

RAJASTHAN JUDICIAL SERVICE

Preliminary Exam 2021

1. Under the provisions of the Specific Relief Act, 1963, when a part of a contract while, taken by itself, can and ought to be specifically performed, stands on a separate and independent footing from another part of the same contract which cannot or ought not to be specifically performed, then:

- (a) The Court may not direct the specific performance of the former part.
- (b) It will be the discretion of the Court to direct or not to direct the specific performance of the former part.
- (c) The Court may direct the specific performance of the former part.
- (d) None of the above option.

2. Under the Transfer of Property Act, 1882 Attached to the earth' doesn't mean:

- (a) Trees
- (b) Shrubs
- (c) Growing crops
- (d) Walls or Buildings

3. Under the Indian Contract Act, 1872, a contract to perform the promise or discharge the liability of a third person in case of his default:

- (a) is a contract of guarantee
- (b) is a contract of warranty
- (c) is a contract of indemnity
- (d) None of the above option

4. Which of the following statement with reference to section 3 of Indian Evidence Act, 1872, is not correct?

- (a) A map or plan is a document
- (b) An inscription on a metal plate is a document
- (c) A caricature is not a document
- (d) That a man said certain words, is a fact

5. If for a period of , a member of a House of the legislature of a State, without permission of the house, is absent from all meetings thereof, the house may declare his seat vacant.

- (a) 120 days
- (b) 90 days
- (c) 60 days
- (d) 30 days

From Student to Lawyer to Judge

6. Under the Code of Civil Procedure, 1908. which of the following is not a supplemental proceeding?

- (a) Appointment of a Receiver
- (b) Granting of a Temporary Injunction
- (c) Arrest and attachment before judgment
- (d) Granting of a Permanent Injunction

7. Under the Code of Civil Procedure. 1908, in one situation the contract of engagement of a lawyer by the party to suit will be deemed to continue even after the death of that party. Which is that situation?

- (a) Till the pleader inform the Court about death of party.
- (b) Till the legal heirs engage a new lawyer.
- (c) Till an application for implement of legal heirs is filed.
- (d) Till the legal heirs are brought on record.

8. For the purpose of hearing any reference under Article 143 of Constitution of India, the minimum number of judges of Supreme Court who are to sit for the purpose, shall be:

- (a) 3
- (b) 5
- (c) 7
- (d) 11

9. In which of the following case, presumption of contract to the contrary under section 230 of the Indian Contract Act, 1872, shall not be presumed?

- (a) Where the contract is made by an agent for the sale or purchase of goods for a merchant resident abroad.
- (b) Where the principal does not disclose the name of his agent.
- (c) Where the principal, though disclose cannot be sued.
- (d) In all the above cases.

10. An Advertisement in a news paper inviting tenders is:

- (a) Proposal
- (b) Invitation for conversation
- (c) Promise
- (d) Invitation for proposal

11. What is meant by statutory interpretation?

- (a) The interpretation of a statute by Parliament.
- (b) The interpretation of a statute by the House of Commons
- (c) The interpretation of a statute by the Courts.

(d) The interpretation of a statute by the House of Lords.

12. Under the Specific Relief Act, 1963. any person having the possession or control of a particular article of movable property, of which he is not the owner, may not be compelled specifically to deliver it to the person entitled to its immediate possession, in which of the following cases?

(a) When the thing claimed is not held by the defendant as the agent or trustee of the plaintiff.

(b) When compensation in money would not afford the plaintiff adequate relief for the loss of the thing claimed.

(c) When it would be extremely difficult to ascertain the actual damage caused by its loss.

(d) When the possession of the thing claimed has been wrongfully transferred from the plaintiff.

13. Under the provisions of the Rajasthan Rent Control Act, 2001, which of the following is not a requisite regarding inspection of a rented premise?

(a) A prior intimation of at least 7 days shall be given to the tenant.

(b) The premises shall be inspected in day time.

(c) Such inspection shall not be carried out more than once in 3 months.

