

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 - II

Time Allowed : 2 hours

Full Marks : 100

Attempt all questions.

All questions carry equal marks of 1 each.

1. As originally enacted, the Indian Penal Code contained Sections.
(a) 511 (b) 488
(c) 530 (d) 482
2. Now the Indian Penal Code containssections
(a) 511 (b) 488
(c) 530 (d) 482
3. The aim of criminal law is
(a) Compensation (b) Damages
(c) Punishment (d) None of these
4. Provision of Extraterritorial Jurisdiction of Indian Penal Code has been provided: under section:
(a) Section 4 (b) Section 5
(c) Section 6 (d) Section 7
5. In the offence of kidnapping, the actusreus is in respect of.....
(a) Place (b) Time
(c) Person (d) State of mind of the victim
6. Actus Reus includes
(a) Positive acts only (b) Negative acts only
(c) Both positive and negative acts (d) None of these
7. In which of the following offences, mensrea is not an essential ingredient?
(a) Bigamy (b) Kidnapping
(c) Public nuisance (d) All of these
8. Which among the following are exception of actus non-facit reum nisi mens, *sit rea*?
(a) Theft (b) Culpable homicide
(c) Kidnapping (d) Wrongful Confinement
9. The Fundamental principle of criminal liability is embodied in the maxim “actus non facitreum nisi mens sit rea”. The maxim was developed by :
(a) Equity Courts (b) Common Law Courts
(c) SardarNizamat Courts (d) None of these

10. 'Dishonestly' has been defined as doing anything with intention to cause wrongful gain to one person & wrongful loss to another, under
- (a) Section 21
 - (b) Section 23
 - (c) Section 24
 - (d) Section 25
11. When a criminal act is done by several persons in a furtherance of common intention of all
- (a) Each of such person is liable for that act in the same manner as if it were done by him alone
 - (b) Each of such person is liable for his own overt act
 - (c) Each of such person shall be liable according to the extent of his participation in the crime
 - (d) Both (b) & (c)
12. Which of the following cases is related with mistake of fact?
- (a) R. vs Prince
 - (b) R. vs Richardson
 - (c) R. vs Hicklin
 - (d) None of these
13. The maxim 'ignorantiajuris non excusat' means
- (a) Ignorance of law is no excuse
 - (b) Ignorance of fact is no excuse
 - (c) Ignorance of law is an excuse
 - (d) Ignorance of fact is an excuse
14. Section 82 of IPC enunciates
- (a) a presumption of fact
 - (b) a rebuttable presumption of law
 - (c) a conclusive or irrebuttable presumption of law
 - (d) none of these
15. The principle 'de minimus non curatlex' is contained in
- (a) Section 92 of IPC
 - (b) Section 93 of IPC
 - (c) Section 94 of IPC
 - (d) Section 95 of IPC
16. X ordered his employee Y to beat Z. Y refuses. Now
- (a) X has committed abetment and Y has committed assault
 - (b) X has committed abetment and Y has committed no offence
 - (c) X and Y have committed no offence
 - (d) X has committed no offence but Y has committed offence of subordination.
17. For an unlawful assembly under section 141 of IPC, the minimum number of persons required is
- (a) five
 - (b) seven
 - (c) ten
 - (d) twenty
18. For application of section 149 of IPC
- (a) a person should be a member of the unlawful assembly and should actively participate in the commission of offence
 - (b) a person should be a member of the unlawful assembly but need not necessarily participate himself in the commission of the offence
 - (c) need not be a member of unlawful assembly but must share a common intention to commit the offence
 - (d) need not be a member of unlawful assembly but must participate in the commission of the offence
19. Culpable homicide has been defined
- (a) under section 299 of IPC
 - (b) under section 300 of IPC
 - (c) under section 302 of IPC
 - (d) under section 304 of IPC

