

PAHUJA LAW ACADEMY

ODISHA JUDICIAL SERVICE EXAMINATION

SELECTION PROCESS:

The Odisha Judicial Services Examination is divided into 3 parts: The Preliminary Exam, The Main Exam, and the Interview round. The table given below gives the complete details of **OPSC Judicial Services Syllabus**.

- Mode of application: Online
- Mode of exam: Offline
- Official Website: bpsc.bih.nic.in

ELIGIBILITY CRITERIA:

- A candidate needs to be a citizen of India.
- A candidate needs to have the domicile of Odisha to get the reservation benefits.
- Applicants must have completed LLB from any recognized institute.
- The age of the applicants must be between 22 years and 35 years.
- The upper age limit for women and physically disabled persons is extended to 40 years.

PRELIMINARY EXAMINATION

➤ Constitution of India

- Constitution' meaning of the term, Indian Constitution: Sources and constitutional history, Features: Citizenship, Preamble, Fundamental Rights and Duties, Directive Principles of State Policy
- Union Government and its Administration: Structure of the Indian Union: Federalism, Centre- State relationship, President: Role, power and position, PM and Council of ministers, Cabinet and Central Secretariat, Lok Sabha, Rajya Sabha
- State Government and its Administration: Governor: Role and Position, CM and Council of ministers, State Secretariat: Organisation, Structure and Functions
- Local Administration: District's Administration head: Role and Importance, Municipalities: Introduction, Mayor and role of Elected Representative, CEO of Municipal Corporation, Pachayati Raj: Introduction, PRI: Zila Panchayat, Elected officials and their roles, CEO Zila Panchayat: Position and role, Block level: Organizational Hierarchy (Different departments), Village level: Role of Elected and Appointed officials, Importance of grass root democracy.
- Election Commission: Election Commission: Role and Functioning, Chief Election Commissioner and Election Commissioners, State Election Commission: Role and Functioning, Institute and Bodies for the welfare of SC/ST/OBC and women.

➤ Code of Civil Procedure

❖ Suits in General:

- Definition – Decree, decree holder, judgment, judgment debtor, legal representative, mesne profit, order and pleader, Cause of action.
- Jurisdiction of the Courts (Subject matter, territorial and pecuniary)
- Res subjudice
- Res judicata

- Foreign Judgment

❖ **Suits:**

- Parties to Suits.
- Framing of Suits.
- Pleadings generally (Order VI).
- Plaint – Order VII.
- Written Statement- Order VIII (Set-off & Counter-claim).
- Appearances – Ex parte Decree, dismiss for default.
- Costs and Interest
- Filing a Caveat

❖ **Trial of suits and Execution of Decrees:**

- Summons-Issue and Service of Summons.
- Summoning and Attendance of witnesses.
- Withdrawal and adjustment of Suits.
- Examination of parties by the court.
- Temporary & permanent injunction and Interlocutory Orders.
- Arrest and Attachment before Judgment.
- Execution of Decrees – Executing Court, Modes of Execution etc.

❖ **Appeals, Reference, Review and Revision:**

- General provisions relating to appeals
- First Appeal
- Second Appeal
- Appeals to the Supreme Court
- Appealable Orders
- Reference
- Review
- Revision
- Inherent Powers of Court

❖ **Special suits:**

- Suits by/against minors and persons of unsound mind.
- Suits by/ and against indigent people.
- Suit by/and against the Government.

➤ **The Limitation Act, 1963:**

- General Provisions as to the Bar of Limitation and Extension of the prescribed time (Sections 1-5)
- Legal Disability, exclusion of time etc. (Sections 6-24)
- Acquisition and Extinguishment of Proprietary rights by the virtue of limitation (Sections 25-27)

➤ **Code of Criminal Procedure**

❖ **Arrest:**

- Meaning and purpose of arrest
- Arrest with a warrant
- Arrest without a warrant
- Arrest by a private Person
- Arrest of a woman
- Arrest how made

❖ **Search and Seizure:**

- Search with a warrant
- Search without warrant
- General provisions relating to searches
- Illegalities in a search and its consequences

