

DEPARTMENTAL EXAMINATION OF INSPECTORS OF CENTRAL EXCISE

(PAPER-IV) - LAW (With Books)

Date: 11.08.2021
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 Explain **any four** of the following in 100 words. (Constitution of India) [4X5=20]

- a) Who appoints the council of ministers and the responsibilities of council of ministers?
- b) Types of emergency as per the constitution and what circumstances these can be imposed.
- c) Explain the writ jurisdiction of the Hon'ble High Court and also mention how it is different from Hon'ble Supreme Court?
- d) Explain the functioning of the GST Council headed by the Hon'ble Finance Minister.
- e) Explain the role of Comptroller Auditor General (CAG).
- f) Explain to Right to life as mentioned in the Article 21.
- g) Explain the role of Finance Commission.
- h) Explain the importance of Article 311 specially with regard to Civil Servant.

Q.No.2 Answer **any four** questions of the following [Indian Penal Code (IPC) 1860]- [4X4=16]

- a) What is sedition as per the Section 124A of the IPC?
- b) What is the legal provision under IPC to protect a government officer performing a public duty under Section 152 of the IPC?
- c) What is the legal provision against the public servant who disobeys direction under the law under section 166?
- d) What is "reasons to belief" as per IPC?
- e) Who is public Servant as per IPC?
- f) Act of Child under age of 7 years, act of a person of unsound mind and action taken in good faith.

Q.No.3 Write a short note on the scope and use of the provisions of "**The provisional Collection of Taxes Act 1931**" with respect to the duties of Customs and Excise. [12]

Q.No.4 Write **any four** Short note on the following topic (CPC-Civil Procedure Code)- [4X4=16]

- a) What is decree and who is competent to issue?
- b) Who is public officer? Explain with examples?
- c) What is res-judicata? and what is the importance of this concept in judicial pronouncement?
- d) What is arrest and detention as per Civil Procedure Code (CPC)?
- e) What is public nuisance?
- f) What are the provisions for attachment of immovable property, negotiable properties and partnership properties?

Q.No.5 Write Short note on **any four** of the following topic(Cr.PC-Criminal Procedure Code):-
[4X4=16]

- a) Arrest by private person and procedure of such arrest?
- b) What are Obligations of person making arrest?
- c) General Provisions related to person In-charge of close place to allow search?
- d) What are the punishments for false evidences?
- e) Destruction of documents or electronic records to prevent its production as evidence
- f) Intentional insult or interruption to the public servant

Q.No.6 Answer **any five** of the following- (Cr.PC-Criminal Procedure Code) [5X2=10]

- a) What is bailable offence?
- b) What is cognizable offence?
- c) What is complaint?
- d) Power of Court.
- e) When police may arrest without warrant?
- f) When are Search Warrant be issued?
- g) What is plea bargaining and who can take benefit of this?
- h) Person once convicted or acquitted not to be tried again.
- i) How arrest to be made?

Q.No.7 Explain the facts on followings issues with illustration (Answer **any five** questions)
(Indian Evidence Act). [5X2=10]

- a) What do you understand by the evidence?
- b) Explain entries in the books of accounts and its relevance?
- c) Write short notes on burden of proof and on whom burden of proof lies?
- d) Explain the meaning of "Estoppels"
- e) Explain the power of the court to presume existence of certain facts alongwith illustration.
- f) Explain the power of the court to presume about the electronic records & digital signature.
- g) Explain the power of the court with respect to opinion by third person with example.