20. Wrongful confinement has been defined under
- (a) section 342 of IPC
 - (b) section 341 of IPC
 - (c) section 340 of IPC
 - (d) section 339 of IPC
21. The involvement of five or more persons is essential for
- (a) theft
 - (b) extortion
 - (c) robbery
 - (d) dacoity
22. Y, a small boy was guarding the field. Z and M outsiders trespassed and started harvesting, on protest by Y they beat him up and hearing his cries, X and P, Uncles of Y who were working in different directions, rushed in, one of them X, fired at the trespassers killing one of them and ran away. P was arrested and charged under section 302 of the IPC for murder read with section 34. Which of the following statement is correct?
- (a) he is liable for murder because of the similar intention of both the brothers
 - (b) he is liable for murder because of the same intention of both the brothers
 - (c) he is liable for murder because he was present when his brother forced at the trespassers
 - (d) he is not liable because there was no common intention to kill
23. "P gives grave and sudden provocation to M. M on this provocation, fires a pistol at p, neither intending nor knowing himself to be likely to kill Q . Who is near him but out of the sight, M kills Q". Taking the view of this illustration give the correct answer.
- (a) It is murder
 - (b) It is not a murder but culpable homicide
 - (c) It is neither a murder nor a culpable homicide
 - (d) It is a culpable homicide
24. Under which among the following cases, the Supreme Court held that woman can be arrested by police at any time and even in absence of lady constable if the arresting officer records the proper reason for such arrest?
- (a) State of Maharashtra v. Christian Community Welfare council of India, AIR 2004 SC 7
 - (b) R. D. Nayak v. State of Gujrat, AIR 2004 SC 23
 - (c) State of Uttar Pradesh v. LalitTandon, (2004) SC 23
 - (d) Kamalji Sing v. State of Punjab, AIR 2004 SC 69
25. X, a police officer, has a warrant of arrest for Y. He asks Z as to the identity of Y. Z knowingly tells X that M is Y and consequently X arrests M.
- (a) Z is guilty of abetment by instigation
 - (b) Z is guilty of abetment by aiding
 - (c) Z is guilty of abetment by false representation
 - (d) Z is guilty of abetment any kind only of mischief
26. A person who is avoiding execution of a warrant may be proclaimed absconder under _____ of the Code of Criminal Procedure.
- (a) Section 81
 - (b) Section 83
 - (c) Section 82
 - (d) Section 84
27. A precise formulation of the specific accusation made against a person who is entitled to know its nature at the earliest stage, is called
- (a) FIR
 - (b) Charge
 - (c) Charge sheet
 - (d) Police report

28. Which of the following sections of the Code of Criminal Procedure, 1973 defines the term 'cognizable offences'?
- (a) Section 2(a) (b) Section 2(b)
(c) Section 2(c) (d) Section 2(d)
29. 'All cognizable offences are non-bailable'. The statement is
- (a) True (b) False
(c) Partly Correct (d) None of these
30. In a cognizable case, the arrest
- (a) Is mandatory (b) Depends on the discretion of police
(c) Depends on the discretion of court (d) None of these
31. Which of the following sections of the Code of the Criminal Procedure, 1973 defines the term 'complaint'?
- (a) Section 2(a) (b) Section 2(b)
(c) Section 2(c) (d) Section 2(d)
32. A petition for maintenance under section 125 of the Code of Criminal Procedure, 1973 is
- (a) A complaint (b) Not a complaint
(c) Protest petition (d) None of these
33. In a warrant case instituted on a police report, the trial begins when the
- (a) Accused appears (b) Charge is framed
(c) Witnesses are examined (d) None of these
34. If the offence was committed outside the limit of a police station, the officer-in-charge of the police station can transmit the FIR to the police station having such territorial jurisdiction. The statement is
- (a) True (b) False
(c) Partly correct (d) None of these
35. In a cognizable case.
- (a) All offences must be cognizable (b) Most of the offences must be cognizable
(c) One of the offences must be cognizable (d) None of these
36. 'Warrant-case' means a case relating to an offence punishable with death imprisonment for life or imprisonment for a term exceeding..... Years.
- (a) Two (b) Three
(c) Four (d) Five
37. Can an Advocate General for the State perform the functions of a Public Prosecutor?
- (a) Yes (b) No
(c) Depends (d) None of these
38. An additional Sessions Judge may pass
- (a) Any sentence authorized by Law
(b) Any sentence except the death sentence
(c) Any sentence except the death sentence and life imprisonment
(d) None of these
39. What is the maximum sentence of imprisonment a chief judicial magistrate can pass?
- (a) Seven years (b) Ten years
(c) Five years (d) None of these

