

MIZORAM PUBLIC SERVICE COMMISSION

COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO THE POST OF ASSISTANT PUBLIC PROSECUTOR UNDER LOKAYUKTA, VIGILANCE DEPARTMENT, GOVERNMENT OF MIZORAM, NOVEMBER, 2020

LAW PAPER - I

Time Allowed : 2 hours

Full Marks : 200

All questions carry equal mark of 2 each.

Attempt all questions.

1. Jurisprudence is the study of _____ law.
(a) Religious (b) Moral
(c) Ethical (d) Positive
2. _____ has presented the thesis that jurisprudence is a social engineering.
(a) Black Stone (b) Jeremy Bentham
(c) John Stuart Mill (d) Roscoe Pound
3. 'Jurisprudence is the scientific synthesis of the essential principles of law' said :
(a) Holland (b) Pound
(c) K. Allen (d) Rudolf Von Ihering
4. Which one of the following schools supports the view that a custom becomes law when it receives the stamp of judicial recognition by courts :
(a) Analytical School (b) Natural Law School
(c) Historical School (d) Sociological School
5. A rights in personam is
(a) available only against a particular person (b) available against person in general
(c) a positive right (d) both (a) & (b)
6. Who said that the child in a womb is not a legal personality and can have no rights?
(a) Paton (b) Savigny
(c) Bentham (d) Salmond
7. A primary rights can be a
(a) Right in rem only (b) Right in personam only
(c) Either (a) or (b) (d) None of these
8. Which of the following case is concern with possession?
(a) Merry Vs Green (b) Ancona Vs Rogers
(c) Hibbert Vs Mc Kieren (d) All of these
9. According to Bentham the principle of utility subjects everything to two motives, these two motives are:
(a) Pressure and pain (b) Loss and gain
(c) Victory and defeat (d) Good and bad

10. Corpus depends on
 - (a) The nature of the thing
 - (b) The number of things
 - (c) Value of things
 - (d) Nature as well as number of things
11. Long possession creates ownership by
 - (a) Subscription
 - (b) Prescription
 - (c) Simplification
 - (d) Possessio-simpliciter
12. Primary and secondary rights are also known as
 - (a) Social and Legal rights
 - (b) Natural and Protected rights
 - (c) Antecedent and remedial rights
 - (d) Fundamental and general Rights
13. The Jural correlation of claim is
 - (a) Immunity
 - (b) Liability
 - (c) Duty
 - (d) None of these
14. The concept of "Dialectical materialism" is a concept commonly associated with which of the following school of thought?
 - (a) Marxism
 - (b) Liberal theory
 - (c) Postmodernism
 - (d) Utilitarianism
15. "Custom is not law until approved by the judges" it was stated by
 - (a) Savigny
 - (b) Puchta
 - (c) Gray
 - (d) Hegel
16. "Volkgeist" means
 - (a) The series of judge made law
 - (b) The bunch of custom customs
 - (c) General consciousness of the people
 - (d) Law prevailing in country
17. According to Salmond, which one of the following is the supreme law of the land?
 - (a) Colonial legislation
 - (b) Executive legislation
 - (c) Judicial legislation
 - (d) Law made by the Parliament
18. The celebrated essay determining *Ratio decidendi* of case was written by:
 - (a) Goodhart
 - (b) Winfield
 - (c) Oppenheim
 - (d) Stone
19. Duties without corresponding rights are called:
 - (a) Absolute duty
 - (b) Relative duty
 - (c) Secondary duty
 - (d) None of these
20. The Doctrine of Precedent is of antiquity, while the *Stare decisis* is relatively modern, the later relates to:
 - (a) Settled judicial hierarchy of courts and law reports
 - (b) Emergence of the concept of sovereignty of Parliament
 - (c) A point of law settled by a judicial decision
 - (d) None of these
21. Who said jurisprudence is formal science of positive law?
 - (a) Bentham
 - (b) Stone
 - (c) Austin
 - (d) Holland