❖ **Investigation:**

- Meaning and purpose of Investigation
- Who can investigate?
- When police can investigate?
- Information to the police
- F.I.R. and procedure after the recording of the F.I.R
- Evidentiary value of statements made to the police
- Investigation in the case of unnatural deaths and suicides, in police custody

❖ **Bail:**

- Bail: concept, purpose: constitutional overtones
- When release on bail is mandatory?
- When release on bail is Discretion?
- Anticipatory bail

❖ **Charge:**

- Framing of charge
- Form and content of charge
- Separate charges for distinct offence
- Discharge – pre-charge evidence

❖ **Trials:**

- Trial before a court of session
- Trial of warrant cases
- Procedure for trial in a summons case
- Summary trials

❖ **Appeal, Reference, Revision and Transfer:**

- Appeal
- Reference to High Court
- Revision
- Transfer of cases

❖ **Maintenance of wives, children and Parents:**

- Essential conditions for granting maintenance
- Jurisdiction of Magistrates
- Alteration of allowance
- Cancellation of the order of the maintenance

➤ **Evidence Act**

- Doctrine of res gestae

- Conspiracy
- Plea of alibi
- Other relevant fact (Section 7, 8,9,12, 13, 14, 15, 16,34, 42,43 and 44)
- Admission
- Confessions 28-31
- Dying Declaration
- Relevancy of certain evidence for proving the truth of facts in subsequent proceeding (section 33)
- Expert Testimony
- Opinion of third person
- Character when relevant
- Oral, documentary, primary and secondary evidence (Section 59- 65)
- Public and private documents
- Presumption (Section 79, 80, 85, 85A, 85B, 85C, 88A, 90 And 90A)
- Exclusion of oral by documentary evidence
- Ambiguous documents
- Burden of Proof
- Estoppel
- Witnesses
- Privileged Communications
- Accomplice
- Examination of witnesses (section 136-140, 143-153 and 155)
- Leading questions (Section 141,142)
- Hostile witness (Section 155)
- Refreshing Memory (Section 159)

➤ **Indian Penal Code**

- Essential Elements of Crime – Actus Reus & Mens Rea and Stages of Crime
- General Explanations
- Punishments
- General Exceptions
- Abetment
- Hurt & Grievous Hurt
- Wrongful Restraint & Confinement
- Theft, Extortion, Robbery, Dacoity
- Criminal Misappropriation of Property & Criminal Breach of Trust
- Receiving Stolen Property & Cheating
- Mischief & Criminal Trespass
- Offences relating to Documents
- Offences relating to Marriage – Bigamy, Adultery Cruelty
- Crime against Women
- Criminal Intimidation
- Insulting Modesty of Woman
- Defamation
- Attempt to Commit Offences

➤ **Limitation Act**

- Definition – Decree, decree holder, judgment, judgment debtor, legal representative, mesne profit, order and pleader, Cause of action.
- Jurisdiction of the Courts (Subject matter, territorial and pecuniary)

- Res subjudice
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➤ **Transfer of Property Act**

- Movable & Immovable Property
- Instrument
- Attestation
- Registration
- Attached to earth
- Actionable claim
- Notice
- Movable and Immovable property
- Transfer of property- meaning and elements
- What kinds of property can be transferred
- Restrictions on alienation of property
- Restrictions on enjoyment of property
- Transfer to unborn person

- Rule against perpetuity
- Vested and contingent interests
- Conditional transfers
- Ulterior transfer
- Doctrine of election
- Rule relating to apportionment
- Doctrine of holding out
- Feeding the grant by estoppel
- Doctrine of priority
- Transfer lis pendens
- Doctrine of part performance
- Meaning, essentials and kinds of mortgage
- Right to redeem
- Right to foreclosure or sale
- doctrine of priority
- Doctrine of marshalling and contribution
- Doctrine of subrogation
- Charges