(d) Such inspection shall be carried out only in the presence of tenant.

14. Any suit filed under the provisions of the Specific Relief Act, 1963 shall be disposed of by the Court within a period of ... from the date of service of summons to the defendant.

(a) 6 months

(b) 9 months

(c) 12 months

(d) 24 months

15. To enforce a right of pre-emption, period of limitation is:-

(a) Twelve years

(b) Three years

(c) Two years

(d) One year

16. Ut Res Magis Valeat Quam Pereat is also known as.

(a) Rule of harmonious construction

(b) Rule of reasonable construction

(c) Rule of ejusdem generis

(d) All of the above

17. Under the Code of Civil Procedure, 1908, in which of the following case 'Signed' does not include 'Stamped'?

- (a) Summon
- (b) Bailable Warrant
- (c) Attachment Warrant

(d) Judgment

18. Which of the following statement regarding Chapter VIII of the Transfer of property Act. 1882 relating to Of transfers of actionable claims', is incorrect?

(a) This chapter applies to instruments which are for the time being by law or custom. negotiable.

(b) This chapter doesn't apply to any mercantile document of title of goods.

(c) The transferee of actionable claim shall take it subject to all the liabilities and equities and to which the transferor was subject in respect thereof at the date of the transfer.

(d) Every notice of transfer of an actionable claim shall be in writing.

19. The Writ Jurisdiction of High Court is wider than Writ Jurisdiction of Supreme Court. Examine the correct answer.

(a) Yes. Article 226 can be invoked to establish fundamental rights and any other right.

(b) No. Article 32 is wider.

(c) Both jurisdictions are identical.

(d) None of the above option.

20. Under section 15 of the Limitation Act, 1963, exclusion of time is not applicable to:

(a) Suits

(b) Appeals

(c) Application for the execution of a decree

(d) All the above

21. According to... of interpretation, the meaning of a word is to be judged by the company it keeps.

(a) Mischief rule

(b) Golden rule

(c) Noscitur a sociis.

(d) Primary rule

22. Under the Rajasthan Rent Control Act, 2001, an application made under section 23 shall be disposed of by Rent Authority within from the date of presentation of the application.

- (a) 120 days
- (b) 90 days
- (c) 60 days
- (d) 30 days

23. Under the Code of Civil Procedure, 1908, which of the following statement is not correct?

- (a) Decree includes the rejection of plaint.
- (b) Decree includes the determination of any question under section 144.
- (c) Decree does not include any order of dismissal for default.
- (d) Decree includes any adjudication from which an appeal lies as an appeal from an order.

24. The repayment of the Rajasthan Premises (Control of Rent and Eviction) Act, 1950 ("Act of 1950" by section 32(1) of the Rajasthan Rent Control Act, 2001, affected which of the following?

- (a) To anything duly done or suffered under the Act of 1950.
- (b) To any right acquired under the Act of 1950.
- (c) To any fine incurred under the provisions of the Act of 1950.
- (d) None of the above option.

25. On application under section 22E of Rajasthan Rent Control Act, 2001, on shall be payable:

- (a) Rs. 50
- (b) Rs. 100
- (c) Rs. 250
- (d) Ad valorem

26. Which of the following statement ref. erence to Indian Evidence Act, 1872 not correct?

- (a) The contents of documents may be proved either by primary or by secondary evidence.
- (b) Primary evidence means the document itself produced for the inspection of the Court.
- (c) Counterparts of documents as against the parties who execute them, comes under secondary evidence.
- (d) Oral evidence must be direct.

27. Under which section it is provided that in all civil proceedings the husband or wife of any party to the suit shall be a competent witness?

- (a) Section 120 of Indian Evidence Act. 1872
- (b) Section 121 of Indian Evidence Act, 1872

(c) Section 122 of Indian Evidence Act. 1872

(d) Section 126 of Indian Evidence Act, 1872

28. Pending proceedings in a representative suit, the dispute is settled between plaintiff and defendants. They jointly filed an application to record settlement which was allowed. Suit was decreed in terms of the settlement. Is there any procedural irregularity?