22. Which of the following school adhered to the view that. "Law is found not made, it is self existent".
- (a) Analytical School (b) Historical School
(c) Sociological School (d) Realist School
23. Who propounded the theory of utility i.e greatest good of the greatest number?
- (a) Austin (b) Bentham
(c) Holland (d) Hart
24. A basic premise of natural law theory is:
- (a) existence of objective moral principles
(b) a code of conduct being the essential nature of the universe
(c) no human being is above the Law
(d) all of these
25. Who among the following scholars is not a proponent of Legal Positivism?
- (a) Ronald Dworkin (b) John Austin
(c) Joseph Raz (d) H.L.A. Hart
26. What is the age for making a contract?
- (a) 18 (b) 25
(c) 35 (d) Majority
27. Agreements having no consideration is named as
- (a) Valid (b) Voidable
(c) Void (d) None of these
28. A contract creates
- (a) rights in personam. (b) rights in rem.
(c) no obligations. (d) only obligations and no rights.
29. Agreement the meaning of which is uncertain is
- (a) Void (b) Valid
(c) Voidable (d) Illegal Answer
30. The correct sequence in the formation of a contract is :
- (a) Offer, acceptance, agreement, consideration.
(b) Agreement, consideration, offer, acceptance.
(c) Offer , Consideration, acceptance, agreement.
(d) Offer, acceptance, consideration, agreement.
31. A patient in a lunatic Asylum who is at intervals of sound mind :
- (a) May not contract.
(b) May contract.
(c) May contact during those intervals when he is of sound mind.
(d) May contract only after he becomes completely of sound mind
32. An agreement made without free consent is:
- (a) Always void (b) Voidable
(c) Unlawful (d) Either void or voidable.
33. Every agreement and promise enforceable by law is
- (a) Offer (b) Contract
(c) Acceptance (d) Consideration
34. For an acceptance to be valid, it must be

- (a) Partial & qualified
 - (b) Absolute & unqualified
 - (c) Partial & unqualified
 - (d) Absolute & qualified
35. An offer is revoked
- (a) By the death or insanity of the proposer
 - (b) By Lapse of time
 - (c) By Communication of notice of revocation
 - (d) All of these
36. The expression “Privity of contract” means
- (a) A Contract is Contract between the parties only
 - (b) A Contract is a private document
 - (c) Only private documents can be contracts
 - (d) The contacts may be expressed in some usual and reasonable manner
37. Drawing cash from ATM, is an example of
- (a) Express contract
 - (b) Implied contract
 - (c) Tacit contract
 - (d) Unlawful contract
38. Contracts classified on the basis of performance are
- (a) executed contracts.
 - (b) executory contracts.
 - (c) partly executed or partly executory contracts.
 - (d) all of these
39. A minor who claims to be over the age of majority commits
- (a) fraud
 - (b) misrepresentation
 - (c) extortion
 - (d) larceny
40. Damages agreed upon by the parties when they first enter into a contract are called
- (a) actual damages
 - (b) incidental damages
 - (c) anticipatory damages
 - (d) liquidated damages
41. If there is a unilateral mistake as regards identity of a party caused by fraud of he other party, the contract is –
- (a) Void
 - (b) Voidable
 - (c) Valid
 - (d) illegal
42. A wagering agreement is.
- (a) Forbidden by law
 - (b) immoral
 - (c) Opposed to public policy
 - (d) None of these
43. The case of Taylor v. Caldwell (1883)deals with-
- (a) Discharge of contract by destruction of subject matter
 - (b) Anticipatory breach of contract
 - (c) Discharge of contract by death of a party
 - (d) Breach of contract.
44. The Court may grant rescission where the contract is-
- (a) Voidable at the option of the plaintiff
 - (b) Void
 - (c) Unenforceable
 - (d) illegal
45. Anticipatory breach of a contract takes place –
- (a) During the performance of the contract
 - (b) At the time when the performance is due
 - (c) Before the performance is due
 - (d) At the time when the contract is entered into
46. Remedies for Breach of contract is contained in

- (a) Section-70
(c) Section- 72
- (b) Section-71
(d) Section-73
47. Advertisement for the tenders
(a) Is an offer
(c) Is a promise
- (b) Is an invitation to offer
(d) Is an implied promise for the highest offer
48. A proposal may be revoked at any time
(a) Before the communication of its acceptance
(c) Both (a) and (b)
- (b) Before the rejection of its communication
(d) None of above
49. Coercion, Fraud and misrepresentation makes contract
(a) Void of the option of the party whose consent was caused
(b) Voidable on the option of the party whose consent so caused
(c) Valid for both sides
(d) None of these
50. The consideration or object of an agreement is lawful unless it is
(a) Forbidden by law
(c) Forbidden by custom
- (b) Forbidden by contractors themselves
(d) None of these
51. 'No-fault liability' means
(a) liability for damage caused through negligence
(b) liability for damage caused through fault.
(c) absolute liability even without any negligence or fault.
(d) freedom from liability.
52. In an action for the tort of negligence, what is not required to be proved by the plaintiff is that
(a) There is damage
(c) Breach of duty owed to some one
- (b) Duty-situation arises
(d) Breach of duty owed to the plaintiff
53. Torts are grounded in the concept of
(a) law
(c) rights
- (b) court
(d) sincerity
54. A loud bass beat that can be heard through an apartment wall (from another apartment) at midnight can be classified as
(a) Nuisance
(c) Interference with contractual relations
- (b) Trespass
(d) Conversion
55. What is meant by the term 'actionable per se'?
(a) Actionable only in the civil courts
(b) A tort of strict liability
(c) Actionable without proof of damage
(d) Actionable at the instance of the injured party only
56. For volenti non-fit injuria to be available, it is necessary that
(a) The plaintiff knows that the risk is there
(b) The plaintiff agrees to suffer the harm
(c) The plaintiff knowing the risk is there, agrees to suffer the harm
(d) All the these

