

MIZORAM PUBLIC SERVICE COMMISSION

TECHNICAL COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO SENIOR 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. Who was the Chairman of the Constituent Assembly?
 - (a) Dr Rajendra Prasad
 - (b) Pandit Jawaharlal Nehru
 - (c) Dr B.R. Ambedkar
 - (d) Lord Mountbatten
2. Who has described the Indian Constitution as co-operative federation?
 - (a) K.C Wheare
 - (b) Schwartz
 - (c) Wade and Philips
 - (d) Grenville Austin
3. In India “Union with strong Centre” has been taken from
 - (a) Australia
 - (b) Canada
 - (c) Italy
 - (d) USA
4. How many times has the preamble of the Constitution of India been amended?
 - (a) Once
 - (b) Twice
 - (c) Thrice
 - (d) Never
5. Lok Sabha has the supremacy in which matter?
 - (a) Railway Budget
 - (b) Defence Budget
 - (c) Foreign affairs
 - (d) Financial Bill
6. Who declares the financial emergency?
 - (a) President
 - (b) Prime Minister
 - (c) Finance Minister
 - (d) None of these
7. How many Schedules are incorporated in the Constitution of India
 - (a) Eleventh Schedule
 - (b) Tenth Schedule
 - (c) Ninth Schedule
 - (d) Twelfth Schedule
8. Rule of carry forward” is ultra vires held in
 - (a) M R Balaji v State of Mysore
 - (b) State of Kerala v N M Thomas
 - (c) Triloki nath Tiku v State of K& K
 - (d) B N Tiwari v Union of India
9. Which among the following is related with protection against “double jeopardy” under the Constitution of India?
 - (a) Article 20(1)
 - (b) Article 20(2)
 - (c) Article 20(3)
 - (d) None of these

- 10.** Right to Property in India is a
- (a) Fundamental Right
 - (b) Legal Rights
 - (c) Moral rights
 - (d) None of these
- 11.** Which of the following Amendment Act makes the Right to Education as fundamental right to all the children under the age of 6-14 years of age by inserting Article 21A to the Constitution?
- (a) 87th amendment, 2003
 - (b) 88th amendment, 2003
 - (c) 89th amendment, 2003
 - (d) 86th amendment, 2002
- 12.** After how many years, one-third of the members of the Rajya Sabha retire?
- (a) 6 years
 - (b) 3 years
 - (c) 5 years
 - (d) 2 years
- 13.** How many subjects are incorporated in the Union List?
- (a) 95
 - (b) 92
 - (c) 97
 - (d) 99
- 14.** Which of the following Commission has been given a statutory status by the Central Government?
- (a) Central Water Commission
 - (b) Central Vigilance Commission
 - (c) National Human Rights Commission
 - (d) None of these
- 15.** Which of the following articles makes the Supreme Court a Court of Record?
- (a) 127
 - (b) 128
 - (c) 129
 - (d) 130
- 16.** Judges of the High Court are appointed by the
- (a) Chief Justice of the High Court
 - (b) President
 - (c) Governor
 - (d) Chief Justice of India
- 17.** The power of President of India to issue the ordinance is
- (a) executive power
 - (b) legislative power
 - (c) constituent power
 - (d) quasi-judicial power
- 18.** Supreme Court of India is different from the Supreme Court of USA
- (a) in its role as guardian of the Constitution
 - (b) in its advisory role
 - (c) in its role as supreme authority in judicial field in the country
 - (d) none of these
- 19.** Which among the following is not the Directive Principle of State Policy?
- (a) The State shall endeavor to secure for citizen uniform civil code
 - (b) The State shall promote with special care of the educational and economic interests of the weaker section
 - (c) The State shall endeavor to promote adult education to eliminate literacy
 - (d) The State shall procure sportsmanship
- 20.** Who made the statement “The preamble of the constitution is the horoscope of Indian Republic”?
- (a) K. M. Munshi
 - (b) Jawaharlal Nehru
 - (c) B.R.Ambedkar
 - (d) Mahatma Gandhi

