

RJS 2019

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Questions for Rajasthan Judicial Services

RJS QUIZ 4

Directions: Study the following information carefully and answer the questions given below:

1. Assertion (A): The reservation of 1/3RD is given to S.C & S.T's in the Parliament of India.

Reasoning (R): The Constitution of India in Article 247 mentions reservation to special communities.

- A. Both A and R are true, and R is the correct explanation of A.
- B. Both A and R are true, but R is not the correct explanation of A.
- C. A is true, but R is false.
- D. A and R both are false.

2. A law abridging fundamental rights is not a nullity. It only remains inoperative till the shadow of fundamental rights falls over it. This doctrine is known as _____ ?

- A. Doctrine of pith and substance.
- B. Doctrine of eclipse.
- C. Doctrine of severability.
- D. Doctrine of pleasure.

3. Cruelty to a women by husband or relative of husband is defined under _____ ?

- A. Section 498 of Indian Penal Code

B. Section 498a of Indian Penal, Code

C. Section 497a of Indian Penal Code

D. Section 496b of Indian Penal Code

4. Article 51A of the Constitution of India provides for the fundamental duties of _____ ?

A. Citizens of India

B. Foreigners

C. Public Servants

D. All of the above

5. In law, a man is presumed to be dead if he is not heard of as alive for _____ ?

A. 4 years

B. 7 years

C. 30 years

D. 15 years

6. A sentence of death by a lower court in Indian Legal System _____ ?

A. must be confirmed by High Court

B. must be confirmed by Supreme Court

C. must be confirmed by President

D. is operational if no appeal is made to High Court

7. The act of unlawfully entering into another's property is known as _____ ?

A. Breach of property

B. Trespass

C. Eacheat

D. Nuisance

8. Sexual intercourse with the consent of a girl amounts to rape if she is under _____ ?

A. 15 Years

B. 16 Years

C. 17 Years

D. 18 Years

9. To contest the election of Rajya Sabha a person shall not be less than _____ ?

A. 25 years

B. 30 years

C. 35 years

D. 40 years

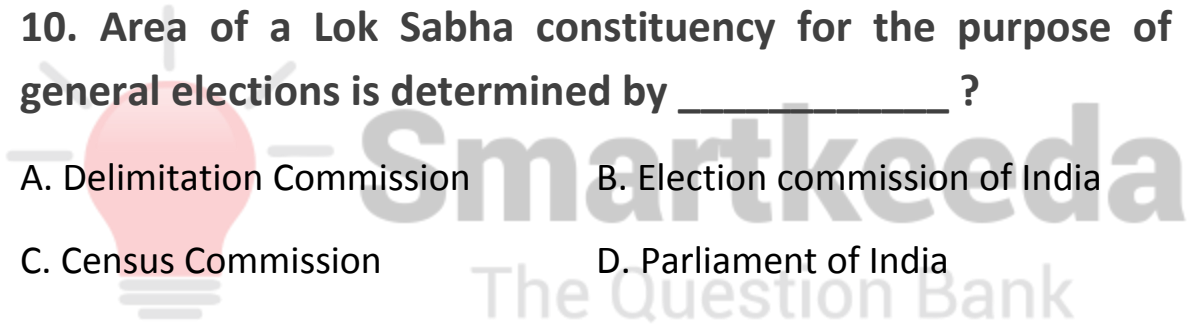
10. Area of a Lok Sabha constituency for the purpose of general elections is determined by _____ ?

A. Delimitation Commission

B. Election commission of India

C. Census Commission

D. Parliament of India



Correct answers:

1	2	3	4	5	6	7	8	9	10
D	B	B	A	B	A	B	D	B	A

Explanations:

1.

Article 334 of the Indian Constitution does not give 1/3rd reservations S.C and S.T's.

Article 334-Reservation of seats and special representation to cease after forty years Notwithstanding anything in the foregoing provisions of this Part, the provisions of Constitution relating to

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and

(b) the representation of the Anglo Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of forty years from the commencement of this Constitution: Provided that nothing in this article shall affect any representation in the House of the People or in the legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

Hence Option D is the Right answer.

2.

