

**ASSAM JUDICIAL SERVICE (GRADE-I) PRELIMINARY
EXAMINATION, 2011**

TOTAL MARKS = 100

All questions carry equal marks

QUESTIONS

Many of the underdeveloped countries will promote the growth of their economies in one way or another no matter whether they receive substantial outside aid in the process or not. The character of that development, however, is likely to be strongly influenced by the types and amounts of aid available. The outcome is much more likely to be favourable, from the standpoint of the objectives for successful development set up previously, if there is substantial international aid than if there is not. By substantial aid I mean not only large amounts of technical assistance but also of capital. Initially, the capacity of an underdeveloped country to use capital productively may be surprisingly small – limited by lack of organization, trained personnel, and other social obstacles. At this stage technical assistance is its main need from outside, with comparatively small amounts of capital, much of which may have to be in the form of grants for non self-liquidating projects in education, health, access roads to rural areas, and the like, if at this stage, substantial capital is available from outside to supplement what can be formed internally (and to stimulate internal capital formation, for it does that too) the rate of economic growth can be considerably increased, and the strains and frustrations and political risks of the development process are likely to be considerably less.

It is possible for underdeveloped economies to modernize themselves with very little capital from outside. Japan's import of capital was small, though some of it came at crucial times. The contribution of foreign direct investments to the advancement of technical know-how, also was greater than would be indicated merely by the size of the investment. The Soviet Union industrialized its economy with practically no aid from foreign investment capital except for the foreign-owned installations confiscated after the

revolution, though it imported machinery in the early days on short-term or intermediate-term credits and hired services of foreign experts. Both Japan and Russia achieved their development in an authoritarian political and social framework. The outcome in both cases, from standpoint of the peace of the world and democratic ideals, was highly unfavourable.

In the absence of outside aid, the only way to accumulate capital is to increase production without taking much of the benefit in more consumption, or even while pushing consumption standards down. Where the people are already near the subsistence level this may mean extreme hardship. Somehow the people must be motivated to change their accustomed ways quickly, to work hard, and to forego present consumption so that capital investment can be made.

1. The passage says

- (a) Without foreign aid no underdeveloped country can grow.
- (b) Underdeveloped countries must refrain from seeking foreign aid.
- (c) The economies of underdeveloped countries are more likely to grow faster with substantial foreign aid than without.
- (d) Underdeveloped countries are economically backward because their governments have not got their priorities right.

2. Substantial aid in this context means

- (a) Technical assistance in the form of trained personnel.
- (b) Capital in the form of bank loans and overdrafts.
- (c) Large amounts of technical assistance and capital.
- (d) A cheap and plentiful supply of labour.

3. The availability of substantial capital from outside

- (a) Can help to stimulate internal capital formation.
- (b) Does encourage wasteful tendencies.
- (c) Seldom helps to accelerate the rate of international growth.
- (d) Tends to discourage local capital formation.

4. The passage says that

- (a) Japan imported substantial capital before it became modernized.
- (b) The Soviet Union industrialized its economy with plenty of foreign investment capital.
- (c) Japan rejected offers of substantial foreign capital investment at the early stages of its economic development.
- (d) In the early days of its economic development the Soviet Union imported machinery on short-term or intermediate-term credits and hired foreign experts.

5. Which of the following points or statements did the writer actually make ?
- (a) Japan and Russia achieved their development in a democratic framework.
 - (b) Japan and Russia achieved their development in an authoritarian political and social framework.
 - (c) Japan and the Soviet Union would have developed faster had they relied on democratic methods.
 - (d) Japan and the Soviet Union are still among the underdeveloped countries of the world.

