

HP BOARD OF DEPARTMENTAL EXAMINATION

Departmental Examination for the Tehsildar and Naib Tehsildars

April 2023

Paper 1: Revenue Law and Procedure

Time Allowed: 3 Hours

Maximum Marks: 100

Note:-

1. Attempt any five questions. All questions carry equal Marks.
2. Bare Acts, Rules and Manuals may be allowed to be consulted but not copied as it is.
3. Each answer of question should be written in 400 to 500 words.
4. Answers may be attempted in English or Hindi.

Que I. Define the following in 100 words:

- a) What is Writ of Demand?
- b) Define power to call for, examine and revision proceedings of Revenue Officer?
- c) Distinguish between Record of Rights and Periodical Records.
- d) What is the scope of Section 5 of the Limitation Act, 1963?

(4x5=20 marks)

Que II. Critically examine the prevention of encroachment upon Government land and what is the procedure for effective implementation of warrant of ejectment if issued by Competent Authority?

(20 marks)

Que III. What do you understand by Question of Title if raised during proceeding of the Partition Case? How would you proceed further? (20 marks)

Que IV. Critically examine the Section 118 of the HP Tenancy and Land Reforms Act, 1972 and further rules framed there under and keeping in view the interest of the state that whether the said provision hampering the process of Industrialisation in Himachal Pradesh as well as a "Centre of Corruption".

(20 marks)

P.T.O

Que V. Critically examine the types of Succession as stated by the Hindu Succession Act, 1956 and what are the shortcomings noticed during passing of Mutation orders especially when son who was married and had wife and two kids but suddenly died earlier than his Mother? (20 marks)

Que VI. What do you understand by Permissible Area under the HP Ceiling on Land Holdings Acts, 1972 and rules framed there under and further elaborate the relevance of this Act today when people or companies are acquiring or purchasing unlimited lands in Himachal Pradesh? (20 marks)

Que VII. What do you understand by Benami Transaction and elaborate the procedure for Acquisition of such land in question? (20 marks)

Que VIII. What do you understand by assessment of Land Revenue and what are its basis, mode of determining assessment and duration of assessment? (20marks)

Departmental Examination for Tehsildars/Naib-Tehsildars, H.P.

April, 2023

Paper-2

Arithmetic & Patwari Mensuration

Time Allowed- 3 Hours

Maximum Marks- 100

Note:-

1. The candidate may answer the question either in Hindi or English.
2. Answer any **four** questions from Part-I & **three** Questions from part-II.
3. Marks have been mentioned against the questions.

Part I

Q. No.1. Two candidates contested an election. One of them got 64 % of the total votes and won with 992 votes. What was the total number of votes polled ?

(10 Marks)

Q.No.2. If the numerator of a fraction is increased by 200% and the denominator of the fraction is increased by 250%, the resultant fraction is $\frac{3}{14}$. What is the original fraction?

(10 Marks)

Q. No. 3. What is the least number to be subtracted from 945 to make it perfect square?

(10 Marks)

Q. No. 4. Veena's monthly income is equal to the cost of 34 Kg of nuts. Cost of 10 kg of nuts is equal to the cost of 20 kg of apples. If cost of 12 kg of apples is 1500, what is veena's annual salary?

(10 Marks)

Q. No.5. The shortest distance between two opposite corners of a rectangular park is 68 metres, while the ratio of the length to the breadth of the park is 15:8. Find the cost of fencing boundary of the park at the rate of Rs. 12/metre.

(10 Marks)

PART-II

Q. No. 6. Write short notes on following: -

(5*4=20 marks)

- a) Record Rooms Modernization
- b) E District Portal
- c) NGDRS
- d) Topographical and cadastral survey

Q. No. 7.

(20 Marks)

What is Digital India Land records Modernization Program (DILRMP)? Briefly explain its major components. How Citizens are expected to benefit from this Program?