- 21 . How many sections are there in the Code of Civil Procedure?
- (a) 157 Sections (b) 156 Sections
(c) 157 Sections (d) 158 Sections
22. “Decree” has been defined under _____ of the Code of Civil Procedure, 1908
- (a) 2(a) (b) 2(b)
(c) 2(1) (d) 2(2)
23. Section 10 of the Code of Civil Procedure provides about
- (a) Civil Suit (b) Res sub judice
(c) Res judcata (d) None of these
24. Which suit shall be considered as civil suit, has been mentioned under _____ of the Code of Civil Procedure, 1908?
- (a) Section 8 (b) Section 9
(c) Section 13 (d) Section 14
25. Who among the following is exempted from arrest during execution of money decree under the Code of Civil Procedure, 1908?
- (a) Farmer (b) Women
(c) Dumb (d) None of these
26. The ground upon which second appeal lies are mentioned under _____ of the Code of Civil Procedure
- (a) Section 99 (b) Section 100
(c) Both (a) & (b) (d) None of these
27. Section 114 of the Code of Civil Procedure provides about
- (a) Revision (b) Review
(c) Second appeal (d) None of these
28. Which Court has power of “revision”?
- (a) Session Court (b) High Court
(c) Both (a) & (b) (d) None of these
29. Section 152, of the Code of Civil Procedure, deals with amendment of
- (a) Clerical and arithmetical errors in judgment, decree or order
(b) Clerical or arithmetical errors in plaint
(c) Clerical or arithmetical errors in written statement
(d) None of these
30. A Suit where joinder of party is necessary is bad for a non-joinder of a necessary party, has been provided
- (a) Under Order 1, Rule 10 of Code of Civil Procedure
(b) Under Order 1, Rule 9 of Code of Civil Procedure
(c) Under Order 1, Rule 10A of Code of Civil Procedure
(d) Under Order 1, Rule 11 of Code of Civil Procedure
31. What is the name of suit brought by a person from whom two persons claim a debt adversely to one another and who claims no interest to that and ready to deliver it to rightful claimant?
- (a) Interpleader suit (b) Civil suit
(c) Representative suit (d) None of these

32. Which Section of the Code of Civil Procedure empowers the Court to issue Commission?
(a) Section 73 (b) Section 74
(c) Section 75 (d) Section 76
33. For how many days caveat will be valid?
(a) Sixty days (b) Eighty days
(c) Ninety days (d) None of these
34. Suits by indigent persons are provided in _____ of the Code of Civil Procedure.
(a) Order 33 (b) Order 34
(c) Order 35 (d) Order 3
35. Which one of the following does not find a place under the provisions of Sec. 94, C.P.C. relating to supplemental proceedings?
(a) Arrest before judgment (b) Attachment before judgment
(c) Temporary injunction (d) Appointment of executors
36. The doctrine of res judicata is not applicable in
(a) *Certiorari* (b) *Mandamus*
(c) *Quo Warranto* (d) *Habeas Corpus*
37. Provision regarding rejection of plaint has been mentioned under _____ of the Code of Civil Procedure
(a) Order VII Rule 11 (b) Order VI Rule 13
(c) Order VII Rule 12 (d) Order VIII Rule 4
38. Section 151 of the Code of Civil Procedure deals with
(a) Restitute Service (b) Inherent power of the Court
(c) Pauper suit (d) None of these
39. A defendant is required to file a written statement of his defence within _____ days from the date of service of summons.
(a) 30 days (b) 60 days
(c) 90 days (d) None of these
40. Where a summons to the defendant(s) is returned unserved, the plaintiff has to apply for issuance of fresh summons to the defendant(s) within
(a) 14 days of the return (b) 7 days of the return
(c) one month of the return (d) 15 days of the return
41. Transfer of Property Act, 1882 deals with transfer
(a) *inter vivos*
(b) between a living person and a non living person
(c) dead persons
(d) none of these
42. Duration of agriculture lease in the absence of written contract or local usage under section 106 of Transfer of Property Act, 1882 shall be deemed to be a lease
(a) from month to month (b) of eleven months
(c) from year to year (d) of twelve year

