

**H.P.BOARD OF DEPARTMENTAL EXAMINATION  
DEPARTMENTAL EXAMINATION FOR HAS OFFICERS OF HIMACHAL  
PRADESH SESSION, MAY- JUNE, 2009**

**PAPER-8                      (CONSTITUTIONAL AND CIVIL LAW)**

**Time allowed: 3 Hours.**

**Maximum Marks:100**

**Note:- 1. Attempt any five questions.**

**2. All questions carry equal marks.**

**3. Bare Acts/ rules are allowed in the Examination Hall.**

**4. Minimum two questions are to be attempted from each section.**

**PART-I**

- Q.No.1 a) What is the importance of “Directive Principles’ of State Policy? Are these Justiceable? Should these be justiciable?  
b) What do you understand by the terms “equality before the law” and ‘equal Protection of the law? Discuss giving examples. **(10 marks)**
- Q.No.2 a) Discuss the extent of protection provided to civil servants under the Constitution of India. Are there any eventualities where such protection may Not be available?  
b) What do you understand by writ jurisdiction of the Supreme Court and the High Courts. Describe at least two writs that can be issued. **(10 marks)**
- Q.No.3 Write brief notes on any Four of the following:-  
a) Financial Emergency.  
b) Fundamental Duties.  
c) Election Commission of India.  
d) Creation of a new State.  
e) Preamble.  
f) Distribution of legislative powers under the Constitution.  
g) Consolidated Fund of India.  
h) Right to Property under the Constitution of India.  
i) State Finance Commission **(5 marks each)**
- Q.No.4 a) What is the importance of ‘ Right to Constitutional Remedies?’  
b) Discuss the powers of the President under the Constitution? **(10 marks each)**
- Q.No.5 Answer any **Two** of the following:-  
1.What is the procedure for amendment of the Constitution? Is the power of Parliament to amend the Constitution absolute?  
2. Is the 9<sup>th</sup> schedule to the constitution of India outside the purview of judicial Review. Discuss in relation to the recent decision by the Supreme Court of India.  
3. The test of ‘ Pith and Substance’ has been applied to determine transgression of Legislative powers. Discuss. **(10 marks each)**

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- Q.No.6 a) Define 'Contract' what are 'Void' and voidable contracts?  
b) What are essential requirements of a valid contract? Who is competent to enter into a contract? What contracts cannot be specifically enforced?

**(10 marks each)**

Q.No.7 Answer any Two of the following:-

1. What are the grounds for setting aside elections under H.P.Panchayati Raj Act?
2. What are corrupt practices and electoral offences under the Representation of Peoples Act?
3. Discuss requisites of a valid adoption?

**(10 marks each)**

Q.No.8 a) Marriage under the Hindu Marriage Act, 1955 is both 'sacrament and a Contract' Elucidate. **(10 marks)**

- b) A Woman marries without knowing the existence about the living first wife, can be second wife claim maintenance under section 125 Cr.P.C. **(5 marks)**
- c) Judicial separation. **(5 Marks)**

Q.No.9 Answer any Two of the following:-

1. Can a female Hindu who is not married take a son or daughter in adoption Under the Hindu Adoption and Maintenance Act, 1956.
2. Divorce under Mohammedan Law.
3. It is settled law that sufficient cause for condonation of delay under section 5 Of Limitation Act is adequately elastic in the interest of justice. Comment. **(10 marks)**

Q.No.10 Write short notes on any 4 of the following:-

- a) Permanent injunction.
- b) Mortgage
- c) Consideration
- d) Memorandum of Association
- e) Abatement of suit
- f) Actionable claim
- g) Caveat Emptor.

**(5 marks each)**

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