Q. No. 8.

(10*2=20 Marks)

- a) What are main objectives of conducting land settlement operations?
- b) Explain briefly the land settlement procedure?

Q. No. 9.

(10*2=20 Marks)

- a) Name the main traditional and modern survey methods and briefly mention their features.
- b) Mention disadvantages of traditional survey methods and advantages of Modern survey methods.

HP Board of Departmental Examination
Departmental Examination for the Tehsildar and Naib Tehsildars
April, 2023

Paper 3: Revenue Acts and Rules

Time Allowed: 3 hours

Maximum Marks: 100

Note:

1. Attempt any five questions. All Questions carry equal marks.
2. Bare Acts, Rules and Manuals are allowed to be consulted.

Question 1:

Write brief notes on any five of the following terms:

- (i) Shajra Nasab
- (ii) Standing Record and Annual Record
- (iii) Alluvion and Diluvion Lands
- (iv) Farad Badar
- (v) Rent, Rates, and Cesses
- (vi) Tarika Paimash
- (vii) Assessment Report
- (viii) Riway-i-am

(5X4 = 20 Marks)

Question 2:

- (i) What is the meaning of:
 - a. Public premises.
 - b. Collector under the HP Public Premises and Land Eviction and Rent Recovery Act, 1971? **5 Marks**
- (ii) Specify the condition in which a person is deemed to be in unauthorised occupation of any public premises. **5 Marks**
- (iii) What are the powers of the Collector under the Act ibid where a person refuses or fails to comply with the order of the collector evicting him from a public premises? **5 Marks**
- (iv) What is the prescribed period after which action can be taken against such a person and from which date, is this to be counted? **5 Marks**

Question 3:

- (A) What is the significance of the new title, "The Right To Fair Compensation and Transparency" in Land Acquisition Rehabilitation Act, 2013? **10 Marks**
- (B) What matters are to be kept in view by the Collector while determining the compensation? **5 Marks**
- (C) A person accepts the award of his land acquired under the Land Acquisition Act, 1894, but later on file a written application to the Collector to refer the matter to reference court. **5 Marks**

Question 4:

- (A) What are the salient features of Redemption of Mortgages Act, 1971?
- (B) Critically examine the role of Regulation of Land under the HP Transfer of Land (Regulation) Act, 1971 with special reference to decree of sale on account of recovery of Bank dues? **(10+10 = 20 Marks)**

Question 5:

- (A) Which of the following documents are compulsory registrable under the Registration Act, 1908.
- A gift deed in respect of immovable property.
 - An instrument of will relating to immovable property.
 - An instrument of partition made by Revenue Officer.
 - A certificate of sale granted to the purchaser of any property sold by auction by a civil court or revenue officer.
 - An instrument of mortgage of immovable property, of the value of Rs.500.
- 10 Marks**
- (B) What is the period within which a document shall be accepted for registration by the officer authorised in this behalf and from which date the period will be counted? **5 Marks**
- (C) Can the Registrar accept a document for registration on expiration of the prescribed period? **5 Marks**

Question 6:

- (i) Who is the eligible person for grant of Nautor under HP Nautor Rules, 1968 and what is the procedure for grant of Nautor? **10 Marks**
- (ii) Who is the Resident of an estate for the purpose of granting Nautor? **5 Marks**
- (iii) Can illegal encroachment on government land be regularised? If so, under what provisions of Law or Rules? Explain the procedure involved and also the extent to which it is permissible. **5 Marks**

Question 7:

- (i) What are the instruments contained in the Land Administration Manual about partition of Shamlat Land? **5 Marks**
- (ii) Write a note on the coercive processes, permissible under the Law for recovery of arrears of Land Revenue. Are these processes in your opinion, adequate? **5 Marks**
- (iii) What is the difference between Summary Settlement and Regular Settlement? **5 Marks**
- (iv) What are the documents included in the Standing records? **5 Marks**

Question 8:

