

MIZORAM PUBLIC SERVICE COMMISSION
TECHNICAL COMPETITIVE EXAMINATIONS FOR
JUNIOR GRADE OF MIZORAM LEGAL SERVICE (MLS)
UNDER LAW & JUDICIAL DEPARTMENT
GOVERNMENT OF MIZORAM, AUGUST-2024

LAW PAPER-I

Time Allowed : 2 hours

FM : 100

*All questions carry equal mark of 1 each.
Attempt all questions.*

1. Which amendment of the constitution changed the preamble from 'Sovereign Democratic Republic' to 'Sovereign, Socialist, Secular, Democratic Republic'?
 - (a) The 42nd Amendment
 - (b) The 44th Amendment
 - (c) The 47th Amendment
 - (d) The 40th Amendment
2. The Chief Justice of India and the Judges of the Supreme Court of India are appointed by the President of India under-
 - (a) clause (1) Article 124
 - (b) clause (2) Article 124
 - (c) clause (3) Article 124
 - (d) clause (4) Article 124
3. Article 124-A 'National Judicial Appointment Commission' was held unconstitutional as it violates the Basic Structure and therefore struck down by the Supreme Court in which of the following case?
 - (a) Salem Advocate Bar Association, T.N v Union of India
 - (b) Sardar Lal v Union of India
 - (c) Supreme Court Advocates-on-Record Association v. Union of India
 - (d) Navtej Singh Johar v. Union of India
4. Which paragraph of Schedule VI of the Constitution of India empowers the the District Council and the Regional Councils to make laws?
 - (a) Paragraph 12-B
 - (b) Paragraph 5
 - (c) Paragraph 3
 - (d) Paragraph 7
5. Which paragraph of Schedule VI of the Constitution of India dissolved the Mizo District Council?
 - (a) Paragraph 20-A
 - (b) Paragraph 20-B
 - (c) Paragraph 20-C
 - (d) Paragraph 21
6. The duty of the Advocate-General of a state is-
 - (a) to advise the Government of a State
 - (b) perform duties of a legal character
 - (c) discharge the functions conferred on him under the constitution or the law in force
 - (d) All of the above
7. Which Article of the Constitution provides for Uniform Civil Code?
 - (a) Article 43
 - (b) Article 44
 - (c) Article 45
 - (d) Article 46

8. Judicial Activism can have adverse effect on which of the following?
- (a) Separation of power between the legislature and judiciary
 - (b) Centre-State relationship
 - (c) Transparency in the judiciary
 - (d) All of the above
9. The Judges of the Supreme Court can be removed by the -
- (a) Parliament
 - (b) Law Minister
 - (c) President alone
 - (d) Prime Minister
10. Right to Property is included in -
- (a) The Fundamental Rights
 - (b) The Directive Principles of State Policy
 - (c) The Fundamental Duties
 - (d) Article 300A
11. In the case of Puttaswamy v. Union of India, the Supreme Court declared that Right to Privacy is a fundamental right and is inherently protected under -
- (a) Article 14
 - (b) Article 16
 - (c) Article 19
 - (d) Article 21
12. Supreme Court examined the scope and extent of Article 16 (4) in the case of -
- (a) Maneka Gandhi Case
 - (b) Indra Sawhney Case
 - (c) S.R Bommai Case
 - (d) M.C Mehta Case
13. Money Bill deals with matter relating to -
- (a) the imposition, abolition, remission, alteration or regulation of any tax
 - (b) the appropriation of moneys out of the consolidated fund of the State
 - (c) Both (a) & (b)
 - (d) Neither (a) nor (b)
14. Which of the following grounds is necessary to be proved in order to remove a Speaker of any Legislative Assembly?
- (a) Misbehaviour
 - (b) Incapacity
 - (c) Conduct involving moral turpitude
 - (d) Ceases to be a member of the house
15. Which among the following is not a Constitutional body in India?
- (a) Planning Commission
 - (b) Finance Commission
 - (c) Goods and Services Tax Council
 - (d) National Commission for Scheduled Castes
16. Which Article of the Constitution of India provides Constitutional safeguards to the civil servants?
- (a) 310
 - (b) 311
 - (c) 312
 - (d) 313
17. Which of the following subject do not belong to the state list?
- (a) Taxes on Agricultural Income
 - (b) Capital Taxes
 - (c) Fisheries
 - (d) Census
18. In which election of the Lok Sabha, the number seats for Scheduled Tribes in the Lok Sabha was increased from 41 to 47?
- (a) 14th Lok Sabha Elections
 - (b) 15th Lok Sabha Elections
 - (c) 16th Lok Sabha Elections
 - (d) 17th Lok Sabha Elections
19. Which Article of the Constitution of India declares that the Supreme Court shall be a court of record?
- (a) Article 111
 - (b) Article 119
 - (c) Article 129
 - (d) None of these