57. The word 'tort' has been picked up from:
(a) An English word 'Wrong' (b) A Latin word 'Tortum'
(c) A Roman word 'Delict' (d) A Sanskrit word 'Jimha'
58. Can a husband be held vicariously liable for the tort of his wife in India?
(a) Yes, because husband is considered as the agent of his wife
(b) Yes, because husband is the guardian of his wife
(c) No, a married woman can be independently sued
(d) No, because husband is not the guardian of his wife
59. Law of tort is:
(a) Codified (b) Uncodified
(c) Both (a) & (b) (d) None of these
60. Which one of the following cannot sue for breach of law of tort?
(a) An infant (b) Lunatic
(c) Child in the womb (d) Convict
61. Which one of the following is an essential element of tort?
(a) Consent of parties (b) Intention of the wrongdoer
(c) Motive (d) None of the above
62. Unliquidated damage means
(a) Uncertain sum of money (b) Certain sum of money
(c) Damages arising out of re-ipsa-loquitur (d) Both (a) & (c)
63. Qui Facit per alium facit per se mean
(a) liability under the law of torts (b) liability for unauthorized act
(c) vicarious liability (d) Strict liability
64. The rule of strict liability is recognized in
(a) Ryland Vs Fketcher (b) MC Mehta Vs Union of India
(c) Basbe Vs Methew (d) Herniman Vs Smith
65. In MC Mehta Vs Union of India the supreme Court was dealing with claims arising from the leakage of
(a) Oleum Gas (b) Carbo Monooxide
(c) Methyl tcocynate (d) Carbon dioxide
66. The maxim "Res ipsa loquitur" is a
(a) Rule of law (b) Rule of evidence
(c) Rule of maxim (d) rule of natural justice
67. Which one of the following is covered under absolute privilege
(a) Parliamentary proceedings (b) Judicial proceeding
(c) Neither (a) nor (b) (d) Both (a) & (b)
68. Slander is actionable per se if
(a) Criminal offence is charged (b) Accusation of virulent disease is made
(c) Unchastity to women or girl (d) All the these

69. De minimi's non curat lex means
- (a) law does not take account to every trifling matters
 - (b) plaintiff must present the damage in minimum degree
 - (c) your behavior should not hamper the work of others
 - (d) you must not withdraw the support of the land of other
70. Malice in law means
- (a) wrongful act done intentionally with evil motives
 - (b) wrongful act done intentionally with just cause and excuses
 - (c) wrongful act done intentionally but without just cause or excuse
 - (d) wrongful act done intentionally with good motives
71. The following is not a tort described as 'trespass to the person
- (a) Battery
 - (b) False imprisonment
 - (c) Public nuisance
 - (d) Assault
72. Negligence does not require proof of
- (a) breach of the standard of care
 - (b) proximate cause.
 - (c) compensatory damage.
 - (d) foreseeable, substantial certainty of injury.
73. Res ipsa loquitur is the legal theory applied exclusively to cases involving
- (a) defective medical products
 - (b) intentional tort
 - (c) negligence
 - (d) respondeat superior
74. Which of the following is not an aspect of the definition of the tort of private nuisance?
- (a) An indirect interference
 - (b) An unlawful interference
 - (c) A continuous interference
 - (d) A negligent interference
75. What type of damage is recoverable under public nuisance but not under private nuisance?
- (a) Loss of amenity
 - (b) Property damage
 - (c) Economic loss
 - (d) Personal injury
76. When was the Lok pal and Lokayata Act come into force
- (a) 17th December, 2013
 - (b) 18th December, 2013
 - (c) 16th January, 2014
 - (d) 17th January, 2014
77. The first committee to recommend for the establishment of an ombudsman type of institution in India was
- (a) Gorwala Committee
 - (b) Santhanam Committee
 - (c) Kripalani Committee
 - (d) Administrative Reform Commission
78. According to AV Dicey, in India the Rule of law is embodied in
- (a) Article 12 of the Constitution of India
 - (b) Article 13 of the Constitution of India
 - (c) Article 14 of the Constitution of India
 - (d) Article 15 of the Constitution of India
79. Which one of the following is not the basic source of administrative law?
- (a) Custom
 - (b) Delegated legislation
 - (c) Ordinance promulgated by the Government
 - (d) Report of the Committee and the Commission
80. The Judicial control over administrative acts emanate from the Doctrine of
- (a) Separation of power
 - (b) Judicial review
 - (c) Rule of law
 - (d) Delegated legislation