- (i) Distinguish between Revenue Officer and Revenue Court. **5 Marks**
- (ii) Who is the final appellate authority under the Land Revenue Act? **5 Marks**
- (iii) Explain how the land vested in Government under HP Village Common Lands, Vesting and Utilisation Scheme 1995 is to be disposed? **10 Marks**

HIMACHAL PRADESH BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR TEHSILDAR/NAIB TEHSILDARS

Session: APRIL, 2023

Paper 5: Criminal Law & Procedure & Code of Civil Procedure

Time Allowed: 3 hours

Maximum marks: 100

Note:

1. Attempt any five questions and at least one from each section.
2. Questions carry the marks indicated against 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 CPC are allowed.

PART A
SECTION-I

- Q.1. i. Distinguish between intention and motive. Indicate the importance of motive in law of crime. (10)
- ii. Distinguish between the words "common object" and "common intention". In which case is active participation required? (10)
- Q.2. Write short note on following and quote relevant sections of law:
- i. Rioting (4)
 - ii Counterfeiting Coin (4)
 - iii. Assault (4)
 - iv. Lurking house-trespass by night (4)
 - v. Voyeurism (4)

SECTION-II

- Q.3 i. How to prove a will where both the attesting witnesses have died? (10)
- ii. Distinguish between the presumption of law and presumption of facts. (10)
- Q.4. Write short note on following and quote relevant sections of law:
- i. Plea of *Alibi* (4)
 - ii. Burden of proof (4)
 - iii. *Onus Probandi* (4)
 - iv. Estoppel (4)
 - v. *Res gestae* (4)

SECTION-III

- Q.5. Discuss in detail the preventive action of the police. (20)
- Q.6. Write short note on following and quote relevant sections of law:
- i. Investigation (4)
 - ii. Examination of person accused of rape by medical practitioner. (4)

- iii. Inquiry by magistrate into cause of death (4)
- iv. Identification report of magistrate (4)
- v. Rights of an arrested person (4)

PART-B
SECTION-IV

- Q.7 Write a note on following:
- i. Exemption of member of legislative bodies from arrest and detention under civil law. (10)
 - ii. Procedure for instituting a suit by indigent person (10)
- Q.8 Write short note on following and quote relevant sections of Law:
- i. Inherent powers of the Court. (4)
 - ii. Res-subjudice
 - iii. What are issues in a suit?
 - iv. Ex-parte
 - v. Constructive res judicata
- Q.9 Explain the modes of service of summons and explain what is meant by substituted service? (20)

Himachal Pradesh board of Departmental Examination
Departmental Examination for Tehsildars
Session April 2023

Paper No.6 REVENUE CASE
Time Allowed: 3 Hours

Revenue Case
Max. Marks-100

- Note:-
- 1). Attempt all the questions.
 - 2). Only Bare Acts are allowed to be consulted.
 - 3). Answers can be given in Hindi or English.

Q.No.1. One Sh. Ram Nath s/o Rikhi Ram filed an application before Land Reforms Officer Tehsil & District Kangra, Himachal Pradesh for correction in the Land records comprised in Khata No. 44 min, Khatauni No. 82, Khasra No.s 236, 237, 238, Kita 3 area measuring 0-07-09 hectares, situated at Up-mohal Baintlu, Mauza Bandi, Tehsil & District Kangra, which was entered in the ownership of respondent Kaulan Devi as per Jamabandi for the year 1990-91. As per the applicant, name of Smt. Kaulan Devi, widow of Jayanti appeared as Gair Marusi in the column of possession and in the column of rent, amount of Rs. 10/- per year is reflected. Said Kaulan Devi had died, however, in her lifetime she had executed a Will dated 23.2.1990 in favour of respondents. Further, as per applicant, Kaulan Devi had acquired proprietary rights during her lifetime and had bequeathed the property in favour of the respondents. Who thereafter were in possession of the land in question as well as the superstructures existing thereupon. Further, as per applicant, entries qua possession after the death of Kaulan Devi were only paper entries, whereas it was the applicant, who was in actual possession of the property and his name deserved to be entered in the column of possession. The applicant has further pressed that entries qua ownership in the name of respondent were also wrong as they cease to be the owner of the land in question after coming into operation of the Himachal Pradesh Tenancy and Land Reforms Act, 1972. In this backdrop, the applicant was constrained to file the extant application for correction of the relevant revenue entries.