20. Which Amendment of the Constitution provides for the disqualification of the members of Parliament and the State Legislatures on the ground defection from one political party to another?
- (a) The 44th Amendment (b) The 50th Amendment
(c) The 52nd Amendment (d) The 54th Amendment
21. Which of the following is not appointed by the President of India?
- (a) Speaker of the Lok Sabha (b) The Prime Minister of India
(c) Chief Justice of India (d) Chief of Army Staff
22. The maximum duration for which the Vice President may officiate as the President is -
- (a) 3 months (b) 6 months
(c) 1 year (d) 2 years
23. The appointment of the District Judges is provide under Article -
- (a) 231 (b) 233
(c) 235 (d) 237
24. The Supreme Court had decided that Special Leave Petition cannot be filed to challenge an order passed by the High Court on the administrative side in -
- (a) K. Hymavathi v. State of Andhra Pradesh
(b) Nimmanapally Surya Reddy v. Hon' Chief Justice High Court of Telangana
(c) Anuj Sarwesh v. High Court of Delhi
(d) Satendra Babu v. High Court of Allahabad
25. Which of the following language is included in Eighth schedule of the Constitution of India?
- (a) Nepali (b) Malayalam
(c) Santhali (d) All the above
26. The expenses of the Public Service Commission of a State including salaries, allowances and pension payable to or in respect of the members or staff of the commission shall be charged on -
- (a) Public Accounts of the State (b) Consolidated Fund of the State
(c) Contingency Fund of the State (d) Both (a) & (b)
27. The State Public Service Commission shall be consulted on -
- (a) all matters relating to methods of recruitment to civil services and for civil posts
(b) all disciplinary matters affecting the person serving under the Government of a State in a civil capacity, including memorials of petitions relating to such matters
(c) Both (a) and (b)
(d) Neither (a) nor (b)
28. No Act of Parliament shall apply to the State of Mizoram in respect of -
- (a) Ownership and transfer of land (b) Inter-State migration
(c) Census (d) Insurance
29. The term of the office of the Governor is -
- (a) during the pleasure of the President
(b) six Years from the date of entering the office
(c) till he attains the age of 60
(d) till he attains the age of 65
30. Who among the following has the power to form a new state within the Union of India?
- (a) Speaker of Lok Sabha (b) President
(c) Prime Minister (d) The Parliament

