

MIZORAM PUBLIC SERVICE COMMISSION

TECHNICAL COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO JUNIOR ADMINISTRATIVE GRADE OF MIZORAM LEGAL SERVICE UNDER LAW & JUDICIAL DEPARTMENT. JULY, 2016

LAW PAPER - I

Time Allowed : 2 hours

Full Marks : 100

Attempt all questions.

All questions carry equal marks of 1 each.

1. The Fundamental Rights secured to the individual are
 - (a) Limited to the State action only
 - (b) Meant to protect persons against the conduct of private persons
 - (c) Meant to protect persons against the police action
 - (d) All of the above are true
2. The expression 'every person' in Article 5 includes
 - (a) A prisoner
 - (b) Member of armed force
 - (c) Person living within the territory of India
 - (d) All of the above are true
3. Right to freedom of religion cannot be restricted on the ground of
 - (a) Public order
 - (b) Security of State
 - (c) Health
 - (d) Morality
4. In which of the following cases, it was observed that Article 14, 19 and 21 are not mutually exclusive and they jointly aim at reasonableness and fairness
 - (a) Ram Swarup v. Delhi Administration
 - (b) Jagan Nath v. UOI
 - (c) Golak Nath v. State of Punjab
 - (d) Maneka Gandhi v. UOI
5. It has been said in many cases viz., Devdasan v. UOI, that Article 16 should be read with
 - (a) Article 45 and 332
 - (b) Article 46 and 335
 - (c) Article 15 and 332
 - (d) Article 46 and 332
6. Right to travel abroad is a part of 'personal liberty' as envisaged under Article 21
 - (a) The statement is true
 - (b) The statement is incorrect
 - (c) The right to travel abroad is person's personal liberty but within the procedure established by law
 - (d) This article deals with personal liberty in India only and not for the travel abroad
7. Article 30(2) lays down that there cannot be any discrimination in giving aid to educational institution on the ground of
 - (a) Institution is being managed by the minority
 - (b) Institution is managed by the religious or linguistic minority
 - (c) Institution is managed by religious, cultural and linguistic minority
 - (d) Institution is managed by cultural, religious, linguistic minority or majority

8. The expression 'minority' in Article 30 means any community which is
 - (a) Less than 50% of the population of a particular State as a whole
 - (b) 40% of the population of a particular State as a whole
 - (c) It is determined on the basis of the entire population of the country
 - (d) None of these
9. According to Article 22(4) no detention of any person is possible without the intercession of the Advisory Board for a period of
 - (a) Three months
 - (b) Two months
 - (c) Twelve months
 - (d) Less than two months
10. In case of A.K. Gopalan v. State of Madras, the Preventing Detention Act, 1950 was found conflicting with the two Articles
 - (a) Articles 14 and 17
 - (b) Articles 19 and 21
 - (c) Articles 23 and 25
 - (d) Articles 23 and 32
11. The Right to Property was dropped from the list of Fundamental Rights by the
 - (a) 24th Amendment
 - (b) 42nd Amendment
 - (c) 44th Amendment
 - (d) None of these
12. The Directive Principles are aimed at
 - (a) Securing political freedom
 - (b) Securing social and economic freedom by appropriate action
 - (c) Executive supremacy
 - (d) Judicial supremacy
13. The term 'State' in connection with the Directive Principles
 - (a) Has a meaning given to it in reference to Fundamental Rights
 - (b) Means only Union and State Legislature
 - (c) Means all three organs of the Government
 - (d) Means the same thing as in connection with the Fundamental Rights
14. Power of Governor to grant pardon etc., and to suspend, remit or commute sentence in certain cases is a statutory power. It is given in
 - (a) Article 159
 - (b) Article 161
 - (c) Article 162
 - (d) Article 163
15. The quorum to constitute a meeting of the House of Parliament shall be
 - (a) 1/10th of total number of members
 - (b) 2/3rd of total number of members
 - (c) 1/3rd of total number of member
 - (d) None of these
16. Total strength of Lok Sabha members is
 - (a) 542
 - (b) 525 from the State and 20 from Union Territories
 - (c) 525 from the States and 20 from Union Territories and 2 nominated by President from Union Territory
 - (d) 555