It is also averred by the applicant that the land in question stood vested in the government of Himachal Pradesh free from all encumbrances and the Respondent has no right over the same. According to the Respondents, Naudha Ram, Prakash Chand and Mohinder Singh, all sons of Kaulan Devi were recorded as tenants over the land in question in the year 1973. Vide mutation No. 40, Naudha Ram, Prakash Chand and Mohinder Singh wrongly relinquished their share in favour of Kaulan Devi. Kaulan Devi never paid any rent qua the land in question and she otherwise also could not have executed any Will of the property which stood vested in the State Government free from all encumbrances under the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974. It is further contended by the applicant that Kaulan Devi could only execute a Will qua her

own property and not the land which was vested in the State of Himachal Pradesh. One of the witnesses in this case, Sh. Bhagwan Dass, Patwari of the area had deposed before the Land Reforms Officers that earlier land in question was owned by the Gram Panchayat and Kaulan Devi, widow of Jayanti was shown as Gair Marusi and thereafter the same stood vested in the State of Himachal Pradesh. Hence there was no occasion for any succession of the land by Kaulan Devi, widow of Jayanti or his sons.

It was further contended that there was nothing on record from which it could be inferred that Jayanti was either a tenant on the land in question or he was paying any rent to the Gram Panchayat. It was uncertain as to when Jayanti died and as to whether the land in question was succeeded by Kaulan Devi as his widow. It was also further averred that as the said land vested in the State Government free from all encumbrances, there was no question of Kaulan Devi having become the owner of the land in question during her lifetime as was claimed by the Respondent. Respondents were in fact claiming possession on payment of rent which itself demonstrated that even as per the applicant, Kaulan Devi was not the owner of the land in question and was in possession of the same in her capacity as a Gair Marusi. As the land stood vested in the State Government of Himachal Pradesh, there was no question of vestment of same with the Respondent or her predecessor-in-interest. Any Will so executed by a person could not confer any right upon the Respondent qua the property vested in the State of Himachal Pradesh and the Will was of no effect. Therefore, no title could pass in favour of the Respondents on the basis of said Will. That being so, onus was upon the respondent to have had proved that her mother was firstly a non-occupancy tenant over the land in question against payment of rent and that after coming into force of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, she became the owner of the same. On the other hand, applicant Sh. Ram Nath s/o Rikhi Ram kept on pressing his claim over the land in question on the basis of his possession on the spot, throughout.

Both the parties submitted their respective pleadings and adduced evidences in support thereof, through their respective counsels before the Land Reforms Officer for his kind perusal, appraisal and final adjudication thereupon.

1. In context of the above, write a detailed order in deciding the case. (35 marks)
2. Elucidate the following terms; (i) Rent
(ii) Succession to right of tenancy
(iii) Land owner
(iv) Village Common Land
(v) Gair Marusi (10 marks)
3. Write Order Sheet of the day. (5 marks)

