

Odisha Judicial Service Mains Exam - 2021

Paper: Jurisprudence And Constitution of India

Full Marks: 150

The questions are of equal value. Candidates should attempt six questions, selecting three from Section -A and three from Section - B.

Section -A

1. Analyse the Constitutional Powers and Position of the President of India. [25 marks]
2. Discuss the concept of 'equality before law and equal protection of laws'. Is there any exception to this rule? If so, discuss them. [25 marks]
3. "Although they are not Justiciable yet the Directive Principles of State Policy (DPSP) are fundamental in the governance of the country." Discuss. [25 marks]
4. Explain the term 'preventive detention'. What are the safeguards provided to the person arrested under a preventive detention law. [25 marks]
5. 'The provisions relating to the amendment of the Constitution empower the Parliament to amend any part of the Constitution.' Discuss. Is there any limitation on this power ? [25 marks]
6. Write an essay on Constitutional Remedies. [25 marks]

Section - B

7. "The Austinian theory of law is more dictatorial than being democratic." Comment. [25 marks]
8. Discuss the characteristic features of Historical School. [25 marks]
9. Explain different concepts of legal right. [25 marks]
10. Discuss the view that though possession is very Near to ownership, yet it is not ownership. [25 marks]
11. How can you react on the statement that natural law school is of less importance in modern age despite having it's everlasting character? [25 marks]
12. What do you mean by the term 'source of law'? Discuss the place of custom as a source of law. [25 marks]

Paper : Law of Contract

Full Marks: 150

The figures in the right-hand margin indicate marks.

Candidates should attempt six questions, selecting two from Section -A, two from Section - B and one each from Section - C and Section - D.

Section -A

1. (a) Define Consent. When is it said to be free? [10 marks]

1.(b) What is 'Coercion' ? What happens to the contract where the consent is caused by 'Coercion'? Distinguish between Coercion and Undue Influence. [15 marks]

2. (a) An offer has value or legal consequences only when accepted. Define acceptance.Explain the conditions for a valid acceptance. [15 marks]

2.(b) Explain the law relating to 'Mistake'. [10 marks]

3. (a) Define 'Indemnity'. Distinguish between 'Contract of Indemnity' and 'Contract of Guarantee'. [15 marks]

3.(b) What are the rights of 'indemnity-holder'? [10 marks]

Section - B

4. (a) What is a contract of Sale ? Distinguish between Sale and Agreement to sell. [15 marks]

4.(b) Explain the implied conditions in a contract of sale of goods. [10 marks]

5. (a) Define Price. How is the price of goods ascertained? [10 marks]

5.(b) Differentiate between 'Condition' and 'Warranty'. [15 marks]

6. (a) Explain the maxim Nemo Dat Quod Non-Habet. State the exceptions to this, if any. [15 marks]

6.(b) Define 'Unpaid seller'. Comment on the following:
'The right of stoppage in transit is just an extension of the right of lien'. [10 marks]

Section - C

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7. (a) Define Partnership. What are the different kinds of partnership? [10 marks]

7.(b) Write a note on the types of partners. [15 marks]

8.(a) Differentiate between a Partnership and a Company. [10 marks]

8.(b) Explain the rights and duties of Partners. [15 marks]

9. (a) What do you understand by the registration of partnership firm? What are the consequences of non-registration ? [15 marks]

9.(b) Discuss the provisions with respect to dissolution of the firm. [10 marks]

Section - D

10. (a) Differentiate between the three kinds of negotiable instruments mentioned in the Negotiable Instruments Act. [15 marks]

10.(b) Write a note on the crossing of cheques. [10 marks]

11. (a) Differentiate between Holder and Holder in Due Course. [10 marks]

11.(b) What is negotiation under the Negotiable Instruments Act. Explain the various kinds of negotiation. [15 marks]

12. Section 138 of the NI Act deals with the punishment for dishonour of cheques. Discuss, in detail, the important points of the said provision. [25 marks]

Paper: Law of Crime And Law of Torts

Full Marks: 150

The figures in the right-hand margin indicate marks.

