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**JKPSC
Prosecuting Officer
(Mains)**

**Previous Year Paper
Special Laws-I Paper-VI
23 Feb 2022**



Total No. of Printed Pages-4]

Roll No. _____

PAPER - VI
SPECIAL LAWS - I

Time Allotted - 3 Hours

Maximum Marks-250

INSTRUCTIONS

- i) Question paper contains Two parts A and B.
- ii) Any Five questions in all selecting minimum Two questions from each part.
- iii) All questions shall carry equal marks.
- iv) The part/parts of the same question must be answered together and should not be interposed between answers to other questions.
- v) If you encounter any typographical error, please read it as it appears in the text book.
- vi) Candidates are, in their own interest, advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.
- vii) No continuation sheets shall be provided to any candidate under any circumstances.
- viii) Candidates shall put a cross (x) on blank pages of Answer Script.
- ix) No blank page be left in between answer to various questions.

PART - A

1. Mr. Pedro Alonso and Mrs. ÚrsulaCorberó are a Spanish Couple. In December 2020 they came to India for the New Year Celebration. They were residing in a B&B arrangement in Goa. On 31st December 2020, during a raid in a rave party, Police caught Mr. Alonso carrying 10 gram of Cocaine and 2 packets of Marijuana weighing 20 gram each. In the light of above fact, statutory provisions and decided case laws, answer the following.

- (a) Explain the possible consequences of this arrest made by Goa Police. (15)
- (b) Explain the concept of “small quantity” and “commercial quantity” under the Narcotics Drugs and Psychotropic Substances Act, 1985. (15)
- (c) Explain the presumption available against an accused of culpability u/s 35 and 54 of Narcotics Drugs and Psychotropic Substances Act, 1985. (20)

2. In August 2021, the United States of America Army left Afghanistan leaving the country in the hands of the Taliban. The government led by the Taliban is only recognized by China and Pakistan. Taliban has several allied groups and some of them are designated as terrorist organizations by the United Nations and many other Nations. On 1st September 2021, a group called ‘Ideal Conference’ active in some parts of India declared open support to Taliban and its allied groups. On 20 September Delhi Police arrested 6 people including 1 minor carrying prohibited weapons and explosive material under Arms Act, 1959. Police found evidence that these 6 people were the members of Ideal Conference. In the light of above fact, statutory provisions and decided case laws, answer the following.

- (a) Justify your answer, can these arrested people be charged under The Unlawful Activities (Prevention) Act, 1967? (15)
- (b) Explain in details, what does the expression ‘Unlawful Association’ mean under the Unlawful Activities (Prevention) Act, 1967, also explain the procedure to designate any Association as ‘Unlawful Association.’ (15)
- (c) Explain in detail, the power of Central Government under the Unlawful Activities (Prevention) Act, 1967. (20)

3. ‘A’ is a 10 year old boy, visiting his ancestral village Sarjanpur District Saharanpur (Uttar Pradesh). On one morning while playing with other children he found a metallic ball-like device which he carried with himself. During the recreation he tosses the device in the air, but when this device hits the ground an explosion occurs. ‘A’ got severely injured during this incident. Later on Police arrested ‘B’, a neighbour from whose property ‘A’ had picked this device. Police also found some other material generally used to assemble the home made grenades from his house.

In the light of above fact, statutory provisions and decided case laws, answer the following.

- (a) Decide the criminal liability of ‘B’ under Indian Penal Code 1860 and Explosives Substance Act, 1908. (15)
- (b) What does the expression ‘explosive substance’ mean under the Explosives Substance Act, 1908. (15)
- (c) Differentiate between Section 286 of Indian Penal Code 1860 and Section 4 of Explosives Substance Act, 1908. (20)

4. 'X' is the leader of opposition in the Legislative Assembly of State of Punjab. On 2nd October 2021, while addressing the celebration gathering of Gandhi Jayanti, 'X' asked the people of his constituency to follow the path of non-cooperation suggested by Mahatma Gandhi and stand against the government. On 3rd October, The Punjab Police detained 'X' under National Security Act, 1980.