61. What does an actionable claim mean?
- (a) It is a claim to any debt or any beneficial interest in moveable property not in possession
 - (b) Such claims can be recovered by means of suit or an action
 - (c) Both (a) & (b)
 - (d) Neither (a) nor (b)
62. Under the provision of the Transfer of Property Act, 1882, an unborn person acquires vested interest on transfer for his benefit -
- (a) upon his Birth.
 - (b) when he is conceived.
 - (c) no provision is made in the Act.
 - (d) none of these
63. The provision of contingent interest is provided in -
- (a) Section 21 of Transfer of Property Act, 1882
 - (b) Section 22 of Transfer of Property Act, 1882
 - (c) Section 23 of Transfer of Property Act, 1882
 - (d) Section 24 of Transfer of Property Act, 1882
64. A person has contingent interest on a property when it is expressed to take effect -
- (a) On the happening of a specified uncertain event
 - (b) If a specified uncertain event shall not happen
 - (c) Both (a) and (b)
 - (d) Neither (a) nor (b)
65. A Doctrine that allows for the enforcement of an oral or incomplete written contract to transfer immovable property if certain conditions are satisfied is called -
- (a) Feeding the Grant by Estoppel
 - (b) Election
 - (c) Lis Pendens
 - (d) Part Performance
66. Section 60 of Transfer of Property Act, 1882 relates to -
- (a) Right of mortgagor to redeem
 - (b) Right to transfer to a third party
 - (c) Right to redeem separately
 - (d) Renewal or mortgaged lease
67. Where a mortgagor binds himself to which of the following is not included in the immovable property?
- (a) Standing timber or grass
 - (b) Standing timber, jewellery and crops
 - (c) Standing timber, growing crops or grass
 - (d) Only timbers
68. Under the Transfer of Property Act, 1882, "attested" means -
- (a) Attested by two or more witnesses
 - (b) Attested by only one witness
 - (c) Attested by two witnesses only
 - (d) No condition existed under the act
69. Under the Transfer of Property Act, 1882, "registered" pertains -
- (a) Registration of property
 - (b) Registration of documents
 - (c) Registration of parties
 - (d) All of these
70. Which of the condition is necessary for validity of gift?
- (a) The transfer must be without consideration and voluntarily made
 - (b) It must be accepted by the donee in the lifetime of the doner
 - (c) The instrument must be signed by or on behalf of the doner
 - (d) All of the above
71. "Nemo dat quod non habet" is a rule enshrined in the doctrine -
- (a) Feeding the grant by estoppels
 - (b) Part performance
 - (c) Perpetuity
 - (d) None of these

41. Preliminary decree is one -
- (a) Which determines the right of the parties with regard to some or one of the matters in controversy in the suit but does not finally dispose of the suit
 - (b) Which determines the rights of the parties with regard to some or one of the matter in controversy in the suit, which may have the effect of final disposal
 - (c) Both (a) & (b)
 - (d) Neither (a) nor (b)
42. An inter pleader suit is one where the real dispute is between the _____ only.
- (a) Defendants
 - (b) Plaintiffs
 - (c) Intervenors
 - (d) Respondents
43. An application under Order IX Rule 13 for setting aside an ex-parte order may be filed.
- (a) 30 days
 - (b) 60 days
 - (c) 90 days
 - (d) 1 year
44. Application under Order IX Rule 7 of the code to set aside the order of ex-parte proceeding may be filed.
- (a) At or before the date fixed for hearing
 - (b) 30 days
 - (c) 60 days
 - (d) Only on the date fixed for hearing
45. In which of the following cases the court may not issue commission?
- (a) To examine any person
 - (b) To make a partition
 - (c) To hold a scientific, technical or expert investigation
 - (d) For execution of a decree
46. Remedy available against rejection of plaint is -
- (a) Plaintiff may prefer an appeal
 - (b) Plaintiff may present a fresh plaint in respect of the same cause of action
 - (c) Plaintiff may file a review
 - (d) Both (a) & (b)
47. A suit filed on behalf of a minor -
- (a) cannot be withdrawn.
 - (b) can be withdrawn as a matter of right.
 - (c) can be withdrawn only with leave of a court.
 - (d) None of these
48. Which court may allow fact or facts to be proved by affidavit at any time for sufficient reason?
- (a) Trial court
 - (b) High Court
 - (c) Supreme Court
 - (d) Any court
49. Court may award costs in respect of -
- (a) Expenditure incurred for the giving of any notice
 - (b) Expenditure incurred by the party for producing witnesses
 - (c) Expenditure incurred on typing, writing or printing of pleadings
 - (d) All of the above
50. Appellant court shall have power -
- (a) to remand cases
 - (b) to determine the case finally
 - (c) to take additional evidence
 - (d) All of these