The doctrine of eclipse means that an existing law inconsistent with a Fundamental Right, though becomes inoperative from the date of the commencement of the Constitution, is not dead altogether. It is overshadowed by the Fundamental Right and remain dormant, but is not dead. It is a good law if a question arises for the determination of rights and obligations incurred before the commencement of the Constitution. Besides, the eclipse is removed when another (probably a higher level court) makes the law valid again or an amendment is brought to it by way of legislation.

Hence option B is the right answer.

3.

For safeguarding the interest of woman against the interest of woman against the cruelty they face behind the four walls of their matrimonial home, the Indian Penal Code,1860(herein after referred to as I.P.C.) was amended in 1983 and inserted S.498A which deals with 'Matrimonial Cruelty' to a woman. Matrimonial Cruelty in India is a cognizable, non-bailable and non-compoundable offence. It is defined in Chapter XXA of I.P.C. under Sec. 498A.

Hence option B is the right answer.

4.

The duties prescribed in the Constitution of India are the duties imposed on the citizens of India as the Article 51A of the Constitution

opens with the phrase that “it shall be the duty of every citizen of India”.

Hence option A is the right answer.

5.

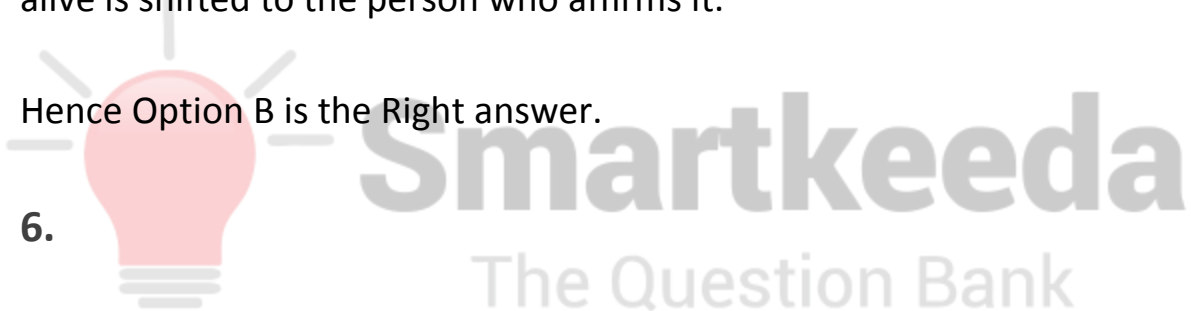
Section 108 of the Indian Evidence Act states that that when the question is whether a man is alive or dead and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

Hence Option B is the Right answer.

6.

After the award of the death sentence by a sessions court, the sentence must be confirmed by a High Court to make it final. Once confirmed, the condemned convict has the option of appealing to the Supreme Court. If this is not possible, or if the Supreme Court turns down the appeal or refuses to hear the petition, the condemned person can submit a 'mercy petition' to the President of India and the Governor of the State.

Hence Option A is the Right answer.



7.

Criminal trespass Section 441—Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit “criminal trespass”.

Hence Option B is the Right answer.

8.

The Supreme Court has read down Exception 2 to Section 375 of the IPC, holding that the same will not apply in the case of minors. Accordingly, the Exception will now read: “Sexual intercourse or sexual acts by a man with his own wife, the wife not being under 18 years of age, is not rape.”

Hence Option D is the Right answer.

9.

The minimum age of thirty years was fixed for membership of upper house as against twenty-five years for the Lower House by Constituent Assembly. The element of dignity and prestige was added to the Council of State House by making the Vice-President of India ex-officio Chairman of the Rajya Sabha who presides over its sittings.

Hence Option B is the Right answer.

10.

Under Article 82 of the Constitution, the Parliament by law enacts a Delimitation Act after every census. After coming into force commencement of the Act, the Central Government constitutes a Delimitation Commission. This Delimitation Commission demarcates the boundaries of the Parliamentary Constituencies as per provisions of the Delimitation Act. The present delimitation of constituencies has been done on the basis of 2001 census figures under the provisions of Delimitation Act, 2002. Notwithstanding the above, the Constitution of India was specifically amended in 2002 not to have delimitation of constituencies till the first census after 2026. Thus, the present Constituencies carved out on the basis of 2001 census shall continue to be in operation till the first census after 2026.

Hence Option A is the Right answer.

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