(a) No

(b) Yes. Court ought to have conducted an enquiry about the genuineness of settlement.

(c) No. Court could have granted leave to settle, being a representative suit.

(d) Yes. Court cannot grant permission without following due procedure, being a representative suit.

29. Which of the following statement regarding 'Gift under the Transfer of Property Act, 1882, is correct?

(a) Gift is the transfer of certain future movable or immovable property made volutarity and without consideration.

(b) Transforor is knows as donee and transferee is known as donor in gift.

(c) If the done dies before acceptance, the gift is void.

(d) None is the above option.

30. Under the Constitution of India. Provision of disqualification on ground of defection is made: -

(a) In ninth Schedule

(b) In Tenth Schedule

(c) In Eleventh Schedule

(d) In Twelfth Schedule

31. Section 87 of Indian Evidence Act. 1872. provides:

(a) Presumption as to certified copies of foreign judicial records

(b) Presumption as to books, maps and charts

(c) Presumption as to telegraphic messages

(d) Presumption as to due execution, etc.. of documents not produced

32. Which of the following is not defined under section 2 of the Limitation Act, 1963?

(a) Bill of exchange

(b) Bond

(c) Cheque

(d) Promissory note

From Student to Lawyer to Judge

33. Under the Indian Contract Act, 1872, requisite for a valid ratification is:

- (a) Knowledge of the correct facts of the case.
- (b) Interest of the person ratifying, in the case:
- (c) Right of the person ratifying, in the case.
- (d) Liability of the person ratifying, in the case.

34. Under the Limitation Act, 1963. which Following is not a correct definition?

- (a) Tort means a civil wrong which is exclusively the breach of a contract or the breach of a trust.
- (b) 'Suit doesn't include an appeal or an application.
- (c) 'Foreign country means any country other than India...
- (d) 'None of the above option.

35. The concept of free legal aid takes its root from which Article of the Constitution India?

- (a) Article 30
- (b) Article 39
- (c) Article 38
- (d) Article 39A

36. Order made under section 144 of the Code of Criminal Procedure, 1973, shall not remain in force for more than from the making therefor.

- (a) two months
- (b) three months
- (c) six months
- (d) one month

37. Under Section 32 of the Protection of Children from Sexual Offences Act, 2012, a person shall be eligible to be appointed as a Special Public Prosecutor only if he had been

- (a) in practice for not less than 3 years as an advocate.
- (b) in practice for not less than 5 years as an advocate.
- (c) in practice for not less than 7 years as an advocate.
- (d) in practice for not less than 2 years as an advocate.

38. Under the Protection of Women from Domestic Violence Act, 2005, which of the following statement regarding Protection Officer, is correct?

- (a) Protection Officer is not a public servant.
- (b) Penalty is prescribed for not discharging duty by Protection Officer...
- (c) A first information report can be lodged for the offence committed by Protection Officer.

(d) None of the above option.

39. of the Code of Criminal Procedure, 1973, Identifying includes:

(a) Establishment of a proof that the accused is related to commission of an offence. 1942

(b) Establishment of a proof that the property was derived from the commission of an offence.

(c) Test Identification Parade of accused and property.

(d) None of the above option.

40. While releasing the offenders after admonition under the Probation of Offenders Act, 1958, which of the following fact need not be taken into consideration by the Court?

(a) Number of previously registered cases against the accused

(b) Nature of offence

(c) Character of offender

(d) Punishment provided for the offence

41. With reference to section 90 of Indian Penal Code, 1860, 'Consent of child' means:

(a) the consent given by a person who is under 15 years of age.

(b) the consent given by a person who is under 14 years of age.

(c) the consent given by a person who is under 13 years of age.

(d) the consent given by a person who is under 12 years of age.

42. Under Indian Penal Code, 1860, which of the following is not a punishable offence?

(a) Making preparation to commit murder.

(b) Making preparation to commit dacoity.