Candidates should attempt six questions, selecting three from Section-A and three from Section-B.

Section -A

1. Write an essay on the doctrine of Mens Rea and the scope of its applicability under the IPC. [25 marks]

2. Give an account of the offences relating to cruelty by husband and his relatives. [25 marks]

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3. Examine insanity as a defence under the Indian Penal Code. [25 marks]

4. What are the ingredients of theft ? Can a person commit theft of his own property? [25 marks]

5. Examine the utility of capital punishment of contemporary times. [25 marks]

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6.(a) Write notes on the following: Stages of crime [05 marks]

6.(b) Write notes on the following: Right of private defence [05 marks]

6.(c) Write notes on the following: Public nuisance [05 marks]

6.(d) Write notes on the following: Abetment and conspiracy [05 marks]

6.(e) Write notes on the following: Kidnap and Abduction [05 marks]

Section - B

7. Discuss when defamatory statement does not involve any criminal liability. [25 marks]

8. Discuss the principles relating to an action in Tort for malicious prosecution. [25 marks]

9. 'Negligence is the complex concept of duty to take care, its breach as consequential damage.' Comment. [25 marks]

10. Referring to leading cases, describe the limitations and scopes of State's Liability for torts committed by its servants or agents. [25 marks]

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11. Describe, in detail, the facts and principles of Law laid down Donoghue vs. Stevenson (1932 A. C. 567) and Rylands vs. Fletcher 1869 (H. L. 380). [25 marks]

12. (a) Write notes on the following: Vicarious liability. [05 marks]

12.(b) Write notes on the following: Damage for nervous and mental shock [05 marks]

12.(c) Write notes on the following: Disability to sue and to be sued [05 marks]

12.(d) Write notes on the following: Torts founded on contract [05 marks]

12.(e) Write notes on the following: Injuria sine damno. [05 marks]

Paper: Personal Law

Full Marks: 150

The questions are of equal value.

Candidates should attempt six questions, selecting three from Section -A and three from Section - B.

Section -A

1. "Development of schools and sub-schools under Hindu law has not been influenced by the view (opinion) of single Hindu Sage." Examine above statement. [25 marks]

2. Discuss the impact of the Prohibition of Child Marriage Act, 2006 on the institution of Hindu Marriage. [25 marks]

3. With the help of decided cases, explain when the courts have considered the fact and circumstances concerning respondent are relevant and important, lack of which declared the marriage as voidable. [25 marks]

4. Explain the meaning of coparcenary property under the Mitakshara school of Hindu law and discuss rules of its devolution amongst the heirs of propositus. [25 marks]

5. "Nature of adoption under the Hindu Law has been changed from religious to secular." Discuss above statement with help of the provisions of the Hindu Adoption and Maintenance Act, 1956 and decided cases. [25 marks]

6. Do you agree that the Section 9 of the Hindu Marriage Act, 1955 put a unreasonable restriction on the rights and liberty of working Hindu Women ? Give reasons and cite decided cases in support of your view. [25 marks]

Section - B

7. Point out nature of Mahr in Muslim law and discuss right of Muslim widow to retain her husband's property in lieu of unpaid Mahr. [25 marks]

8. Discuss the law of legitimacy under Muslim law. Does Section 112 of the Evidence Act applies in determination of legitimacy of a Muslim child ? [25 marks]

9. Explain the provision of Muslim law dealing Nafaqa of Muslim wife with special reference to the provision of Criminal Procedure Code. [25 marks]

10. Compare the provisions of Muslim law dealing Hiba-bil-iwaz and Hiba-ba-shart-ul-ewaz.

11. Discuss nature of the right of pre-emption. Is it a weak right ? Explain different kinds of pre-emptor under Muslim law. [25 marks]

12. "A Muslim has limited power to make a wasiyat." Discuss and also explain Maraz-ul-maut. [25 marks]

Paper: Law of Property

Full Marks: 150

The figures in the right-hand margin indicate marks.

Candidates should attempt six questions, selecting two from Section -A, two from Section - B and two from Section - C.