In the light of above fact, statutory provisions and decided case laws, answer the following.

- (a) Discuss on the validity of this arrest under the National Security Act, 1980. (15)
- (b) Analyse the grounds for detention provided under the National Security Act, 1980. (15)
- (c) With the help of decided case laws, explain the constitutionality of the National Security Act, 1980. (20)

PART - B

5. J&K Legislative Assembly enacted Jammu Kashmir Public Safety Act, 1978 to prevent timber smuggling and to keep the smugglers in prison. This is a preventive detention law that allows the State government to detain a person up to two years without a trial. This law was similar to the National Security Act, 1980 but this was enacted two years before the NSA came into being. In 2019 one 'X' was detained under the PSA like other politicians in the State.

A Habeas Corpus Petition was filed on the behalf of 'X' challenging his detention. Also it was pleaded that his detention is contrary to the objective of the said Act.

In the light of above fact, statutory provisions and decided case laws, answer the following.

- (a) Decide the validity of detention of 'X' under Jammu Kashmir Public Safety Act, 1978. (15)
- (b) Explain the role of Advisory Board provided under Jammu Kashmir Public Safety Act, 1978. Also provide the composition of such Advisory Board. (15)
- (c) With the help of decided case laws, explain the constitutionality of Jammu Kashmir Public Safety Act, 1978. (20)

6. 'A' accompanies his master 'B' for renewal of a license of a pistol owned by him. At that time 'A' carries the pistol with him though he does not have a license to possess any firearms.

In the light of above fact, answer the following.

- (a) Decide with the help of decided case law, whether 'A' has committed any offence under the Arms Act, 1959? (15)
- (b) Explain the procedure of granting licence for carrying Firearms under Arms Act, 1959 in the light of decided case law. (15)
- (c) Explain the various offences provided under the Arms Act, 1959 along with the prescribed Punishment in the light of decided case law. (20)

7. 'A' is a student of Master Course in National Institute of Food Technology Entrepreneurship and Management. During her studies she found a unique method to synthesize Apple Cider. During a visit to her native place in Jammu she synthesized 50 liters of Apple Cider, and provided the same to her maternal uncle 'B' to distribute with his friend and family. 'B' sells this Cider to a local shopkeeper in return for some money.

In the light of above fact answer the following.

(a) Decide in the light of decided case law and statutory provisions, whether 'A' has committed any offence under the Jammu and Kashmir Excise Act, 1958? (15)

(b) Decide in the light of decided case law and statutory provision, whether 'B' has committed any offence under the Jammu and Kashmir Excise Act, 1958? (15)

(c) Explain in the light of decided case laws various offences provided under the Jammu and Kashmir Excise Act, 1958 along with the prescribed Punishment. (20)

8. 'X' is a self-proclaimed political leader active in Chattisgarh. On 1st January 2021, while addressing a rally in village, he said that his life's motto is to establish a sovereign government in the state of Chattisgarh which is free from the rule of India. An FIR was filed against him under section 124A of IPC on this ground. After this rally event 'X' went underground. On 28 February, 'X' uploaded a video on the internet from an unknown place. The said video contains visuals of some 80-100 people armed with deadly weapons and explosives, 'X' addresses this gathering as 'Aam Janta ki Fauz' (AJF). In the light of above fact, statutory provisions and decided case laws, answer the following.

(a) Can the Government declare 'X' as a Terrorist under the Unlawful Activities (Prevention) Act, 1967? Justify the answer. (15)

(b) Can this gathering qualify the expression 'Unlawful Association' provided under the Unlawful Activities (Prevention) Act, 1967? Explain with the reasoning and relevant provision of law. (15)

(c) Explain in detail, the power of the Central Government under the Unlawful Activities (Prevention) Act, 1967. (20)