43. What is incorrect regarding the requirement of Attestation in in Transfer of property Act,1882?
- (a) There must be two or more competent witnesses
 - (b) They must have *amnio attestendi*
 - (c) Parties can be the competent to be attesting witness
 - (d) Interested person of the transaction can be the competent witnesses
44. Which one is not correct?
Immovable property does not include
- (a) standing timber
 - (b) timber trees
 - (c) growing crops
 - (d) grass
45. Constructive notice shall be presumed in following cases
- (a) Willful abstention from taking knowledge or search
 - (b) Gross negligence
 - (c) Actual possession
 - (d) All of these
46. Section 14 of the Transfer of Property Act deals with
- (a) Conditional transfer
 - (b) *Lis pendens*
 - (c) Rule against perpetuity
 - (d) Transfer to unborn person
47. Section 35 of the Transfer of Property Act deals with
- (a) Conditional transfer
 - (b) *Lis pendens*
 - (c) Rule against perpetuity
 - (d) Doctrine of election
48. The case *Jumma Masji Markara vs K. Deviah* is related with
- (a) Feeding the grant by the estoppel'
 - (b) *Lis pendens*
 - (c) Part performance
 - (d) Doctrine of election
49. The maxim '*ut lit pendent nihil innovator*' is related with
- (a) Doctrine of part performance
 - (b) *Lis pendens*
 - (c) Rule against perpetuity
 - (d) Compromise decree
50. Doctrine of marshaling has been provided under _____ of the Transfer of Property Act, 1882
- (a) Sections 56 and 81
 - (b) Sections 56 and 82
 - (c) Sections 61-83
 - (d) Section 64 to 68
51. If donee dies before accepting the gift, the gift is
- (a) void
 - (b) voidable
 - (c) valid
 - (d) none of these
52. Section 53-A of the Transfer of Property Act deals with
- (a) *Lis pendens*
 - (b) Fraudulent Transfer
 - (c) Part Performance
 - (d) None of these
53. Which among the following is correct regarding 'usufructuary mortgage'?
- (a) Mortgagor does not deliver the possession of property to mortgagee
 - (b) Mortgagor incurs personal liability to repay the mortgaged money
 - (c) There is no remedy available to mortgagee by way foreclosure
 - (d) Mortgagee can sale the mortgaged property to satisfy his debt

54. Right to foreclosure is available in
- (a) Simple Mortgage
 - (b) Usufructuary mortgage
 - (c) Mortgage by conditional sale
 - (d) None of these
55. Lease has been defined under _____ of the Transfer of Property Act, 1882.
- (a) Section 104
 - (b) Section 105
 - (c) Section 106
 - (d) Section 107
56. The Contract Act 1872 came into force on
- (a) 1st September, 1872
 - (b) 1st July, 1872
 - (c) 1st August, 1872
 - (d) 1st November, 1872
57. “Every promise every set of promise forming consideration for each other” is known as
- (a) Promise
 - (b) Consideration
 - (c) Agreement
 - (d) Proposal
58. “Free consent” has been defined under _____ of the Indian Contract Act, 1872.
- (a) Section 13
 - (b) Section 14
 - (c) Section 15
 - (d) Section 16
59. Where the relationship subsisting between the parties are such that one of the parties in position to dominate the will of the other and uses that position to obtain unfair advantage over the other, there is said to be
- (a) undue influence
 - (b) coercion
 - (c) intimidation
 - (d) none of these
60. The difference between illegal agreement and void agreement is
- (a) In illegal agreement collateral transaction is void whereas in void agreement collateral transaction is valid
 - (b) In illegal agreement collateral transaction is void whereas in void agreement collateral transaction is valid
 - (c) In illegal agreement and void agreement collateral transaction is valid
 - (d) None of these
61. The provision of quasi contract has been provided under section _____ of the Indian Contract Act, 1872
- (a) 68-72
 - (b) 73-75
 - (c) 36-38
 - (d) 45-49
62. The principle of *pari-delicto* is that where each party is equally at fault, the law favours the party who actually is
- (a) not in the possession
 - (b) in possession.
 - (c) injured and helpless
 - (d) none of these
63. In the case of anticipatory breach of contract the damages will be assessed
- (a) from the promised date of performance
 - (b) from the date on which the breach is occurred
 - (c) from the date the court instructed
 - (d) all of these