51. Any person can be a next friend or a guardian to a minor if -
(a) he is of sound mind (b) major
(c) his interest is not adverse to that of the minor (d) All of these
52. "A decree passed against a minor or a lunatic without appointment of a guardian is a nullity and is void and not merely voidable" has been observed by the Hon'ble Supreme Court in -
(a) Ram Chandra v. Man Singh (b) Dhirendra Kumar v. Sughandini Bain
(c) Kaushalya Devi v. Baijnath (d) Triloki Nath v. Ganesg Prashad
53. A lack of which of the following jurisdiction can be set up at any stage:
(a) Territorial jurisdiction (b) Pecuniary jurisdiction
(c) Subject-matter jurisdiction (d) All of these
54. Consider the following statements with regard to inherent powers of the court under CPC:
(i) Inherent powers are supplementary to the express powers under the code
(ii) They are to be exercised to be achieve ends of justice or to prevent abuse of process of court
(iii) Exercise of inherent powers is obligatory on the court and not discretionary
(iv) Courts may exercise inherent power under section 151 CPC even in contradiction of express provisions of the code
(a) Only (ii) & (iii) (b) Only (i) & (ii)
(c) Only (i) & (iv) (d) Only (iii) & (iv)
55. In which of the following cases is a suit defeated?
(a) Mis-joinder of parties (b) Non-joinder of proper party
(c) Non-joinder of necessary party (d) None of these
56. Which of the following is true with regard to grant of temporary injunction?
(a) Temporary injunction cannot be granted without notice to the opposite party
(b) For disobedience to a temporary injunction, a person may be arrested and detained and his property may also be subjected to attachment and sale
(c) Issue of temporary injunction is mandatory in all cases
(d) Only (a) and (b)
57. Order VIII Rule 6 specifically incorporates which of the following:
(a) Equitable Set-off only (b) Legal Set-off only
(c) Both (a) and (b) (d) None of these
58. Which of the following is ground for rejection of plaint?
(a) The suit on the averments in the plaint appears to be barred by the Law of Limitation
(b) The suit on the averments in the plaint appears to be barred by res judicata
(c) The suit on the averments in the plaint lacks cause of action
(d) A party neither necessary nor proper has been added as a party to the suit
59. A court may reject an application for permission to sue as indigent person-
(a) where it is not framed and presented in a manner prescribed in rules 2 and 3 of Order 33.
(b) where his allegation does not show a cause of action.
(c) Both (a) & (b)
(d) Neither (a) nor (b)
60. In a plaint in a suit by of against the Government, instead of the name and description and place of residence, it is sufficient to insert the appropriate name as provided in-
(a) Section 79 CPC (b) Section 80(1) CPC
(c) Section 80(2) CPC (d) Section 78 CPC

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- (a) Feeding the grant by estoppels
 - (b) Part performance
 - (c) Perpetuity
 - (d) None of these

72. Under the Transfer of Property Act, 1882, vested interest is -
(a) Defeated by the death of the transferor
(b) Defeated by the death of the transferee before he obtains possession
(c) No provision is available
(d) Not defeated by the death of the transferee before he obtains possession
73. Doctrine of lis pendens is not applicable when the property has been transferred by -
(a) a person who have possession of the property. (b) owner.
(c) a person who is not party to the litigation. (d) None of these
74. Under the Transfer of Property Act, 1882, the seller is duty bound to disclose -
(a) Patent defects in the property (b) Latent defects in the property
(c) Both (a) & (b) (d) Neither (a) nor (b)
75. What is the default interest payable under section 63 and 63A of the Transfer of Property Act, 1882?
(a) 6% per annum (b) 8% per annum
(c) 9% per annum (d) 10% per annum
76. Which of the following can be transferred under the provisions of Transfer of Property Act, 1882?
(a) The right to mesne profits
(b) The decree for mesne profits
(c) A transfer of property to a vendor for future co-habitation
(d) A sub-lease of a farm for a retail sale of a product
77. Which of the following instruments have been excluded by the application of section 137 of the Transfer of Property Act, 1882?
(a) Shares (b) Bills of exchange
(c) Both (a) & (b) (d) Neither (a) nor (b)
78. In the Transfer of Property Act, 1882, sections 33 to 37 applies to both moveable and immovable properties whereas sections 38 to 53 apply to -
(a) Moveable property only (b) Immovable property only
(c) Both (a) & (b) (d) Neither (a) nor (b)
79. Section 38 of the Transfer of Property Act, 1882 has no application -
(a) to previous transfer where the transaction is still incomplete.
(b) to succeeding transfer where the transfer is to be completed in future.
(c) to perpetuity transfer.
(d) None of the above
80. The following is an exception to the rule against perpetuity:
(a) Charities (b) Vested interest
(c) A covenant of redemption (d) All of these
81. The person making the proposal is called the _____ and the person accepting the proposal is called the _____.
(a) Proposer/Propose (b) Promisee/Promisor
(c) Promisor/Promisee (d) Proposee/Proposor

