

# H.P. BOARD OF DEPARTMENTAL EXAMINATION

## Departmental Examination for Tehsildars

December, 2018

Paper :7 Special Acts (Criminal), Manuals and Rules;

TIME ALLOWED: Three Hours

MAXIMUM MARKS: 100

- Note. 1. Attempt any five questions. All questions carry equal marks.  
2. Bare Act, Rules and Manuals may be consulted.  
3. Quote relevant provisions of the Acts, Manuals and Rules to support answers.

### Question No. 1:

- (i). Explain briefly the procedure for the grant of licenses under chapter II of the Arms Act. (8 Marks).
- (ii). In which cases the aforesaid licenses have to be refused. (6 Marks).
- (iii). What remedies are open to persons aggrieved from the order of licensing authority? (6Marks).

### Question No. 2:

- (a). What are the duties of a Police Officer? Where can they be appointed and for how long? (10 Marks).
- (b). Who can direct the conduct of assemblies and the procession on the public roads? Is it necessary to obtain a licence for convening or collecting assembly in any such road? If a Police Officer put on duty to accompany a procession neglects to do so, what penalty he is liable to? (10 Marks).

### Question No. 3:

- (i). Can the Gram Sabhas issue Minor Forest Produce (MFP) transit permits under the Forest Rights Act-2006. (3 Marks).
- (ii). Can the habitat rights of the PTGs (Particularly Vulnerable Tribal Groups) under F.R.A also include revenue lands? (3 Marks).
- (iii). What is the legal status of the titles given under F.R.A ? (3 Marks).
- (iv). How the record of rights for the right holders under FRA created? (6Marks).
- (v). Whether OTFDs (Other Traditional Forest Dwellers), who do not fulfill the condition of occupation of forest land for three generations would be eligible for recognition of forest rights under F.R.A? (5Marks).

**Question N.4:**

- (i) Under the Prevention of Food Adulteration Act, in which cases the discretion is available to the courts in the matter of ordering sentence? (8 Marks).
- (ii) The accused argues that he is a petty shopkeeper in a small village and that the articles of food found to be adulterated is used as a luxury item. Is the argument good for taking a lenient view? (4 Marks).
- (iii) The accused gives the defence that he was taking the milk, declared adulterated to his relations. Is this good ground for not to Award a sentence or to Award a sentence below the minimum? (4 Marks).
- (iv). Can the evidence of a Food Inspector be accepted without corroboration? (4Marks).

**Question No.5:**

- (i) In what cases there is Exemption from disclosure of information under the provision of Right to Information Act 2005. (10 Marks).
- (ii) What is third party information? Can this information be given? (5 Marks).
- (iii) What is the term of office and conditions of service of the Chief Information Commissioner? (5Marks).

**Question No.6:**

- (i) What are the Court hours in H.P.? Who can change these hours? (3 Marks).
- (ii) Can a new case be taken up by a court for hearing after Court hours? Can a case be heard by a Court on a holiday? (3 Marks).
- (iii) What is a cause list and why its preparation is necessary? When it is prepared? (3 Marks).
- (iv) Explain as to how plaint is examined? When it can be rejected? (3 Marks).
- (v) What is meant by necessary parties? (3 Marks).
- (vi) What is the difference between production of document and its admission in evidence? What is the procedure to be adopted when a document is not admitted by the opposite party? (5Marks).

**Question No.7:**

- (a). Describe the role of Advisory Boards constituted under section 9 of the Maintenance of Internal Security Act, 1971. Is the report of such a Board binding on the Central and States Governments? (10 Marks).

- (b). What can be the period of maximum detention in various kinds of cases of detention under the Maintenance of Internal Security Act, 1971? Can any person detained under this Act claim to have right to personal liberty by virtue of natural law or common law. (10 Marks).

**Question No.8:**

- (a) You have been appointed a Local Commissioner by a Civil Court to demarcate land and find out encroachment if any. What are the instructions to be followed by you as laid down in High Court Rules. (10 Marks).
- (b) How will you (as Tehsildar) effect the attachment of the standing crops, land, salary of your reader, bullocks of a farmer, tools of an artisan under a Warrant of attachment of Civil Courts. (10 Marks).

**Question No.9:**

- (1) What is the procedure for adoption under the Juvenile Justice Act? Also mention the procedure for inter-country adoption of an orphan or abandoned or surrendered child. (10 Marks).
- (2) Define the following; (2 Marks Each).
- i. Child in need of care and protection.
  - ii. Children Home.
  - iii. Observation Home.
  - iv. Corporal Punishment.
  - v. Special Juvenile Police Unit.

**Question No.10:**

- (1) What is the procedure for dealing with the property seized under the Indian Forest Act-1927? (8 Marks).
- (2) Can an offence under the Indian Forest Act be compounded? If so when, how and by whom? (6 Marks).
- (3) Can the forest land be used for non forest purposes under The Forest Conservation Act-1980? (6 Marks).