Pick out the most appropriate word/preposition from those given to fill in the blank in each of the following sentences to make the sentence meaningfully complete :-

6. The comedian made many good
- (a) funs
 - (b) jokes
 - (c) laughter
 - (d) laugh
7. She has every misfortune with fortitude.
- a) borne
 - (b) born
 - (c) bear
 - (d) bore
8. A lot of people died Tsunami.
- (a) of
 - (b) for
 - (c) from
 - (d) on
9. The ban imposed by the Central Government on which of the following organization was lifted by the Special Tribunal
- (a) Bajrang Dal
 - (b) SIMI
 - (c) Harkat-ul-Mujahideen
 - (d) Jaish-e-Muhammed
10. Rajiv Gandhi Khel Ratna (2007-08) was awarded to
- (a) Vishwanathan Anand
 - (b) M.S. Dhoni
 - (c) Narayan Karthikeyan
 - (d) Sania Mirza
11. First Indian to get an Olympic medal
- (a) K.D. Jadav
 - (b) Milka Singh

- (c) Karnam Malleshwary
 - (d) Abhinav Bindra
12. Which country won the maximum gold in Beijing Olympics ?
- (a) U.S.A.
 - (b) China
 - (c) Russia
 - (d) U.K.
13. Amarnath temple is situated in
- (a) Jammu & Kashmir
 - (b) Orissa
 - (c) Gujarat
 - (d) Kerala
14. Which of the following English men was honoured by Jahangir with the title of 'Khan'?
- (a) Edward Terry
 - (b) Hawkins
 - (c) Sir Thomas Roe
 - (d) Thomas Paine
15. Who among the following Hindu King is known as the Napoleon of India ?
- (a) Ashoka
 - (b) Harshvardhan
 - (c) Samudra Gupta
 - (d) Chandra Gupta Vikramandhra
16. Who among the following was the Chairman of the Sixth Pay Commission
- (a) Justice A.K. Majumdar
 - (b) Justice B.N. Srikrishna
 - (c) Justice A.R. Lakshmanan
 - (d) Justice R.C. Lahoti
17. 'www' on the internet stands for
- (a) Word Words Words
 - (b) Wide Word Words
 - (c) World Wide Web
 - (d) When Where Why
18. Which country is the second largest producer of fruits and vegetables in the world ?
- (a) America
 - (b) India
 - (c) Pakistan
 - (d) Europe

19. Apart from Jammu and Kashmir, which of the following States has a special protection, notwithstanding anything contained in the Constitution in certain matters ?

- (a) Tripura
- (b) Nagaland
- (c) Mizoram
- (d) All of the above

20. "An eye for an eye and a tooth for a tooth" relates to theory

- (a) Reformative
- (b) Deterrent
- (c) Retributive
- (d) Preventive

21. **PRINCIPLE** :- Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

FACT :- "A" threatens to publish a defamatory libel concerning "B" unless "B" gives Rs.5 lakhs. "A" induces "B" to give money

- (a) "A" is guilty of defamation
- (b) "A" is guilty of extortion
- (c) "A" is not guilty since it is a preparation only
- (d) None of the above

22. **PRINCIPLE** :- Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm

FACT :- A fake doctor operated on a man for internal piles by cutting them out with an ordinary knife. The man dies of haemorrhage

- (a) Doctor is guilty of murder
- (b) Doctor is not guilty
- (c) Doctor is guilty of culpable homicide not amounting to murder fighting. He is justified in exercising his right of private defence
- (d) None of the above

23. PRINCIPLE :- Voluntary drunkenness is not a defence under SS.85 and 86 of the Code.

FACT :- "A" has in his possession a bottle of poisonous lotion for external application and a bottle of medicine for internal use. "A" in a drunken condition gives to his child an ounce of the poisonous lotion to drink as a result of which the child died. Is "A" guilty of any offence ?

- (a) "A" is guilty of death caused by rash and negligent act
- (b) "A" is guilty of murder
- (c) "A" is not guilty since he is in a drunken state
- (d) None of the above

24. PRINCIPLE :- By virtue of Section 330 of the Code, if a person voluntarily causes hurt for the purpose of extorting confession from the sufferer or any information which may lead to the detection of an offence, he shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

FACT:- "X", a police officer tortures "Y", to tell him where the stolen property was kept by him. Has "X" committed any offence ?

- (a) "X" is not liable since he is discharging his duty
- (b) "X" is liable since the custodial torture is not part of duty
- (c) "X" is not liable since the torture was to extract confession
- (d) None of the above

25. PRINCIPLE :- "Nobody shall unlawfully interfere with a person's use or enjoyment of land, or some right over, or in connection with it. The use or enjoyment, envisaged herein, should be normal and reasonable taking into account surrounding situation."