64. Every agreement, by which any party thereto is restricted absolutely from enforcing his rights under or in respect of any contract by the usual legal proceeding in the ordinary tribunal or which limits the time within which he may thus enforce his right
- (a) valid agreement (b) void agreement
(c) both (a) & (b) (d) none of these
65. Which Section of the Contract Act deals with enforcement of contracts contingent on an event not happening?
- (a) Section 33 (b) Section 34
(c) Section 35 (d) Section 36
66. The person to whom goods are delivered according Bailment is called
- (a) Bailor (b) Bailee
(c) Both of the above (d) None of these
67. *Taylor vs Caldwell* case is related with
- (a) Doctrine of frustration (b) Remoteness of damages
(c) Consideration (d) Fraud
68. A agrees to pay B rupees 1000 if two straight lines should enclose a space. This agreement is
- (a) Valid
(b) Void under section 36 of the Indian Contract Act
(c) Void under section 56 of the Indian Contract Act
(d) Voidable under section 19 of the Indian Contract Act
69. *Balfour vs Balfour* case is related with
- (a) Intention to Contract (b) Invitation to offer
(c) Communication of acceptance (d) None of these
70. 'Agent' has been defined under _____ of the Indian Contract Act, 1872
- (a) Section 181 (b) Section 182
(c) Section 183 (d) Section 184
71. The word 'Tort' has been derived from the Latin word
- (a) Tortum (b) Tortus
(c) Torts (d) Torten
72. Who propounded the "Pigeon-hole Theory"?
- (a) Salmond (b) Winfield
(c) Pollock (d) Austin
73. The Maxim *Damnum sine injuria* means
- (a) damage or loss without infringement of legal rights
(b) infringement of private legal rights without damage or loss
(c) there is no right without remedy
(d) an invasion of absolute private rights
74. Which of these do not constitute a General defense in Law of Torts?
- (a) *Violent non fit injuria* (b) *Injuria sine damno*
(c) *Vis major* (d) All of these are defenses

75. The tort of Nuisance occurs where
- (a) The enjoyment of a legal right is interfered with
 - (b) A person is restrained from going anywhere
 - (c) A person fails to perform his/her legal duty
 - (d) None of these
76. Why a threat of violence made over the telephone cannot constitute an assault?
- (a) Because a reasonable person would not feel afraid as a result of hearing such a threat
 - (b) Because the defendant must be in the same place as the plaintiff for there to be an assault
 - (c) Because the plaintiff would have no reason to suppose that the defendant would follow through with the threat
 - (d) Because the violent contact threatened by the defendant would not be imminent
77. Libel and slander are kinds of
- (a) *damnum sine injuria*
 - (b) defamation
 - (c) discharge of torts
 - (d) none of these
78. The maxim '*ex turpi causa non oritur actio*' means
- (a) from a dishonorable cause an action does not arise
 - (b) an action arises from an immoral cause
 - (c) immorality always depends on the liability on the prevailing circumstances
 - (d) None of these
79. The 'Rule of Strict Liability' implies
- (a) no fault liability
 - (b) liability based on fault
 - (c) state liability
 - (d) absolute liability
80. The distinction between sovereign and non-sovereign functions of the State was laid down in case of
- (a) *Rylands vs Fletcher*
 - (b) *Donoghue vs Stevenson*
 - (c) *M C Mehta vs Union of India*
 - (d) *Peninsular and Oriental Steam Navigation Co. vs Secretary of State, India*
81. Negligence is failure in duty of taking due care. What is the means of due here?
- (a) degree of care which in given situation reasonable person ought to take
 - (b) the care will vary from case to case
 - (c) the degree of care is vague expression
 - (d) there is an absolute standard of care
82. The rule laid down in case of *Re Polemis* case is that the defendant shall be liable for
- (a) All direct consequences of his act
 - (b) All direct consequences of his act, if could foresee some damage to the plaintiff from his act
 - (c) All direct consequences of his act, only if he could foresee the kind of damage, which has actually occurred
 - (d) Foreseeable damages