(c) Making preparation of waging war against the Government of India.

(d) Making preparation to commit depredation on territories of power at peace with the Government of India.

43. 'A' prosecutes 'B' for adultery with 'C'. A's wife. 'B' denies that 'C' is A's wife, but the Court convicts 'B' of adultery. Afterwards, 'C' is prosecuted for bigamy in marrying 'B' during A's life-time. 'C' says that she never was A's wife. The judgment against "B":

(a) is irrelevant against 'C'

(b) is relevant against 'C'

(c) is a conclusive proof against 'C'

(d) is a proved fact against 'C'.

44. Under the juvenile justice (Care and Protection of Children) Act, 2015, who may not be designated as a welfare officer?"

- (a) Head Constable
- (b) Assistant Sub-Inspector
- (c) Sub-Inspector
- (d) All of the above.

45. Under the provisions of the Protection of Women from Domestic Violence Act, 2005, which of the following statements regarding protection order is wrong?

- (a) A breach of protection order is a cognizable offence under the said Act of 2005.
- (b) Upon the sole testimony of the aggrieved person, the Court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.
- (c) Breach of protection order is a non-cognizable offence.
- (d) Breach of protection order is a non-bailable offence.

46. Under Section 17 of the Probation of Offenders Act, 1958, rules can be framed by:

- (a) Central Government
- (b) State Government
- (c) Central Government, with the approval of State Government
- (d) State Government, with the approval of Central Government

47. Z's will contains these words: - direct that all my remaining property be equally divided between 'A', 'B' and 'C'. 'A' dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and 'C'. What offence 'A' has committed under Indian Penal Code, 1860?

- (a) Cheating
- (b) Forgery
- (c) Counterfeit
- (d) None of the above options

48. Evidence in the proceedings of section 125 of the Code of Criminal Procedure, 1973 shall be recorded in the manner:

- (a) prescribed for summon-cases.
- (b) prescribed for warrant-cases.
- (c) as prescribed by the Court in its discretion.
- (d) prescribed for summary trials.

49. The Indecent Representation of Women (Prohibition) Act, 1986, is published in the Gazette of India on:

- (a) 23rd December, 1986

(b) 1st April, 1987

(c) 25th September, 1987

(d) 2nd October, 1987

50. For the purposes of section 141 of Negotiable Instruments Act, 1881, 'Company' does not mean:

(a) Body Corporate

(b) Firm

(c) Group of individuals

(d) Association of individuals

51. Where an offence under the Juvenile Justice (Care and Protection of Children) Act, 2015 is punishable with imprisonment for less than three years, then such offence shall be:

(a) Cognizable, bailable and triable by Magistrate of the First Class.

(b) Cognizable, non-bailable and triable by Magistrate of the First Class.

(c) Non-cognizable, bailable and triable by any Magistrate.

(d) Non-cognizable, non-bailable and triable by any Magistrate.

52. Offence under section 232 of Indian Penal Code, 1860 is:

(1) Cognizable, non-bailable and triable by the Court of Sessions.

(2) Cognizable, non-bailable and triable by the Magistrate of First Class.

(3) Non-cognizable, bailable and triable by the Magistrate of First Class,

(4) Non-cognizable, bailable and triable by any Magistrate.

53. Provisions of sections 3 to 13 of the Protection of Children from Sexual Offences Act, 2012, shall not apply in case of medical examination or medical treatment of a child when: :

(a) such medical examination or medical treatment is undertaken with the consent of child himself.

(b) such medical examination or medical treatment is undertaken with the consent of the Court.

(c) such medical examination or medical treatment is undertaken with the consent of his parents..

(d) such medical examination or medical treatment is undertaken under direction and presence of police.

54. Under the Code of Criminal Procedure, 1973, security for good behaviour from the persons disseminating seditious matters can be demanded by:

(a) Magistrate of the First Class

(b) Chief Judicial Magistrate

(c) Session Judge

(d) Executive Magistrate

55. Which of the following statement in respect of section 320 of the Code of Criminal Procedure, 1973, is not correct?

(a) The composition of an offence before charge shall have the effect of discharge of the accused.

