

UTTARAKHAND HIGHER JUDICIAL SERVICE
LIMITED COMPETITIVE EXAMINATION-2015
Paper No. 2 (Language)

Maximum Marks: 50

Time: 1 hour

Note:

All questions are compulsory.

1. Write an essay in about 400 words on anyone of the following topics:
(15 marks)
 - (i) Justice delayed is justice denied;
Justice hurried is justice buried.
 - (ii) Judicial Discipline and Judicial Accountability.

2. Write a précis of the following passage within word limit of 120-150 words.
(15 marks)

It is the height of selfishness for men, who fully appreciate in their own case the great advantage of a good education, to deny these advantages to women. There is no valid argument by which the exclusion of the female sex from the privilege of education can be defended. It is argued that women have their domestic duties to perform, and that, if they were educated, they would bury themselves in their books and have little time for attending to the management of their households. Of course, it is possible for women, as it is for men, to neglect necessary work in order to spare more time for reading sensational novels. But, women are no more liable to this temptation than men, and most women would be able to do their household work all the better for being able to refresh their minds in the intervals of leisure with a little reading. Nay, education would even help them in the performance of the narrowest sphere of womanly duty. For education involves knowledge of the means by which health may be preserved and improved, and enables a mother to consult such modern books as will tell her how to rear up her children into healthy men and women and skillfully nurse them and her husband when disease attacks her household. Without education, she will be not unlikely to listen with fatal results to the advice of superstitious quacks, who pretend to work wonders by charms and magic.

But, according to a higher conception of woman's sphere, woman ought to be something more than a household drudge. She ought to be able not merely to nurse her husband in sickness, but also to be his companion in health. For this part of her wifely duty, education is necessary, for there cannot well be congenial companionship between an educated man and an uneducated wife, who can converse with her husband on no higher subjects than cookery and servant's wages. Also, one of a mother's highest duties is the education of her children at the time when their mind is most amenable to instruction. A child's whole future life, to a large extent, depends on the teaching it receives in early childhood, and it is needless to say, that this first foundation of education cannot be well laid by an ignorant mother. On all these grounds, female education is a vital necessity.

3. Translate the following Hindi passage into English:

(10 marks)

उत्तर प्रदेश भू-राजस्व अधिनियम, 1901 की धारा 216 की उपधारा (2) में स्पष्ट विधान किया गया है कि अपीलीय न्यायालय आवश्यकता पड़ने पर मामले को परीक्षण न्यायालय के पास वापस भेज सकता है। अब तक यह सुस्थिर हो चुका है कि अपीलीय न्यायालय द्वारा किसी मामले को परीक्षण न्यायालय के पास तभी वापस करना चाहिए जब अतिरिक्त साक्ष्य द्वारा किसी कमी को पूरा करना आवश्यक हो या किसी अन्य तर्कसंगत कारण की वजह से मामले का परीक्षण न्यायालय द्वारा निपटारा जाना आवश्यक हो। अपीलीय न्यायालय का यह कर्तव्य होता है कि वह अपील को अन्तिम रूप से गुण दोष के आधार पर निस्तारित कर पक्षकारों को न्याय दिलाने की कोशिश करे। यदि पत्रावली पर उपलब्ध साक्ष्य इतना स्पष्ट है कि मामले को अपीलीय न्यायालय द्वारा गुण दोष के आधार पर अन्तिम रूप से विनिश्चित किया जा सकता है तो ऐसे मामले में रिमाण्ड का आदेश पारित नहीं किया जाना चाहिए। यहाँ पर यह भी स्मरणीय है कि आवश्यकता पड़ने पर अपीलीय न्यायालय नया वाद बिन्दु विरचित कर मामले को पुनः सुनवाई के लिए परीक्षण न्यायालय को रिमाण्ड कर सकता है। यह आवश्यक नहीं है कि पूरा का पूरा मामला परीक्षण न्यायालय द्वारा फिर से विनिश्चित किये जाने के लिए रिमाण्ड किया जाए।

जब कोई अपील नियत अवधि के बाद विलम्ब माफी प्रार्थना पत्र के साथ दाखिल की जाती है तो न्यायालय का यह दायित्व होता है कि वह सर्वप्रथम विलम्ब के बिन्दु पर सुनवाई करे। बिना विलम्ब के बिन्दु पर सुनवाई किये अपील में स्थगन आदेश अथवा रिमाण्ड आदेश पारित नहीं किया जाना चाहिए।

4. Translate the following English passage into Hindi:

(10 marks)

A reading of Section 4(1) of the Prevention of Corruption Act and Explanation to Section 161 of the Indian Penal Code would show that when it is proved that the accused has accepted a gratification, it shall be presumed unless the contrary is proved that he accepted it as a motive or reward such as is mentioned in Section 161. This Section, therefore, provides a presumption in favour of the prosecution. The Explanation to Section 161 makes it clear that a person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done comes within the words "A Motive or reward for doing". Relying on the two provisions referred to above, it was submitted by the learned counsel for the State that the prosecution having proved that the accused has received a sum of Rs. 75/- as an illegal gratification, the Court should presume the necessary motive or reward as is mentioned in Section 161. While there can be no doubt that the submission of the learned counsel for the State is sound, we find that there is one obstacle in the way of the prosecution succeeding on the facts of this case. The charge states that the amount of Rs. 75/- was remitted for showing favour in exercise of his official function. It is admitted that though the accused was a public servant, in exercise of his official position he could not secure a job which he promised. It is not the case of the prosecution that he received a gratification but he had no intention to do what he promised. Equally, it is not alleged in the charge that the gratification was intended for being paid to a public servant.