Section -A

1. (a) Under what circumstances can a person be said to have notice of a fact? [10 marks]

1.(b) (i) State the essential conditions for a valid attestation of an instrument. [10 marks]

1.(b)(ii) Can a money lender to the mortgagee validly attest the mortgage instrument ? [05 marks]

2. (a) Referring to the provisions of the Transfer of Property Act, 1882, state the properties which cannot be transferred. [15 marks]

2.(b)(i) Discuss the validity of following conditions on transfers: 'A mortgages a property to 'B' with a condition that 'B' will never sub mortgage the property to anyone. [05 marks]

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2.(b) (ii) Discuss the validity of following conditions on transfers:
A' transfers a farm to B' for his life with a condition that in case 'B' cuts down any tree of the farm, the transfer shall cease to have any effect. [05 marks]

3.(a) What kinds of subrogations are recognized by the Transfer of Property Act? [15 marks]

3.(b) Point out the circumstances under which a lease of an immovable property is determined. [10 marks]

4. (a) Explain the rights of a mortgagor on redemption of a mortgage. [10 marks]

4.(b) (i) Can a person interested in a share only of the mortgaged property redeem his own share only ? [05 marks]

4.(b)(ii) Who is regarded as universal donee? [10 marks]

Section - B

5. (a) Explain the provisions of Specific Relief Act relating to recovery of possession of immovable property. [15 marks]

5.(b) Discuss liability of a person in possession of movable property, of which he is not the owner, to deliver the same to the person entitled to its immediate possession. [10 marks]

6. (a) State the conditions for enforcing the specific performance of a contract. [15 marks]

6.(b) When can the court direct the specific performance of a part of a contract ? [10 marks]

7. (a) Who are the persons against whom specific performance of a contract may be enforced? [15 marks]

7.(b) Explain the provisions relating to substituted performance of contract under the Specific Relief Act, 1963. [10 marks]

8. (a) What are special provisions under the Specific Relief Act, 1963 for contracts relating to infrastructure projects ? [10 marks]

8.(b) Discuss the power of court to award compensation in a suit for specific performance of a contract. [15 marks]

Section - C

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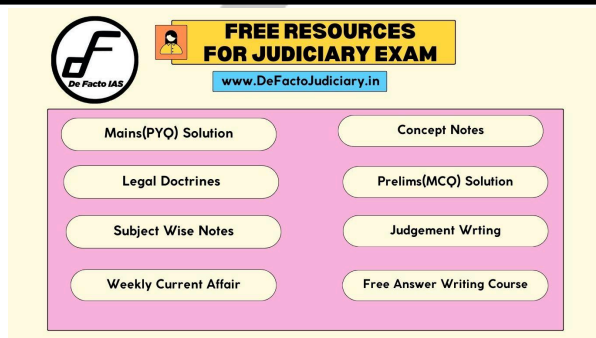
9. (a) Explain the principles for extension of prescribed period under Section 5 of the Limitation Act, 1963. [15 marks]

9.(b) Limitation bars the remedy but not the right. Explain with illustrations. [10 marks]

10. (a) Explain the provisions with illustrations under the Limitation Act, 1963 relating to extension of period of limitation on the ground of legal disability. [15 marks]

10.(b) (i) The limitation period for instituting a suit by M expired when M was a minor. Should M file the suit within a reasonable time immediately after he becomes a major or within the prescribed period of limitation, after he becomes a major ? [05 marks]

10.(b) (ii) A house belonging to P is taken possession of by a trespasser. The period of limitation for recovery of the possession is 12 years from the date of dispossession. P dies before the expiry of this period, leaving a minor son S, who attains majority after the period has expired and brings a suit for recovery of the house in 14th year from the date of dispossession. Is S entitled to extension of period of limitation on the ground of legal disability ? [05 marks]



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11. (a) Explain the provisions under the Limitation Act, 1963 relating to exclusion of time in legal proceedings in computing the period of limitation. [15 marks]

11.(b) Discuss the provision under the Limitation Act, 1963 relating to exclusion to time of proceeding bona fide in Court without jurisdiction. [10 marks]

12. (a) State the requisites of a valid acknowledgement for extension of limitation period. [15 marks]

12.(b) What is the effect of death, fraud or mistake in computing the period of limitation ? [10 marks]

Paper: Procedural Laws

Full Marks: 150

The figures in the right-hand margin indicate marks.