17. The provision of Article 368 of the Constitution of India, as it stands today deals with
- (a) Power of Parliament to amend the Constitution
 - (b) Procedure for amendment of the Constitution to be followed by the Parliament
 - (c) Power as well as procedure for amendment of the Constitution
 - (d) Passing the ratification of Amendment Bills by State Legislature
18. The Supreme Court of India
- (a) Is a Court of record and has power to punish for its contempt
 - (b) Is only highest Court of Appeal
 - (c) Is like House of Lords on its Judicial side
 - (d) Is in all respects like Supreme Court of USA
19. The voting age has been reduced from 21 to 18 by the Parliament in the year
- (a) 1976
 - (b) 1978
 - (c) 1989
 - (d) 1991
20. The Ninth Schedule to the Indian Constitution was added by:
- (a) First Amendment
 - (b) Eighth Amendment
 - (c) Ninth Amendment
 - (d) Forty-Second Amendment
21. Which among the following is not a Fundamental Right?
- (a) Right to strike
 - (b) Right against exploitation
 - (c) Right to equality
 - (d) Right to freedom of religion
22. How many duties are conferred on the citizens in Article 51A
- (a) 8
 - (b) 9
 - (c) 11
 - (d) 12
23. Reservation of seats in educational institutions in favour of Scheduled Castes and Tribes are governed by
- (a) Article 15(4) of the Constitution
 - (b) Article 16(4) of the Constitution
 - (c) Neither (a) nor (b)
 - (d) Both (a) and (b)
24. Right to work in India is
- (a) Fundamental right
 - (b) Directive principle
 - (c) Is not a fundamental right but it can be claimed after employment
 - (d) Constitutional duty
25. The Legal power or position of the President of India is
- (a) The same as in the English Constitution
 - (b) Like the President of America
 - (c) Like the Administrator of Sikkim
 - (d) Like that of Chief justice of Supreme of India
26. The Code of Civil Procedure is an adjective law. The statement is
- (a) True
 - (b) False
 - (c) Partly correct
 - (d) None of these

27. 'Decree' has been defined in section _____ of the Code of Civil Procedure
- (a) Section 1(1) (b) Section 1(2)
(c) Section 2(1) (d) Section 2(2)
28. An order rejecting the plaint for non-payment of the court fees is
- (a) Judgment (b) Not decree
(c) Decree (d) None of these
29. Which of the following is not a decree?
- (a) Rejection of a plaint (b) Dismissal in default
(c) Both (a) and (b) (d) None of these
30. Which of the following sections of the Code of Civil Procedure 1908, defines 'suit'?
- (a) Section 2(3) (b) Section 2(4)
(c) Section 2(5) (d) Not defined
31. Statement given by the judge on the grounds of a decree or order is called
- (a) Final order (b) Final decree
(c) Judgment (d) None of these
32. A bundle of essential facts which is necessary for the plaintiff to prove before he can succeed in the suit is called
- (a) Pleadings (b) Proof
(c) Evidence (d) Cause of action
33. Which of the following sections provides that suits shall be instituted where subject matter situates?
- (a) Section 15 (b) Section 17
(c) Section 16 (d) Section 18
34. Section 16 to 18 of the Code of Civil Procedure, 1908 deals with suits relating to
- (a) Movable property (b) Immovable property
(c) Both (a) and (b) (d) None of these
35. A, residing in Delhi publishes in Calcutta statements defamatory to B. The newspaper is circulated in Bombay, Madras and Raipur. B can sue A in
- (a) Delhi or Calcutta (b) Bombay or Madras
(c) Raipur (d) Any of the five places above
36. Which of the following sections of the Code of Civil Procedure, 1908 deals with 'power to transfer suits which may be instituted in more than one court'?
- (a) Section 20 (b) Section 21
(c) Section 22 (d) Section 23
37. The person who may be joined as plaintiffs in a suit is provided under
- (a) Order 1, Rule 1 (b) Order 1, Rule 2
(c) Order 2, Rule 2 (d) Order 3, Rule 1
38. Where a new defendant is added
- (a) Plaint to be amended (b) Plaintiff need to be amended
(c) Depends (d) None of these
39. Pleading means
- (a) Plaint only (b) Written statement only
(c) Plaint and written statement (d) Plaint, written statement and replication

40. In a suit for partition, all sharers are
(a) Necessary parties (b) Proper parties
(c) Depends (d) None of these
41. 'Particulars to be contained in plaint' is mentioned in
(a) Order VI, Rule 15 (b) Order VI, Rule 12
(c) Order VII, Rule 1 (d) Order IV, Rule 14
42. A court can return the plaint for presentation to the proper court
(a) At the time of presentation (b) Before framing of issues
(c) Before the trial begins (d) At any time
43. The order returning the plaint is
(a) Appealable (b) Not appealable
(c) Revisable (d) None of these
44. Which of the following sections of the Code of Civil Procedure, 1908, deals with procedure of service of summons where defendant resides in another State?
(a) Section 27 (b) Section 28
(c) Section 29 (d) Section 30
45. In legal set off the amount must be recoverable at the date of
(a) Suit (b) Written statement
(c) Framing of issues (d) None of these
46. Order IX of the Code of Civil Procedure, 1908, deals with
(a) Summons to witness
(b) Appearance of parties and consequences of non-appearance
(c) Written statement
(d) Set-off
47. Can the inherent power be used to set aside an ex parte decree?
(a) Yes
(b) No
(c) None of these
48. Set-off is a
(a) Plea for the plaintiff (b) Defense of the defendant
(c) Both (a) & (b) (d) Neither (a) nor (b)
49. Which of the following orders deals with issue and service of summons?
(a) Order V (b) Order VI
(c) Order VII (d) Order IV
50. Is the principle of *res judicata* applicable to criminal proceedings?
(a) Yes (b) No
(c) Depends (d) None of these
51. The term 'movable property' is defined in the Transfer of Property Act, 1882 under
(a) Section 3 (b) Section (2)
(c) Section 4 (d) Not defined