FACT :- Jeevan and Pavan were neighbours in a residential locality. Pavan started a typing class in a part of his house and his typing sound disturbed Jeevan who could not put up with any kind of continuous noise. He filed a suit against Pavan.

- (a) Pavan is liable, because he should not have started typing class in his house
- (b) Pavan is liable, because as a neighbour, he should have realized Jeevan's delicate nature
- (c) Pavan is not liable, because typing sound did not disturb anyone else other than Jeevan
- (d) None of the above

26. Under which Section of the Indian Penal Code, it is omission, and not an act, which is an offence ?

- (a) Section – 491
- (b) Section – 296
- (c) Section – 468
- (d) Section – 508

27. Under IPC, which one of the following Sections makes provision of Solitary Confinement ?

- (a) Section – 71
- (b) Section – 72
- (c) Section – 73
- (d) Section – 74

28. Which one of the following offences is not compoundable under IPC?

- (a) Section – 323
- (b) Section – 334
- (c) Section – 448
- (d) Section – 307

29. "I believe in operation Valmiki because every Saint has a past and every criminal has a future". The statement is of

- (a) Justice Sikri
- (b) Justice P.N. Bhagwati
- (c) Justice Krishna Iyer
- (d) Justice J.S. Verma

30. An executioner who executes the death penalty is protected from criminal liability under which Section of IPC ?

- (a) Section – 97
- (b) Section – 78
- (c) Section – 79
- (d) Section – 80

31. In which of the following cases the Supreme Court has laid down important guidelines to abate sexual harassment ?

- (a) Vishaka vs. State of Rajasthan
- (b) Apparel Export Corp vs. A.K. Chopra
- (c) Chairman, Railway Board vs. Chandrima Das
- (d) None of the above

32. Section 34 of IPC

- (a) creates a substantive offence
- (b) is a rule of evidence
- (c) both (a) and (b)
- (d) neither (a) nor (b)

33. Which Section was incorporated into IPC by the Criminal Law (Amendment) Act, 2005

- (a) 498A
- (b) 153AA
- (c) 229A
- (d) 195A

34. For an assembly to be unlawful, it must have a common object of the kind specified in

- (a) Section 141 of IPC
- (b) Section 140 of IPC
- (c) Section 142 of IPC
- (d) Section 144 of IPC

35. Grave and sudden provocation is

- (a) question of fact
- (b) question of law
- (c) mixed questions of fact & law
- (d) a presumption under the law

36. How many minimum number of Judges of the High Court are required to sign the confirmation of death sentence ?

- (a) 3
- (b) 4
- (c) 2
- (d) 5

37. An irregularity by the Magistrate in which one of the following cases will not vitiate proceedings ?

- (a) making an order for maintenance
- (b) demanding security for good behaviour
- (c) tendering pardon to accomplice
- (d) trying an offence summarily

38. Which provision under the Code of Criminal Procedure, 1973 prescribes the mode of execution of sentence of death that "the convict be hanged by the neck until he be dead". ?

- (a) Section – 413
- (b) Form No. 42 of the Second Schedule of the Code
- (c) Section – 416
- (d) Section – 414

39. In which one of the following Sections of Cr.P.C. provision for free legal aid is made

- (a) Section – 301
- (b) Section – 306
- (c) Section – 304
- (d) Section – 309

40. Criminal Procedure is a subject of

- (a) State list
- (b) Union list
- (c) Concurrent list
- (d) either (a) or (b)

41. A refusal to answer questions put to a witness under Section 161 of Cr.P.C. is an offence under

- (a) Section 176, I.P.C.
- (b) Section 179, I.P.C.
- (c) Section 187, I.P.C.
- (d) neither (a) nor (b) nor (c)

42. Where the police submits a final report under Section 173 of Cr.P.C., to a Magistrate, the Magistrate is

- (a) bound by the conclusion drawn by the police and can not order re-investigation
- (b) not bound by the conclusion drawn by the police and may direct re-investigation, or issue process
- (c) bound by the conclusions drawn by the police and has to issue process
- (d) both (a) and (c)

43. Non-cognizable offence has been defined

- (a) under Section 2(a) of the Cr.P.C.
- (b) under Section 2(c) of the Cr.P.C.
- (c) under Section 2(i) of the Cr.P.C.
- (d) under Section 2(l) of the Cr.P.C.