(b) No offence shall be compounded if the accused is, by reason of a previous conviction, liable to enhanced punishment.

(c) When an appeal is pending, no composition for the offence shall be allowed without the leave of the appellate court

(d) The person competent to compound an offence is dead, the legal representative of such person may, with the consent of the Court, compound such offence.

56. How many fundamental principles are provided in section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015?

(a) 12

(b) 14

(c) 16

(d) 18

57. Under Indian Penal Code, 1860, when the imprisonment awarded for solitary confinement shall exceed three months, the solitary confinement shall not exceed in any one month of the whole imprisonment awarded.

(a) seven days

(b) fourteen days

(c) fifteen days

(d) ten days

58. For the purpose of section 23 of the Protection of Children from Sexual Offences Act, 2012, which among the following is not correct?

(a) No report in any media shall disclose the identity of a child.

(b) The publisher or the owner of the media shall be jointly and severally liable for the acts and omissions of his employee.

(c) On contravention of the provisions of subsection (1) or (2) of section 23, the accused shall be liable to be punished with imprisonment of either description for a period which shall not be less than 1 year but which may extend to 2 years or with fine or with both.

(d) None of the above option.

59. Which statement with reference to section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is wrong?

(a) An Appeal shall lie against an order of the Board before the Children's Court.

(b) A Second Appeal shall lie from any order of the Court of Sessions, passed in appeal under section 101(2) before the High Court.

(c) Any person aggrieved by an order of the Children's Court may file an appeal before the High Court.

(d) No appeal shall lie from any order made by a committee in respect of finding that a person is not a child in need of care and protection.

60. For the purpose of section 363A of Indian Penal Code, 1860, 'Minor' means:

(a) A person under 18 years of age

(b) A person under 21 years of age

(c) A female under 18 ears of age

(d) A male under 18 years of age

61. Under section 13 of Indian Penal Code, 1860, definition of 'Queen' was repealed by:

(a) Adaptation Order, 1937

(b) Adaptation Order, 1950

(c) Adaptation Order. 1938

(d) Adaptation Order. 1951

62. Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. in the Constitution of Internal Complaints Committee, at least of the total members so nominated shall be women.

(a) One-fourth

(b) One-third

(c) One-half

(d) Two-third

63. 'A', a soldier, fires on a mob. by the order of his superior officer, in conformity with the commands of the law. Work done by *A' comes under which General Exception of Indian Penal Code, 1860?

(a) Act done by a person believing himself bound by law.

(b) Act done by a person believing himself justified by law.

(c) Accident in doing a lawful act.

(d) Act likely to cause harm. but done without criminal intent.

64. Which provision of the Code of Criminal Procedure, 1973 deals with identification of person arrested?

(a) Section 53A

(b) Section 54

(c) Section 54 (A)

(d) Section 55A

65. Under section 65 of Indian Penal Code, 1860, the term for which the Court directs the offender to be imprisoned in default of payment of a fine shall:

(a) not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence.

(b) not exceed one-third of the term of imprisonment which is the maximum fixed for the offence.

(c) not exceed half of the term of imprisonment which is the maximum fixed for the offence.

(d) None of the above option:

66. Under section 41 of the Code of Criminal Procedure, 1973, whom among the followings. Police cannot arrest without warrant?

(a) Who commits in presence of a Police Officer, a non-cognizable offence.

(b) Who commits in presence of a Police Officer: a cognizable offence.

(c) who commits in presence of a Magistrate, a non-cognizable offence.

(d) None of the above option.