83. In contributory negligence
- (a) Both parties have contributed to negligence equally
 - (b) Only one party is negligent and other has not taken due care
 - (c) One party is negligent resulting in injury while the other has taken due care
 - (d) When lack of care is equal from both side
84. Which among the following options is specific defence in the act of defamation?
- (a) privilege, truth , fair comment
 - (b) privilege mistake fair comment
 - (c) truth mistake fair comment
 - (d) truth privilege mistake
85. Which of the following is not correctly matched?
- (a) *Ubi jus ibiremedium* – where there is a right there is a remedy
 - (b) *Res ipsaloquitur* – things speak for itself
 - (c) *Damnum sine injuria* – damage without injury
 - (d) *Injuria sine damnum* – injury with damage
86. For false imprisonment, which among the following is essential?
- (a) person should be in prison
 - (b) person should be kept in a house
 - (c) person should be guarded by armed guard
 - (d) person should not have liberty to go beyond certain limits
87. The ‘Law of Tort theory’ of Winfield is approved by the courts in
- (a) *Rylands v Fletcher*
 - (b) *D P Chaudhary v Manjulata*
 - (c) *Ashby v White*
 - (d) None of these
88. 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
89. What is the means of maxim ‘*Qui facit per alium facit per se*’?
- (a) he who does an actthrough another is deemed in law to do it himself
 - (b) the agent is liable for the principal’s act
 - (c) the vicarious liability
 - (d) both (a) & (c) are correct
90. The principle of *Volenti non fit injuria* is not applicable in case of
- (a) rescue cases
 - (b) when person takes risk on his own will
 - (c) both of the above
 - (d) none of these
91. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is applicable when
- (a) Government acquires land for its own use, hold and control, including land for Public sector undertakings
 - (b) Government acquires land with the ultimate purpose to transfer it for the use of private companies for stated public purpose
 - (c) Government acquires land for immediate and declared use by private companies for public purpose.
 - (d) All of these

92. Which section of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provide about special provision to safeguard food security?
- (a) section 8 (b) section 9
(c) section 10 (d) section 11
93. Under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 what is the means of small farmer?
- (a) Small farmer means a cultivator holding irrigated land of two hectare or with un-irrigated land of one hectare
(b) Small farmer means a cultivator holding irrigated land of two hectare with un-irrigated land or of one hectare of irrigated land
(c) Both (a) & (b) are correct
(d) None of these is correct
94. Which one is not correct?
- In determining the amount of compensation to be awarded for the land acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Collector shall take into consideration.
- (a) The damaged sustained by the person by reason of taking of any standing crops or trees which may be on the land at the time of the collector's taking possession thereof
(b) The damage sustained by person interested at the time of Collector's taking possession of land, by reason of serving such land from his other land
(c) The market value as determined under section 26 of the Act should be in accordance with the First and Second Schedules
(d) None of these is correct
95. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 received the assent of President of India on
- (a) 24th December, 2013 (b) 25th December, 2013
(c) 26th December, 2013 (d) 27th December, 2013
96. Under the Mizoram (Land Acquisition, Rehabilitation and Resettlement) (Ordinance, 2015 “cost of acquisition” includes
- (a) Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition
(b) Cost of acquisition of land and building for settlement of displaced or adversely affected families
(c) Cost of development of infrastructure and amenities at the resettlement areas
(d) All of these
97. Under the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Ordinance, 2015, Social Impact Assessment study report shall include all the following
- (a) Assessment as to whether the proposed acquisition serves public purpose
(b) Estimation of affected families and the number of families among them likely to be displaced
(c) Extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition
(d) All of these

- 98.** The provision of Establishment of Land Acquisition, Rehabilitation and Resettlement Authority has been provided under _____ of the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Ordinance, 2015.
- (a) Section 47 (b) Section 48
(c) Section 49 (d) Section 50
- 99.** What will be the term of the office of Presiding Officer under the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Ordinance, 2015?
- (a) He shall hold office for the term of two years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier
(b) He shall hold office for the term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier
(c) He shall hold office for the term of four years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier
(d) He shall hold office for the term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier
- 100.** If any difficulties arises in giving effect to the provisions of the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Ordinance, 2015 that will be removed by
- (a) The High Court (b) The Government
(c) Commissioner (d) None of these

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