52. On a transfer of property, vested interest therein is certain in favour of a person on the happening of an event which
- (a) Must happen (b) May happen
(c) Shall happen (d) None of these
53. In a lease of immovable property what is transferred is the
- (a) Right to enjoy the property (b) Interest in the property
(c) Mesne profit (d) Possession alone
54. The disappointed transferee for consideration has the right to be made good for
- (a) The actual loss
(b) Value of the property attempted to be transferred to him
(c) The money expended by him on this behalf
(d) Compensation including future loss
55. On relinquishment of the benefit by the owner under section 35 it shall be
- (a) Reverted to the transferor
(b) Vested with the disappointed
(c) Accounted for the loss sustained to the owner
(d) None of these
56. Burden of covenant runs with the land is the spirit of section _____ of the Transfer of Property Act
- (a) 40 (b) 41
(c) 42 (d) 43
57. An ostensible owner of an immovable property is
- (a) Real owner
(b) Qualified owner
(c) One who transfer with the consent of the real owner
(d) Owner without title
58. *Lis pendens* is applicable to property
- (a) Immovable only (b) Movable only
(c) Both movable and immovable (d) Tangible and intangible
59. The provisions of charge under section 100 of the Transfer of Property Act, 1882 so far as may apply to the provision of
- (a) Simple mortgage (b) Usufructuary mortgage
(c) English mortgage (d) Anomalous mortgage
60. 'Sale' in the Transfer of Property Act, 1882 is defined under
- (a) Section 53 (b) Section 54 A
(c) Section 54 (d) None of these
61. Which of the following obligations do not necessarily arise from an agreement?
- (a) Torts (b) Quasi-contract
(c) Court Judgments (d) All of these
62. The doctrine of privity of contract means
- (a) A contract without consideration (b) An unlawful agreement
(c) A stranger to a contract can sue (d) A stranger to a contract cannot sue

63. The latest theory of the contract is
- (a) Will theory (b) Theory of enforceability
(c) Purpose theory (d) Fides ficta
64. Indian Contract Act contains _____ section.
- (a) 145 (b) 266
(c) 482 (d) 238
65. An offer is
- (a) Only a declaration of intention
(b) Only a proposal
(c) An invitation
(d) A willingness to do or abstain from doing something with a view to obtaining assent of the addressee
66. The starting point of an agreement is
- (a) Offer (b) Invitation to offer
(c) Advertisement (d) Acceptance
67. A bid at auction sale is
- (a) An implied offer to buy (b) An expressed offer to buy
(c) An invitation to offer to buy (d) An invitation to come to bid
68. Consider the following statements
The case of Mohori Bibee v Dharmodas Ghose
I. is the decision of the Supreme Court of India regarding minor's contract
II. has laid down that in India a minor's contract is void
III. has laid down that a minor's contract becomes valid when he attains majority
Which of the above statement(s) is/are correct?
- (a) I and III (b) III alone
(c) I and II (d) II alone
69. Every contract is an agreement but every agreement is not contract. This statement is
- (a) Partially correct (b) Correct subject to certain exception
(c) Correct (d) Wrong
70. A voidable contract is one which is
- (a) Not enforceable by either of the parties thereto
(b) Enforceable by either of the parties thereto
(c) Enforceable only with the permission of the Court of Law
(d) Enforceable at the option of one of the parties thereto
71. Tort is a
- (a) Civil wrong (b) Criminal wrong
(c) Civil as well as criminal wrong (d) None of these
72. Tort is, violation of
- (a) Right in rem (b) Right in personam
(c) Both (a) & (b) (d) None of these