44. Attachment of the property of the person absconding

- (a) can only be issued after publication of the proclamation under Section 82 of Cr.P.C.
- (b) can be issued before publication of the proclamation under Section 82 of Cr.P.C.
- (c) can be issued simultaneously with the issue of proclamation under Section 82 of Cr.P.C.
- (d) all the above

45. The Magistrate has the power to grant compensation to the victim as provided under

- (a) Section 360 of Cr.P.C.
- (b) Section 359 of Cr.P.C.
- (c) Section 358 of Cr.P.C.
- (d) Section 357 of Cr.P.C.

46. Which Order under C.P.C. provides detailed rules regarding judgments and decree ?

- (a) Order XIX
- (b) Order XX
- (c) Order XXI
- (d) Order XXIII

47. Which of the provision of C.P.C. deals with consequences of disobedience of an injunction granted by Court ?

- (a) Order 39 RI
- (b) Order 39 R2
- (c) Order 39 R2-A
- (d) Order 39 R3

48. The doctrine of res-judicata is not applicable in the case of following writ

- (a) Habeas Corpus
- (b) Certiorari
- (c) Mandamus
- (d) Quo-warranto

49. Foreign judgment as defined under Section 2(6) of C..P.C. means

- (a) judgment given by an Indian Court in respect of foreigners
- (b) judgment given by a foreign court
- (c) both (a) & (b)
- (d) neither (a) nor (b)

50. Principle of res-subjudice is contained in

- (a) Section 10 of CPC
- (b) Section 11 of CPC
- (c) Section 13 of CPC
- (d) Section 14 of CPC

51. Under Order VI, Rule 17 at any stage of proceedings the court can allow to alter or amend pleadings to

- (a) either party
- (b) to plaintiff only
- (c) to defendant only
- (d) to only one defendant if there are more than one defendant

52. A prayer for extension of time beyond the period of 90 days prescribed under Order VIII, Rule 1 of CPC for filing the written statement is to be

- (a) granted just as a matter of routine
- (b) granted ordinarily
- (c) granted on sufficient cause being shown by the defendant
- (d) granted only for exceptional circumstances occasioned by reasons beyond the control of the defendant.

53. Precept is

- (a) a transfer of the decree
- (b) an order to another competent court to attach any property of the judgment debtor
- (c) an execution of decree
- (d) all the above.

54. Appeals can be preferred against

- (a) decree
- (b) order
- (c) both decree and order
- (d) only decree and not order

55. Indian Evidence Act was drafted by

- (a) Lord Macaulay
- (b) Sir James F. Stephen
- (c) Huxley
- (d) Sir Henry Summer Maine

56. Indian Evidence Act applies to

- (a) proceedings before tribunals
- (b) proceedings before the arbitrator
- (c) judicial proceedings in courts
- (d) all the above

57. Law of evidence is

- (a) *lex tallienis*
- (b) *lex fori*
- (c) *lex loci solutionis*
- (d) *lex situs*

58. Fact in issue means

- (a) fact, existence or non-existence of which is admitted by the parties
- (b) fact, existence or non-existence of which is disputed by the parties
- (c) fact existence or non-existence of which is not disputed by the parties

- (d) all the above
59. Which of the following documents are not admissible in evidence
- (a) documents improperly procured
 - (b) documents procured by illegal means
 - (c) both (a) & (b)
 - (d) neither (a) nor (b)
60. Under Section 8 of Evidence Act
- (a) motive is relevant
 - (b) preparation is relevant
 - (c) conduct is relevant
 - (d) all the above
61. Alibi is governed by
- (a) Section 6 of Evidence Act
 - (b) Section 8 of Evidence Act
 - (c) Section 12 of Evidence Act
 - (d) Section 11 of Evidence Act
62. A retracted confession
- (a) can be made solely the basis of conviction
 - (b) cannot be made solely the basis of conviction under any circumstances
 - (c) cannot be made solely the basis of conviction unless the same is corroborated
 - (d) both (a) & (c) are incorrect
63. Plea of *res judicata*
- (a) has to be specifically raised
 - (b) need not be specifically raised
 - (c) is for the court to see of its own
 - (d) neither (a) nor (b) but only (c)
64. Complaint may relate to
- (a) a cognizable offence
 - (b) a non cognizable offence
 - (c) both (a) & (b) are correct
 - (d) must be for a non-cognizable offence as the police has no power to investigate such an offence
65. Section 82 of I.P.C. lays down the rule of
- (a) wholly incapax
 - (b) partially incapax
 - (c) both (a) & (b)
 - (d) either (a) or (b)