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Candidates should attempt six questions, selecting two from Section -A, two from Section - B and two from Section - C.

Section -A

1. (a) What is the value and use of FIR? [05 marks]

1.(b) What precautions should generally be taken by a Magistrate while recording a confession ? [05 marks]

1.(c) Can a police officer refuse to register a first information report on the ground of territorial jurisdiction over the place of crime ? [05 marks]

1.(d) 'A' is tried summarily by the Chief Judicial Magistrate for the charge of committing theft and is sentenced to undergo imprisonment for four months. Can 'A' challenge this decision and, if so, on what grounds ? [05 marks]

1.(e) Whether an accused person can be a competent witness ? [05 marks]

2. (a) Write a short note on the framing of charge with the relevant provisions under the Criminal Procedure Code. [05 marks]

2.(b) A police officer has come to know that certain persons sitting in a house equipped with arms are planning to commit a decoity. The police officer approaches the house and arrests all the persons without getting any order from the Magistrate and without any warrant. Examine the validity of their arrest. [10 marks]

2.(c) Discuss the provision relating to cognizance of offence by Magistrate. [10 marks]

3. (a) Discuss the evidentiary value of statement recorded under Section 313, Cr. PC. 15

3.(b) Discuss briefly confession made in police custody. [05 marks]

3.(c) Write a short note on commitment of case to court of sessions when offence is triable exclusively by it. [05 marks]

4. (a) 'A' is tried upon a charge of theft as a servant and acquitted. Can he be charged again with criminal breach of trust upon the same facts of the theft ? State your answer giving reasons and relevant provisions. [15 marks]

4.(b) 'Every criminal appeal shall finally abate on the death of appellant.' Is there any exception to the rule ? [10 marks]

Section - B

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5. (a) What do you understand by a 'retracted confession' ? [05 marks]

5.(b) What is 'Fact discovered' ? Distinguish between direct and circumstantial evidence. [10 marks]

5.(c) Can the evidence of a deaf or dumb person be recorded by a court ? If, so in what manner? 5

5.(d) What is meant by expert opinion ? [05 marks]

6. (a) 'Hearsay evidence is no evidence.' Explain this rule of law. Is hearsay evidence ever admissible? [15 marks]

6.(b) What is a pre-condition to raise an obligatory presumption under Section 113-B of the Indian Evidence Act [10 marks]

7. (a) What is "Plea of alibi" ? Explain effect of its failure on the case of prosecution. [10 marks]

7.(b) What do you understand by "the primary evidence and secondary evidence" ? [15 marks]

8. (a) What are the provisions in the Indian Evidence Act, 1872 regarding admissibility of electronic record ? [10 marks]

8.(b) Explain a warrant case. [05 marks]

8.(c) Discuss dying declaration and its evidentiary value. [10 marks]

Section - C

9. (a) What suits are of civil nature? [05 marks]

9.(b) What are the valid grounds for rejection of a plaint ? [05 marks]

9.(c) When can a person lodge a caveat in the court ? What is the purpose of lodging a caveat ? [05 marks]

9.(d) What is meant by the pauper suit ?[05 marks]

9.(e) What is the scope of compromise in a civil suit ? [05 marks]

10. (a) What are the ingredients for granting injunction ? [15 marks]

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10.(b) Discuss the territorial jurisdiction of the courts. [10 marks]

11. (a) An execution court can neither go behind the decree nor question its legality or correctness. Is there any exception to this rule? If so, what? [10 marks]

11.(b) Write a note on 'Substituted Service'. [15 marks]

12. (a) Discuss the provisions relating to the property liable to attachment and sale in execution of decree. [10 marks]

12.(b) Explain attachment before judgement. [10 marks]

12.(c) What is an interpleader suit ? [05 marks]

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