73. What kind of contact must be proved as an element of the tort of battery?
- (a) Violent contact (b) Contact causing some injury, however slight
(c) Any contact without the plaintiff's consent (d) Harmful or offensive contact
74. Law of tort has developed mainly through
- (a) Enactments (b) Customs & precedents
(c) Judicial decisions (d) All of these
75. Which of the following tort is an exception to the rule of irrelevance of motive in the law of torts?
- (a) Malicious prosecution (b) Nuisance
(c) Conspiracy (d) All of these
76. Damnum implies
- (a) Dictatorship (b) Decision of House of Lords
(c) Damages (d) Double bench opinion
77. In the case of a civil wrong, the injured party is called
- (a) Defendant (b) Opponent
(c) Accused (d) Plaintiff
78. 'Novus actus interveniens' is related to
- (a) Remoteness of consequences (b) Possible consequence
(c) Direct consequence (d) None of these
79. According to Justinian 'every action contrary to law' is
- (a) Liberty (b) Power
(c) Damnum (d) Injury
80. In the case of 'Breach of Trust', the damages are
- (a) Limited (b) Unlimited
(c) Liquidated (d) Unliquidated
81. In defamation the term *innuendo* means
- (a) Statement must be published (b) Secondary meaning
(c) Primary meaning (d) None of these
82. Which of the following slanders are *actionable per se* without proof of special damages?
- (a) Imputation of adultery (b) Imputation of offence
(c) Imputation of disease (d) All of these
83. The application of maxim 'volenti non fit injuria' is
- (a) Dependent upon a valid contract
(b) Dependent upon the competence of the decision making capacity of the person at the time of giving consent
(c) Both (a) and (b)
(d) None of these
84. The rule in *Rylands v Fletcher* does not apply when the escape is due to
- (a) Inevitable accident (b) Vis major
(c) Negligence of the defendant (d) Mistake

85. The rule of strict liability was formulated by the House of Lords in *Rylands v Fletcher* in
- (a) 1869 (b) 1868
(c) 1885 (d) 1890
86. 'Compensation can be awarded to a person who suffered personal injuries at the hands of Govt. officers which amounted to tortious acts' it was held in
- (a) *P Rathinam v Union of India* 1989 Supp (2) SCC716
(b) *D K Basu v State of WB* (1997) 1SCC416
(c) *Rudal Shah v State of Bihar* AIR 1983 SC106
(d) *Arvinder Singh Bagga v State of UP* AIR 1995 SC 117
87. Respondeat superior means:
- (a) Let the principal or superior be responsible (b) Let the respondent be responsible
(c) Let the defendant be superior (d) Let the plaintiff be superior
88. A throws water at B and the drop of water falls on B. A committed
- (a) Battery (b) Assault
(c) No offence (d) None of these
89. Which enactment provides for compensation to the victim without going into the question of fault?
- (a) Fatal Accident Act (b) Workman's Compensation Act
(c) Motor Vehicle Act (d) All of these
90. The famous '*Six carpenters*' case is related to
- (a) Trespasser abinitio (b) Malicious prosecution
(c) False imprisonment (d) None of these
91. The Land Acquisition Act, 2013 came into force from-
- (a) 1st January 2014 (b) 1st December 2013
(c) 31st December 2013 (d) 31st January 2014
92. Till 2013 the Land acquisition in India was governed by –
- (a) Urban Land Ceiling and Regulation Act, 1976
(b) Land Acquisition Act of 1894
(c) Land Acquisition Act of 1891
(d) None of these
93. Which of the following is true about The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- (a) The Act has bypassed the Constitutional Local Self Government by not recognizing them as 'appropriate government' in matters of land acquisition
(b) The Act focuses on providing not only compensation to the land owners but also extends rehabilitation and resettlement benefits to livelihood loser from the land in addition to the minimum compensation
(c) Under the Act land can be acquired by the Government for housing for such income groups as may be specified from time to time by the appropriate government and for private bodies also for certain purpose
(d) All of the above are true

94. Which of the following doctrine is related to the land acquisition aspect?
(a) Eminent Domain (b) Public Trust Doctrine
(c) Sustainable Development (d) None of these
95. In the history of modern India The Eminent Domain doctrine was challenged –
(a) During the time when Banks were nationalized
(b) During the time when land reforms was initiated
(c) Both (a) and (b) are true
(d) None of these
96. Under which provision of the Constitution of India, the Governor Mizoram is pleased to promulgate the said ordinance?
(a) Article 213(1) (b) Article 235
(c) Article 356 (d) None of these
97. Which article of the Constitution of India provides that no of Act of Parliament in respect of ownership and Transfer of Land shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution decided
(a) Article 370 (b) Article 371 G
(c) Article 373 (d) None of above
98. 'Local Authority' defined in the ordinance includes which of the following?
(a) Village council (b) Municipality
(c) Town planning authority (d) All of these
99. Which section of the ordinance provides the criteria for determination of market value of land by collector by the said ordinance?
(a) Section 26 (b) Section 25
(c) Section 29 (d) None of these
100. Which section of the ordinance lays down the preparation of Social Impact Assessment study?
(a) Section 3 (b) Section 4
(c) Section 5 (d) Section 6

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