Q.No.2. One Smt. Amroh, one of the co-sharers filed an application for partition of joint holding before Assistant Collector (Grade-I), Una on 27th March, 1974. Another co-sharer Smt. Swarni had already sold land considerably in excess of her share amounting to 72 Kanals 18 Marlas in favour of one Pritam Singh vide registered sale deed dated 18th June, 1961, involving an area of 141 Kanals 15 Marlas. Out of this area, which had been sold by her, the sale of only 72 Kanals 18 Marlas falling within her share could have been treated as having legal validity, whilst the sale of 68 Kanals 17 Marlas in excess of her share would have to be treated void *ab-initio* and *non-est* because she was incompetent to alienate land in excess of her entitled share. Thereafter, Pritam Singh sold 54 Kanals 6 Marlas on the 23rd April, 1965, in favour of Sukhjinder Kaur. As this was within the entitled portion of land sold to Pritam Singh by Smt. Swarni, the original vendor, this sale would also have to be treated as valid. Subsequent to this transaction, Pritam Singh sold 19 Kanals 4 Marlas on the 27th July, 1965 to one Maghar Singh. Out of this sale of this 18 Kanals 12 Marlas would deemed to have been treated as valid, being within the entitled share of the original vendor Smt. Swarni, who had sold the land to Pritam Singh, whilst sale of 6 Marlas will have to be treated as invalid. Vide two further registered sale transactions dated 14-09-1965 & 04-06-1967, Maghar Singh sold the above-mentioned land to one Dilbagh Singh, thereby leaving 6 Marlas of land being in excess of the legally permissible area purchased by Pritam Singh. Anoop Singh and Piara Singh, who were also applicants, in their case the record shows that they had purchased an area of 14 Kanals 18 Marlas from Pritam Singh on the 4th November, 1968. This could have only come from the area in excess of Smt. Swarni's share which had been purchased by Pritam Singh in 1961 and had no legal validity.

Consequently, Assistant Collector (Grade-I) have recorded the co-sharers in the joint *Khata* at the time of commencement of Partition proceedings as Smt. Amroh 1/3rd share, Smt. Balo 1/3rd share and Smt. Sukhjinder Kaur and Maghar Singh, vendees of Pritam Singh, who was in turn vendee of Smt. Swarni to the extent of the remaining 1/3rd share i.e., 72 Kanals 8 Marlas. The share of Maghar Singh should have been shown 18 Kanals 12 Marlas. It is expedient on the part of Assistant Collector (Grade-I) to have correct analysis of the chronological sequence of the actual registration of various sale transactions in order to proceed further to decide the partition application.

- (i) Keeping in view the aforesaid background, write a detailed order apportioning the shares of all the transferees in the total land. (25 marks)
- (ii) Is question of title involved in this partition proceedings? if so then, write a speaking order to that effect. (20 marks)
- (iii) Write the order sheet of the day. (5 marks)

HP BOARD OF DEPARTMENTAL EXAMINATION
Departmental Examination of Tehsildars/Naib Tehsildars

April 2023

Paper No. 7 Special Acts:
Time 3 Hours

Maximum Marks 100

Attempt any 5 questions.
Bare Acts/ rules are allowed.

- Q 1. (a) What is the difference between "arms" and "firearms" (10 marks)
- (b) What are the provisions for regulation of public assemblies and processions under the HP Police Act, 2007 (10 marks)
- Q 2. (a) What is meant by "forest produce"? (10 marks)
- (b) What are the conditions for grant of a driving license? (10 marks)
- Q3. What are the powers and responsibilities of a Food Inspector? (20 marks)
- Q4. (a) Who is a "dependent" as per the HP Maintenance of Parents and Dependents Act, 2021? (10 marks)
- (b) What conditions regulate a special marriage? (10 marks)
- Q. 5 Discuss in detail the obligations of a "Public Authority" as per the RTI Act, 2005? (20 marks)
- Q 6. (a) What is a "minor mineral" as per the HP Mines and Mineral Development and Regulation Act, 1957? (10 marks)
- (b) What are the General conditions for grant of mineral concession? (10 marks)
- Q7. (a) What is meant by "child in need of care and protection" ? (10 marks)
- (b) What are the legal consequences of cruelty towards a juvenile or child? (10 marks)

HIMACHAL PRADESH BOARD OF DEPARTMENTAL EXAMINATIONS
DEPARTMENTAL EXAMINATION, APRIL-2023

PAPER-8: CIVIL SERVICE, TREASURY AND FINANCIAL RULES (For Tehsildars)

Time Allowed: 3 Hours

Maximum Marks: 100

Notes:

- i) Attempt five questions. Marks are shown against each question.
- ii) Indicate the same question number and its parts as assigned in the question paper while answering the same.
- iii) All parts of a question should be attempted at one place.
- iv) Bare Acts/Rules/Approved reference books as per syllabus are allowed.