66. Within the meaning of provisions of Section 67 of the Transfer of Property Act, 1882 the mortgage remedies by suit are ?

- (a) for foreclosure or for sale
- (b) for sale
- (c) for appointment of receiver
- (d) all are relevant

67. According to Section 5 of the Transfer of Property act, 1882, living person includes

- (a) company or association or body of individuals
- (b) individual human being only
- (c) only important company or associations
- (d) none of the above

68. Under the provisions of Section 6 of the Transfer of Property Act, 1882

- (a) a right to future maintenance can be transferred
- (b) cannot be transferred
- (c) no such provision is made in the Act
- (d) none of the above.

69. Under the provisions of the Transfer of Property Act, 1882, the unborn person acquires vested interest on transfer for his benefit

- (a) upon his birth
- (b) 7 days after his birth
- (c) 12 days after his birth
- (d) no such provision is made in the Act

70. The foundation of doctrine of election under the Transfer of Property Act, 1882 is that a person taking the benefit of an instrument

- (a) must bear the burden
- (b) must not bear the burden
- (c) burden is not the subject of election
- (d) none of the above

71. The transfer by ostensible owner is provided in Section of the Transfer of Property Act, 1882

- (a) section 38
- (b) section 39
- (c) section 40
- (d) section 41

72. Section 52 of Transfer of Property act, 1882 imposes a prohibition on transfer or otherwise dealing of any property during the pendency of a suit, provided the conditions laid down in section are satisfied. The statement is

- (a) false
- (b) true
- (c) partly true
- (d) none of the above

73. The principle of *lis pendens* embodied in Section 52 of the Transfer of Property Act, 1882 pertains to

- (a) *bona fide* purchase
- (b) public policy
- (c) auction sale
- (d) none of the above

74. Statutes are "Sources of law..... Not parts of the law itself" – the statement is made by

- (a) Savigny
- (b) Austin
- (c) Gray
- (d) Pound

75. A decision of privy council given before 1949 is

- (a) binding on the High Court unless they have been overruled by the Federal Court or the Supreme Court
- (b) having only persuasive value on the High Courts
- (c) binding only when the case was decided by two or more judges
- (d) binding only when recognized by the Supreme Court

76. According to Salmond, supreme legislation refers to

- (a) Colonial legislation
- (b) Executive legislation
- (c) Judicial legislation
- (d) Law made by the Parliament

77. The realist theory of personality explained legal personality as the product of

- (a) concession by the State
- (b) bracketing by courts of a group of natural persons
- (c) a group of natural persons developing a group mind
- (d) fiction recognized law

The fifth characteristic is :

- (a) property in respect of which right is claimed
- (b) act of omission required by the right
- (c) the legal reason for the existence of the rights
- (d) the subject of the corresponding duty

78. What is the essence of Austinian command ?

- (a) divine law
- (b) the power and purpose to inflict evil consequences
- (c) positive morality
- (d) law by metaphor

79. The main exponent of historical school was ?

- (a) Kelsen
- (b) Savigny
- (c) Hago

(d) Puchta

80. Salmond said that

- (a) law is a command of a Sovereign
- (b) law is a social norm
- (c) law is without doubt a remedy for greater evil, yet it brings with it evils of its own
- (d) laws are nothing but the rules of obligation

81. Expiatory theory is linked with which theory and sometimes considered to be the part of this theory

- (a) Preventive theory
- (b) Reformatory theory
- (c) Retributive theory
- (d) Deterrent theory

