

DEPARTMENTAL EXAMINATION OF INSPECTORS OF CENTRAL EXCISE

(PAPER-IV) - LAW (With Books)

Date: 03.02.2021
TIME: 2.00 PM to 5.00 PM

MAXIMUM MARKS: 100
PASS MARKS: 50

Note :-

1. All Questions are compulsory.
2. Candidates have options to answer in Hindi
3. Relevant authority must be quoted will all answers.
4. Use of Mobile/Smart Phones is strictly prohibited during examination.

Concerned Books :-

1. The Constitution of India.
2. The Indian Penal Code 1860 (45 of 1860)
3. The Code of Criminal procedure, 1973 (2 of 1974)
4. The Code of Civil Procedure, 1908 (5 of 1908)
5. The Indian Evidence Act, 1872 (1 of 1872)
6. The Provisional Collection of Taxes Act, 1931 (16 of 1931)

Q.No.1 Define **any four** of the following. One definition from each is compulsory. Answer may be limited to 50 words. [4x2.5=10]

Constitution of India

- (a) Who appoints Prime Minister and what are his duties?
- (b) Preamble and its importance.

Indian Penal Code, 1860

- (c) Cognizance of Offence
- (d) Reasons to believe

Evidence Act,1872

- (e) Burden to proof
- (f) Primary evidence

Cr PC, 1973

- (g) Remission of sentences
- (h) Seizure of property

Q.No.2 Explain the following terms. All parts of the question are compulsory. Answers may be limited to 30 words. [10x2=20]

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|----------------------|--------------------------|------------------|
| (a) Offense | (e) Valuable security | (i) Quo warranto |
| (b) Abatement | (f) tort | (j) Lien |
| (c) de jure | (g) Judicial proceedings | |
| (d) Court of Justice | (h) Public Nuisance | |

Constitution of India:

Q.No.3 Answer **any four** from the Constitution of India. Answer may be limited to 50 words. [4x2.5=10]

- (a) Fiscal federalism in India and is GST best example of this?
- (b) What are the grounds for imposition of financial emergency?
- (c) What are the provisions for issuance of ordinance by the President of India?
- (d) Explain Money Bills and Ordinary Bills.
- (e) Explain the writ of habeas corpus and its scope.
- (f) Zero Hour and Question Hour.

IPC 1860

Q.No.4 Answer **any five** questions from the following. Explain your answer quoting relevant provisions of the law. [5x3=15]

- (i) Discuss 'Act done in good faith for benefit of a person without consent' with illustrations.
- (ii) Discuss "Assault or Criminal force to deter public servant from discharge of his duty" and consequence for the same.
- (iii) What constitutes fabricating false evidence?
- (iv) Define "Criminal Breach" and discuss it with suitable examples.
- (v) Define the following terms: -

- Wrongful gain
- Good faith
- Electronic record

(vi) Define **any three** of the following: -

- | | | |
|----------------------|----------------|--------------|
| (a) Movable Property | (c) Good Faith | (e) mens rea |
| (b) Public Servant | (d) Harbor | |

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Evidence Act 1872

Q.No.5 Answer **any five** questions from the following. Explain your answer quoting relevant provisions of the law. Answer may be limited to 50 words. [5x3=15]

- (a) Write a short note on Relevancy and admissibility under the Evidence Act with suitable example.
- (b) What does 'fact' mean under Evidence Act? Discuss "Fact in issue"
- (c) Section 6 of Evidence Act.
- (d) What documents are not admissible as evidence?
- (e) Which section governs "Alibi"? Explain "alibi" under Evidence Act.
- (f) What proof of execution of document required by law to be attested?
- (g) Comment on 'Motive, preparation and previous or subsequent conduct'.
- (h) Write short note on 'Entries in books of account when relevant'

Civil Procedure Code,1908

Q.No.6 Answer **any four** questions from the following. Answer may be limited to 50 words. [4x2.5=10]

- (a) What do you understand by the term "Pecuniary jurisdiction"?
- (b) Define 'Appeal' from original decree.
- (c) Define Institution of Suits. Explain its procedure.
- (d) Discuss Property attached in execution of decrees of several Courts.
- (e) Discuss 'Exemption' from arrest under Civil Process.
- (f) Define 'Oath on affidavit' and by whom to be administered.
- (g) Distinguish between judgement and decree.

Criminal Procedure Code, 1973

Q.No.7 Answer **any four** questions from the following. Answer may be limited to 50 words. [4x2.5=10]

- (a) What are powers of Judges and Magistrates exercisable by their successors-in-office?
- (b) Discuss 'Arrest on refusal to give name and residence'
- (c) Define the following:-
 - (i) Framing of charge
 - (ii) Reference
 - (iii) Withdrawal of complaint
 - (iv) Continuing Offense
 - (v) Local Jurisdiction
 - (vi) Charge
 - (vii) Pleader
- (d) Discuss 'Proof of service in such cases and when serving officer not present'
- (e) Discuss the conditions/ situations for 'Warrant forwarded for execution outside jurisdictions'.
- (f) Discuss prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.

Q.No.8 Answer **any four** of the following:- [4x2.5=10]

- (a) What is the difference between works contract and mixed supply under GST?
- (b) How will imports be taxed under GST?
- (c) What is GSTN and its role in the GST regime.
- (d) What is the scope of Composition scheme under GST?
- (e) What are the benefits of GST for (a) the Centre and the State Governments; (b) Consumers
