

DEPARTMENTAL EXAMINATION OF I.A.S./ H.A.S. OFFICERS OF
HIMACHAL PRADESH
February,2006

Maximum marks:100

Paper: 10 Specific Acts (Criminals) Manual & Rules.

Time Allowed: 3 hours

Note:

1. Attempt any five Questions.
2. All Questions Carry Equal Marks.
3. Relevant Provisions of Law must be Quoted in support of Each Answer
4. Only Bare Act, Rules are Allowed

- Q.No.1. I) What steps are required to be taken by the prosecuting and the Police Agency Under the Punjab Police Rules after person is declared proclaimed offender Under section 87 of Cr. P.C.?
- ii) By whom dying declaration is to be recorded and what precautions are to be taken?
 - iii) What is the procedure for inquests?
 - iv) What rules are required to be observed while identification of suspects?

(5 Marks each)

- Q.No.2 i) Central Govt. has vide notification dt. 13/ 7/62 notified sulphur as an Ingredient of ammunition. A businessman is contemplating setting up of an Industrial unit in Baddi for manufacture of tyres and in the manufacturing Process sulphur is used as an essential component. Resultantly, storage and Conversion of the same is involved.
- a) Who is the competent authority to give the necessary permission/ license and is there any prescribed format for making request and grant of permission ? Comment by referring to relevant provision/ license at the time of grant?
 - b) What are the stipulations, if any, which are required to be indicated in the permission/ license at the time of grant?

(10 marks)

Conti.P-2

-2-

- ii) Can a Licensing Authority refuse license on the mere ground of a person not

owning sufficient property? Refer to relevant provision in this behalf ,if any.
(5 marks)

- iii) Under What provisions (s) are the “Arms” & “ammunition” categorized for the purposes of Arms Act, 1959 and the Arms Rules, 1962 ?
(5 marks)

Q.No.3 (i) There are certain waste land in Kangra District over which the State Government has proprietary rights but the said lands are not included in a Reserved forest.

- (a) Whether the said waste land can be declared “protected forest”?
(b) If the answer to the above is in the affirmative, what procedure under the law is required to be adopted and by whom?
(10 marks)

ii) A Police Officer ceases a vehicle transporting fuel wood. Whether the action taken by him is legally sustainable, elaborate by making specific reference to the provisions of Law governing the position.
(5marks)

- iii) What are the precautions to be taken under the H.P. Forests(protection from Fire) Rules, 1999?
(5 marks)

Q.No.4 (a) What do you mean by compounding of offence under Motor Vehicle Act? State the authorities competent to compound the offence under Motor Vehicle Act.?
(b) Under what circumstances the compensations is payable on the principle of no appeal under Motor Vehicle Act. Discuss with reference to law.
(10 marks)

Q.No.5 (a) A raid was conducted in the House of a Superintendent of Police in the State Police Service based on some information on 12.5.1998 and good amount of Cash and jewelry were recovered. A case was registered against him under Section 13 (2) of the P.C. Act, 1998. On 31.12.1998 he retired form service But investigation continued . On 30.9.2000 Vigilance Department submitted Charge sheet against him for the offences under section 13 (2) read with Section 13 (1) (e) of the Act, ibid. Under the aforesaid facts, can he be tried For the offence under PC Act.? Examine giving relevant case law
(15 marks) Conti.P-3

(b) What is the legal course of action likely to be followed against the Members of Parliament against whom there is an allegation of acceptance of illegal Gratification?
(5 marks)

Q.No.6 (a) Briefly discuss the powers of Excise Officer regard to arrest, seizure and Detention under the provisions of Excise Act. (10 marks)

(b) Whether a person detained under the Maintenance of Internal Security Act, 1971 can be released temporarily. If so, under what circumstances? (5marks)

© Discuss the relevant provisions of police Act in relation to powers of Police Officers for taking custody without warrant of persons committing various Offences. (5marks)

Q.No.7 (a) What are the requisites for the Court to take cognizance of the offences under The essential Commodities Act, 1955?

(b) What are the protections available to a Public Servant against frivolous or malicious prosecutions for offences as envisaged under Essential Commodities Act? (10 marks)

Q.No8 (i) An accused is found to be guilty of an offences of distilling illicit liquor with Working still and sentenced to one year's sentence-Is he entitled to be Released on probation by invoking the provisions of the Probation of Offender Act?

(ii) What procedure is required to be adopted by the local Health Authority on receiving the report from the public analyst? Elaborate by referring to particular provisions of law. (10 marks)

Q.No.9 Write short notes on:

- a) No Fault Liability
- b) Double Jeopardy
- c) Difference between the presumptions under section 20 of the Prevention of Corruption Act and section 114 of the Evidence Act.
- d) Cancellation of Driving License

(5 marks)