82. There is no provision in the Constitution for the impeachment of

- (a) the Chief Justice of a High Court
- (b) the Chief Justice of India
- (c) the Governor
- (d) the Vice President

83. The Constitution of India borrowed the concept of the directive principles of State policy from the Constitution of

- (a) Ireland
- (b) U.S.A.
- (c) U.K.
- (d) Canada

84. Which of the following directive principles is a socialistic principle ?

- (a) Equal pay for equal work to all
- (b) Protection of the health of the workers
- (c) Prevention of concentration of wealth and the means of production
- (d) all the above

85. In which year 'Advocate's Welfare Fund Act' was enacted by Parliament of India

- (a) 1999
- (b) 2001
- (c) 2003
- (d) 2008

86. Who is the Head of the 'State Executive' ?

- (a) The State Legislature Assembly
- (b) The State Cabinet
- (c) The Chief Minister
- (d) The Governor

87. Joint Meeting of both Houses of Parliament is chaired by
- (a) President of India
 - (b) Chairman of Rajya Sabha
 - (c) Speaker of Lok Sabha
 - (d) None of the above
88. Who can remove Election Commissioner from his office ?
- (a) Chief Election Commissioner
 - (b) Prime Minister
 - (c) Home Minister in the same way as the judge of the High Court can be removed
 - (d) President of India on the recommendation of Chief Election Commissioner
89. Article 21-A was added in the Constitution by
- (a) 86th Constitutional Amendment
 - (b) 88th Constitutional Amendment
 - (c) 89th Constitutional Amendment
 - (d) 90th Constitutional Amendment V
90. By which Amendment of the Constitution the Service Tribunals were established ?
- (a) 39th Amendment
 - (b) 44th Amendment
 - (c) 40th Amendment
 - (d) 42nd Amendment

- 91) 'পৈ' শব্দটোৰ অৰ্থ হ'ল
 A. পো
 B. ঘৈনী
 C. পুত্ৰ
 D. স্বামী
- 92) 'সাত বিহুৰ সৈয়া কণী' - এই জতুৱা খণ্ড বাক্যটোৰ অৰ্থ হ'ল
 A. বিহুৰ কণী খেল
 B. টান কণী
 C. দুখ-কষ্ট খায়ো তিষ্ঠি থকা মানুহ
 D. সাত বিহুৰ কণী যুঁজৰ বিজেতা।
- 93) তলৰ কোনটো বানান ভুল?
 A. নুন্যতম
 B. ন্যূনতম
 C. নৈমিত্তিক
 D. ন্যায়াধীশ
- 94) 'সম্পূৰ্ণ এবছৰ কাল' - বুজাবলৈ তলৰ কোনটো শব্দ উপযুক্ত?
 A. সম্পূৰ্ণ
 B. সম্ভৱ
 C. সম্ভৱসৰ
 D. সমুৎপন্ন
- 95) 'মুচুলুকা' মানে -
 A) মিছা সাক্ষী
 B) আমানতৰ ধন
 C) আদালতত লিখি দিয়া অঙ্গীকাৰ পত্ৰ
 D) সেৱা
- 96) Ex-Officio-ৰ অসমীয়া পৰিভাষা হ'ল -
 A) কাৰ্য পালিকা
 B) প্রাক্তন
 C) পদেন
 D) পাত্ৰ

- 97) 'গৰ-হাজিৰ' মানে -
A) উপস্থিত থকা
B) উপস্থিত নথকা
C) পলাতক
D) আচামী
- 98) 'ভৱদীয়' শব্দটোৰ অৰ্থ হ'ল
A) ইতি
B) শেষত
C) আপোনাৰ
D) মুঠতে
- 99) তলৰ কোনটো অভিধান সম্মত শব্দ নহয়?
A) বিদেহ
B) বিদেহী
C) বিদেশী
D) বিদেশ
- 100) 'locus standi' - এই লেটিন খণ্ড বাক্যটোৰ এটা অৰ্থ হ'ল -
A) প্ৰতিশোধৰ অধিকাৰ
B) হস্তক্ষেপ কৰাৰ অধিকাৰ
C) আপাত দৃষ্টিত
D) কোনো ঠাইৰ প্ৰথা

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