67. Sections 143 to 147 of Negotiable instruments Act, 1881 came into force on:

(a) 6th February, 2002

(b) 6th February, 2003

(c) 1st April, 2002

(d) 1st April, 2003

68. "Being in possession of false weight or measure" is a punishable offence:

(a) under section 264 of Indian Penal Code, 1860

(b) under section 265 of Indian Penal Code, 1860

(c) under section 266 of Indian Penal Code, 1860

(d) under section 267 of Indian Penal Code, 1860

69. 'A' is tried for the murder of 'B' by intentionally shooting him dead. In trial, the irrelevant fact is:

(a) 'A' was in the habit of shooting at people with intent to murder them.

(b) 'A' on other occasions shot at 'B'.

(c) Both (1) and (2) are irrelevant.

(d) Both (1) and (2) are not irrelevant.

70. The judgment passed by Hon'ble Supreme Court in Hardeep Singh v. State of Punjab. (2014) 3 SCC 92. deals with:

(a) Section 311 of the Code of Criminal Procedure, 1973

(b) Section 41 of the Code of Criminal Procedure, 1973

(c) Section 313 of the Code of Criminal Procedure. 1973

(d) Section 319 of the Code of Criminal Procedure. 1973

71. Fill in the blank with appropriate article. India will become super power shortly.

(a) a

(b) an

(c) no article

(d) the

72. Choose the word which is opposite in meaning to the word - Extraneous

(a) Unusual

(b) Dispirited

(c) Relevant

(d) Intrusive

73. Choose the correct synonym of the word - Lethargy

(a) Laxity

(b) Impassivity

(c) Listlessness

(d) Serenity

74. Choose correctly spelt word:

(a) Monotonuous

(b) Monotonous

(c) Monotonaus

(d) Monatonous

75. Fill in the blank with appropriate phrasal verb. Before finally launching of the missile many experiments were

(a) carried off

(b) carried out

(c) carried over

(d) carried through

76. Choose the correct active passive

Voices which best expresses the following sentence: Help the needy.

(a) The needy will help.

(b) Let the needy be helped.

(c) The needy are to be helped.

(d) The needy shall be helped.

Ans: - (Deleted)

77. Fill in the blank with appropriate phrasal verb. He will go to Mumbai and ..., in a hotel.

(a) put off

(b) put out

(c) put up

(d) put in

78. Choose the correct active/passive voice, which best expresses the following sentence: Scientists successfully conducted a water detection test on Mars.

(a) A water detection test on Mars conducted successfully.

(b) A water detection test on Mars Is conducted successfully.

(c) A water detection test on Mars has been conducted successfully.

(d) A water detection test on Mars was conducted successfully by scientists.

79. Fill in the blank with appropriate article. I couldn't believe my eyes when I saw elephant crossing the road in front of my school yesterday.

(a) a

(b) an

(c) the

(d) No article

80. Choose the correct synonym of the word Verbose

(a) Talkative

(b) Natural

(c) Effortless

(d) Random

81. Fill in the blank with appropriate option. The Chief Guest, with his wife,

(a) has left

(b) are leaving

(c) have left

(d) left

82. Choose the correct indirect direct speech which best expresses the following sentence: He said, "I was writing an application to the mayor about pathetic condition of road."

(a) He said that he was writing an application to the mayor about the pathetic condition

(b) He said that he has been writing an application to the mayor about the pathetic condition of road.

(c) He said that he had been writing an application to the mayor about the pathetic condition of road.

(d) He said that he had written an application to the mayor about the pathetic condition of road.

83. Choose the correct indirect/direct speech which best expresses the following sentence: Mother told her son, "Why are you leaving the house early today?"

(a) Mother asked her son why was he leaving the house early that day.

(b) Mother asked her son why he was leaving the house early today.

(c) Mother said her son why he was leaving the house early that day

(d) Mother asked her son why he was leaving the house early that day.

84. Choose the word which is opposite in meaning to the word - Congenial

(a) Accord

(b) Snug

(c) Engaging

(d) Unpleasant

85. Choose the correct sentence.

(a) When I woke up. he has already eaten breakfast.

(b) When I woke up, he had already eaten breakfast.

(c) When I had woken up. he had already ate breakfast.

(d) When I had woken up. he has already ate breakfast.

From Student to Lawyer to Judge