- 82.** A proposal may be revoked -
- (a) at any time when the communication of its acceptance is complete as against the proposer, but not afterwards.
 - (b) at any time before the communication of its acceptance is incomplete as against the proposer, but not afterwards.
 - (c) at any time before the communication of its acceptance is complete as against the proposer, but not afterwards.
 - (d) at any time after the communication of its acceptance is complete as against the proposer, but not afterwards.
- 83.** An agreement entered into with a minor is-
- (a) Void
 - (b) Voidable
 - (c) Valid
 - (d) Illegal
- 84.** When consent to an agreement is caused by undue influence, the agreement in the contract is-
- (a) Void
 - (b) Voidable
 - (c) Void ab initio
 - (d) Voidable at the option of the party whose consent was so caused
- 85.** An anticipatory repudiation occurs when, prior to the promised date of performance, the promisor absolutely repudiates the contract-
- (a) Expressly
 - (b) Impliedly
 - (c) Both (a) & (b)
 - (d) Neither (a) nor (b)
- 86.** If a new contract is submitted in place of an existing contract, it is called-
- (a) Alteration
 - (b) Remission
 - (c) Novation
 - (d) None of these
- 87.** Agreements, the meaning of which is not certain, or capable of being made certain are
- (a) Void
 - (b) Voidable
 - (c) Valid
 - (d) None of these
- 88.** The essentials of Fraud is that there should be -
- (a) False statement of fact
 - (b) Intentional misrepresentation
 - (c) Active concealment of fact
 - (d) All of these
- 89.** Goods displayed in showcase of a shop with price tag is -
- (a) Invitation to offer
 - (b) Counter offer
 - (c) Communication
 - (d) All of these
- 90.** The doctrine of impossibility of performance rendering contracts void is based on -
- (a) Implied terms
 - (b) Just and reasonable solution
 - (c) Supervening impossibility
 - (d) Unjust enrichment
- 91.** When the court is unable to access damages, the aggrieved party may be awarded -
- (a) Nominal damages
 - (b) Exemplary damages
 - (c) Actual damage
 - (d) Liquidated damages
- 92.** Which of the following is a contingent contract:
- (a) 'A' insures his factory against damages
 - (b) 'A' sells his property subject to the condition that the property will be reconvened to him on payment of price with interest
 - (c) A guard is appointed in a swimming pool for the sole purpose of rescuing drowning persons
 - (d) A borrower solemnly promises to pay off the lender when the borrower will be in funds

93. Section 7 of the Indian Contract Act, 1872 provides that in order to convert a proposal into a promise, the acceptance must be -
(a) Absolute (b) Unqualified
(c) Neither (a) nor (b) (d) Both (a) & (b)
94. An acceptance made subject to final approval is called -
(a) Counter proposal (b) Communication of acceptance
(c) Valid acceptance (d) Provisional acceptance
95. The effect of frustration is that the dissolution of the contract occurs -
(a) automatically
(b) at the election of the parties
(c) Contract becomes voidable at the option of the promisor
(d) None of the above
96. The relationship of principal and agent may be created by -
(a) Express appointment (b) The conduct or situation of the parties
(c) Necessity of the case (d) All of these
97. The expression "Force Majeure" means -
(a) Irresistible force (b) Compulsion
(c) Circumstances beyond one's control (d) All of these
98. The remedy available for breach of contract is -
(a) Specific performance and injunction (b) Quantum Meruit
(c) Both (a) and (b) (d) None of these
99. Vindictive damages are -
(a) These damages are in the nature of punishment (b) These damages are indicative in nature only
(c) These are simple damages (d) All of these
100. What are the duties of an agent?
(a) To use all reasonable diligence in communicating with his principal and in seeking to obtain his instructions
(b) To pay the sum received for Principal
(c) To render proper accounts to his principal on his demand
(d) All of the above

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