➤ **Contract Act**

- Contract: Meaning, Nature and Types
- Historical Background of Indian Contract Laws
- Indian Contract Act, 1872
- Major Definitions under Indian Contract Act, 1872
- Formation of an Agreement
- Intention to Create Legal Relationship
- Proposal and Acceptance- Their various forms, Essential Elements
- Communication
- Revocation- Mode of Revocation of Offer
- What agreements are Contracts
- Legal Disability to Enter into Contract
- Minors, Persons of Unsound Mind
- Effects of Minors Agreement
- Persons disqualified by Law
- Liability for Necessaries Supplied to the Minor
- Indian Contract Act, 1872, (Ss. 10 – 12, 64, 65, 68); Specific Relief Act, 1963, (S.33); Indian Majority Act, 1875.
- Consent – Definition
- Free Consent and Vitiating Elements
- Coercion
- Undue Influence
- Misrepresentation
- Mistake
- Effect on Contracts influenced by any factor Vitiating Free Consent
- Meaning and Nature of Consideration – Nudum Pactum
- Doctrine of Privity of Contract and of Consideration- Its Exceptions
- Exceptions of consideration
- Adequacy of Consideration: Present, Past and Adequate Consideration
- Unlawful Consideration and its Effect.
- Indian Contract Act, 1872: Sections 2(d), 2(f), 23 and 25

- Legality of Object
 - Void and Voidable Agreements
 - Agreements against Public Policy
 - Agreements with Unlawful Consideration
 - Agreements without Consideration
 - Agreements in Restraint of Marriage
 - Agreements in Restraint of Trade
 - Agreements in Restraint of Legal Proceedings
 - Ambiguous and Uncertain Agreements
 - Wagering Agreements – Its exceptions
 - Contingent Contracts
 - By Performance
 - Performance by Joint Promisors
 - Discharge by Novation – Remission
 - Accord and Satisfaction
 - Appropriation of Payments
 - Discharge by Impossibility of Performance – Doctrine of Frustration
 - Discharge by Breach – Anticipatory Breach – Actual breach
 - Recovering possession of property (Sec.- 5 to 8)
 - Specific Performance: Ss. 9 – 24 of Specific Relief Act, 1965
 - Injunctions: Ss. 36 – 41 of Specific Relief Act, 1965
 - Declaratory Decrees (Sec.- 34 to 35)
 - Preventive Relief (Sec.- 36 to 43)
- **Law of Succession (Indian Succession Act and Hindu Succession Act)**
 - **Specific Relief Act**

MAINS EXAMINATION

The exam has 2 compulsory papers and 3 optional papers. The **Odisha Judicial Services syllabus** for both the papers is given in the tables below.

Compulsory Paper:

- **Paper-1 General Knowledge**
 - Translation and Retranslation of ten lines each
 - A short essay of about 150 words
 - Precis Writing consisting of 300 words
 - One passage of about 500 words with 5 questions
- **Paper-1 Procedural laws**
 - The Code of Criminal Procedure, 1973
 - The Code of Civil Procedure, 1908
 - The Indian Evidence Act, 1872

OPTIONAL PAPER:

- **Paper-1 (Law of Crime and Law of Torts)Articles 1 to 395 and Schedules**
 - Law of Crime and Law of Torts
- **Paper-2 (Personal Law)**

- Hindu Law
- Mohammedan Law

➤ **Paper-3 (Law of Property)**

- Transfer of Property Act, 1882
- Specific Relief Act, 1963
- Indian Limitation Act, 1963

➤ **Paper-4 (Law of Contract)**

- Indian Contract Act, 1972
- Sales of Goods Act, 1930
- Partnership Act, 1932
- Negotiable Instrument Act, 1881

➤ **Paper-5 (Jurisprudence and Constitution of India)**

- Jurisprudence and Constitution of India

VIVA-VOCE (INTERVIEWS)

The candidates must qualify both the Preliminary Exam and the Mains Exam to qualify for the Interview Round. This round is conducted for 100 marks. In this round, questions regarding the National and International Issues are covered. Questions from the field of Arts and Science will also be asked. Candidates who score a minimum of 40% of marks in the Interview round will be included in the merit list.