Question No.I: (i) Distinguish between 'Extension' and 'Re-employment'.

(ii) "The appropriate authority has absolute right to retire, if necessary, to do so in public interest, any government employee". Discuss provisions of relevant rules under which a government employee can be retired prematurely.

(10+10)

Question No.II: From the particulars given below, calculate the following;

(i) Pension, (ii) Family Pension, (iii) Retirement Gratuity (iv) Commutation Value, and (v) Leave Encashment.

Particulars:

(i) Date of birth:	15.01.1965
(ii) Date of Superannuation:	31.01.2023
(iii) Total service rendered:	34 Years 5 months 18 days
(iv) Last pay drawn:	Rs. 1,04,000.00
(v) Dearness Allowance	@ 31%
(vi) Earned Leave at Credit	288 Days.

(20)

Question No.III: (i) Differentiate between 'Foreign Service and Deputation'.

(ii) A Tehsildar drawing pay of Rs.78,200.00 w.e.f., 01.02.2022 in Level 16 of the Pay Matrix was promoted to H.P. Administrative Services (HAS) in Level 18 of the Pay Matrix on 15.10.2022. He has opted to get his pay fixed in the higher post after earning increment in the lower post. Fix his pay and state DNI.

(8+12)

Question No. IV: What are the fundamental principles of public buying? Explain the measures as provided in H.P. Financial Rules for achieving transparency, fair competition and elimination of arbitrariness in the procurement process. (20)

Question No. V: (i) Elaborate the conditions which must be satisfied before a government servant on tour can claim 'Daily Allowance'. Discuss the manner how 'Daily Allowance' is drawn under different circumstances.

(ii) Discuss the rule for refund of revenue at Treasury. What checks to be exercised before grant of refund? (10+10)

Question No. VI: (i) Explain the procedure for imposing Major Penalties under CCS(CCA) Rules, 1965.

(ii) Can the departmental proceedings under CCS(CCA) Rules be initiated against a government servant when a criminal case is in progress against him? Discuss.

(10+10)

Question No. VII: Is prior permission of prescribed authority necessary for acquiring movable and immovable property? Discuss relevant provisions of Conduct Rules with respect to acquisition and disposal of movable and immovable property by a Government Servant and his family. What are the restrictions in relation to acquisition and disposal of movable and immovable property outside India and transactions with foreigners?

(20)

Question No. VIII: How will you deal with the following;

- (i) A government servant applied for 'Extra Ordinary Leave'(EOL) in connection with urgent family affairs. The leave sanctioning authority refused to sanction EOL as the government servant had sufficient amount of 'Earned Leave' at his credit to cover his absence from duty.
- (ii) A temporary government servant applies for 'Leave Not Due' on the ground that he has to appear for University examination and no other leave is due to him.
- (iii) The Drawing and Disbursing officer presented Medical Reimbursement claim to Treasury after one year from the date of submission by the claimant.
- (iv) Recovery of government dues was proposed to be affected from GPF balance of the employee concerned.
- (v) A female government servant applied for Leave Travel Concession (LTC) during Maternity Leave.

(4x5=20)

Question No. IX: (i) Define "Financial Establishment". Explain powers of the Special Court regarding attachment of property under H.P. Protection of interest of depositors (in Financial Establishment) Act, 1999 with amendment 2016.

(ii) Discuss the objective and purpose for the enactment of 'The Competition Act, 2002'. Explain the circumstances under which an enterprise can be proceeded against the abuse of its dominant position.

(10+10)