81. 'Quo Warranto' literally means
(a) To issue warrant (b) What is your authority
(c) Both (a) & (b) (d) None of these
82. Sunil Batra Vs Delhi Administration is a landmark case on
(a) Autre fois acquit (b) Bias
(c) Habeas corpus (d) Mandamus
83. The rule of "Audi alterem partem" requires reasonable opportunity of hearing, hearing may be
(a) Only in writing (b) Only orally
(c) Written or oral (d) Both written and oral
84. When the principle of 'due process of law' is applied which of the following is a necessary condition?
(a) Principle of Natural Justice (b) Power of judicial review
(c) Doctrine of Procedure established by law (d) Independence of judiciary
85. Consider the following statements regarding Quo Warranto:
I. It can be issued only in case of a substantive public office of a permanent character created by a statute or the constitution.
II. It can be sought only by persons whose legal rights have been infringed.
Which of the above statements is/are correct?
(a) Only I (b) Only II
(c) Both I and II (d) Neither I nor II
86. The theory of Separation of Powers is well founded in:
(a) Federal form of government (b) Presidential form of government
(c) Parliamentary form of government (d) All the these
87. "Administrative law is the law relating to the administration. It determines the organization, powers and duties of the administrative authorities". This definition is provided by –
(a) K.C.Davis (b) Garner
(c) Ivor Jennings (d) Wade
88. *Delegatus non potest delegare* means-
(a) A delegate can further delegate (b) A delegate cannot further delegate
(c) Delegation is bad in law (d) Delegation is not provided to delegate
89. Which function cannot be delegated?
(a) Essential legislative functions (b) Exclusion
(c) Suspension (d) Commencement
90. Rule Of Law according to Dicey means
(a) Equality before law (b) Supremacy of law
(c) Both (a) & (b) (d) Supremacy of judiciary
91. Administrative law is a part of
(a) Statutory law (b) Customary law
(c) Public law (d) Natural law
92. What was the principal laid down by the Supreme court in AK Kraipak Vs UOI

- (a) Principal of natural justice are applicable to administrative proceedings
 - (b) Judicial review are a part of Basic structure
 - (c) Related with Rule of Law
 - (d) All the these
- 93.** Which one of the following is the correct statement?
- (a) Certiorari can be issued against judicial or quasi judicial authorities
 - (b) Mandamus can be issued against administrative authorities
 - (c) Both (a) & (b)
 - (d) None of these
- 94.** Lokpal and lokayukta is competent to
- (a) Discharge the function of administrative officer
 - (b) Investigate complaints involving grievances in respect of administrative action
 - (c) Inquiry conduct of officer
 - (d) Give observation and recommendations regarding administrative action
- 95.** What are the expectation to the rule of Natural Justice
- (a) Exclusion of statutory provision
 - (b) Exclusion by constitutional provision
 - (c) Exclusion in case of legislative act
 - (d) All the these
- 96.** The writ of Quo-Warranto can be issued
- (a) Against any person
 - (b) Against public officer, who wish to assume the office
 - (c) Against public officer, who is holding public office
 - (d) All the these
- 97.** The test for determining bias is known as
- (a) Civil liability test
 - (b) Criminal liability test
 - (c) Reasonable likelihood test
 - (d) Collective responsibility test
- 98.** Petition to the Supreme Court under Art. 32 are subject to the rule of Res judicata, except
- (a) Quo warranto
 - (b) Habeas Corpus
 - (c) Certiorari
 - (d) Prohibition
- 99.** The concept of Droit administrative was first developed in
- (a) France
 - (b) Germany
 - (c) India
 - (d) None of these
- 100.** Delegated legislation is controlled by
- (a) Procedural Control
 - (b) Parliamentary control
 - (c) Judicial control
 - (d) All of these