

DEPARTMENTAL EXAMINATION FOR OFFICERS OF THE
INDIAN ADMINISTRATIVE SERVICE

November, 2008

LAW-PAPER I (LAND LAWS OF WEST BENGAL AND GENERAL LAWS)
(WITHOUT BOOKS)

Time Allowed : 3 Hours

Full Marks : 100

Pass Marks : 50

Group - A

Answer any five questions.

- 1. (a) Who is an intermediary as defined in the Estate Acquisition Act, 1953 ?
- (b) Did the interest of the riyats and under-riyats also vested in the State as Intermediaries ? 5x2
- 2. (a) Discuss the scope of a proceeding against an intermediary under the W.B.Estate Acquisition Act, 1953 who did not exercise his choice for retention of land after vesting.
- (b) Would a transferee, since vesting, acquire good title to the land so transferred if rent was accepted from him after mutation of his name by the State Government ? 5x2
- 3. What are the matters concerning land or estate that the Civil Court should not entertain in any suit or application under section 57B Clause(2), of the West Bengal Estate Acquisition Act, 1953 ? 10
- 4. Discuss, very briefly, how West Bengal Land Reforms Act, 1955 was enacted to give effect to the Policy of the State towards some specified provisions of Article 39 of the Indian Constitution, as declared in section 1A of the W.B. Land Reforms Act, 1955. 10
- 5. Is there any provision under the West Bengal Land Reforms Act, 1955 for settlement of vested land for private purposes ? 10
- 6. (a) State if a reference under section 21 clause(3) of the W.B. Land Reforms Act, 1955 is necessary for a decision about a person whether he is a bargadar or not and thereby in possession, in a Proceeding U/S 145, Criminal Procedure Code .
- (b) A bargadar files a complaint before a Magistrate alleging that the accused persons committed theft of paddy grown by him. Is a reference under section 21 clause(3) of the W.B. Land Reforms Act necessary in this case ? 5x2
- 7. (a) What are the provisions for revision of a finally published record of rights under the West Bengal Estate Acquisition Act, 1953 ?
- (b) Did any land under the Provisions of Calcutta Jhilla Tenancy (Acquisition and Regulation) Act, 1961 vest to the State under section 3A of the W.B.Land Reforms Act ? 5x2

Group - B

Answer any five questions

- 8. (a) Under what circumstances will an Executive Magistrate exercise his power under section 144 Criminal Procedure Code ?
- (b) Please examine the correctness or otherwise of the following order u/s 144 Cr.PC, as passed by an Executive Magistrate:

P.T.O.

"perused the application u/s 144 Criminal Procedure Code, as submitted by the petitioner. Heard learned lawyer for the petitioner, officer-in-charge Showanipur P.S. to cause an enquiry into the matter and report by 30th December, 2008. In the meantime, officer-in-charge, Showanipur P.S. will see that no breach of peace takes place".

- 5x2
9. (a) What is the purpose of an inquest report prepared under section 174 Criminal Procedure Code ?
- (b) Compare the nature of an Inquest report with that of a Post Mortem report. 5x2
10. (a) Define unlawful assembly under the Indian Penal Code.
- (b) Under what circumstances a person is said to be a member of an unlawful assembly ? 5x2
11. "Mens rea is the very corner stone of criminal jurisprudence". Discuss. 10
12. Explain "may presume", "Shall presume" and "Conclusive Proof" as provided for in the Indian Evidence Act. 10
13. Elaborate the circumstances when character of the parties is relevant in civil and criminal cases under the Indian Evidence Act. 10
14. (a) When can a party cross-examine his own witness ?
- (b) Can an Executive Magistrate authorise detention in Police custody ? 5x2