuss how the license to drive a heavy motor vehicle is given to an Indian national. **(5)**