- 40.** An accused arrested can be kept in custody without producing him before the magistrate, after his arrest for a period of
- (a) 12 hours (b) 24 hours
(c) 48 hours (d) 90 days
- 41.** Every police officer while making an arrest shall
- (a) Bear an accurate, visible and clear identification of his name which will facilitate easy identification
(b) Prepare a memorandum of arrest
(c) Inform the person arrested unless the memorandum is attested by a member of his family, that he has the right to have a relative or a friend named by him to be informed of his arrest
(d) All of these
- 42.** Any private person may arrest or cause to be arrested
- (a) Any person who in his presence commits an non-bailable and cognizable offence
(b) Any proclaimed offender
(c) Both (a) and (b)
(d) None of these
- 43.** Which of the following sections of the Code of Criminal Procedure, 1973 as amended by the Code of Criminal Procedure (Amendment) Act, 2008 mandates the compulsory medical examination of arrested persons?
- (a) Section 46 (b) Section 54
(c) Section 26 (d) Section 25
- 44.** Which of the following sections is supplementary to sections 57 of the Code of Criminal Procedure, 1973?
- (a) Section 161 (b) Section 162
(c) Section 167 (d) Section 168
- 45.** The procedure for serving the summons is provided in sectionof the Code of Criminal Procedure.
- (a) Section 59 (b) Section 60
(c) Section 61 (d) Section 62
- 46.** A warrant of arrest may be executed
- (a) At any place within the jurisdiction of the court, which issued the warrant
(b) At any place within the State
(c) At any place in India
(d) At any place in the world
- 47.** Can a proclamation under section 82 of the Code of Criminal Procedure, 1973 be published in a newspaper?
- (a) Yes (b) No
(c) Depends (d) None of these
- 48.** Which of the following sections of the Code of Criminal Procedure, 1973 provides for the arrest on breach of bond for appearance?
- (a) Section 89 (b) Section 86
(c) Section 87 (d) Section 88

49. Who among the following is duty bound to give maintenance?
- (a) All married persons
 - (b) Any persons neglects or refuses to maintain
 - (c) Any person having sufficient means neglects or refuses to maintain
 - (d) None of these
50. Can the statements recorded under section 161 of the Code of Criminal Procedure, 1973 be used to corroborate the evidence of prosecution witness?
- (a) Yes
 - (b) No
 - (c) Depends
 - (d) None of these
51. In the ND&PS Act, 1985 the “illicit traffic”, in relation to narcotic drugs and psychotropic substances, means-
- (a) cultivating any coca plant or gathering any portion of coca plant;
 - (b) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transshipment, of narcotic drugs or psychotropic substances
 - (c) both (a) & (b) are correct
 - (d) None of these
52. The Act is design to fulfill India’s treaty obligation under –
- (a) Single Convention on Narcotic Drug, 1961
 - (b) Convention on Psychotropic substance
 - (c) United Nations Convention Against illicit Traffic in Narcotic Drug and P.S.
 - (d) All of these
53. Which chapter deals with National Fund for Control of Drug Abuse
- (a) Chapter II A
 - (b) Chapter III
 - (c) Chapter IV
 - (d) Chapter V
54. Which country began to campaign for a worldwide law against all drug; following the adoption of the single convention on Narcotic Drugs
- (a) The UK
 - (b) The United States
 - (c) France
 - (d) Germany
55. An offender of this Act of any offence for which no punishment is separately provided shall be punishable with ____
- (a) Imprisonment for a term which may extend to six months only
 - (b) Imprisonment for a term which may extend to one year
 - (c) Imprisonment for a term which may extend to six months or with five, or with both
 - (d) Imprisonment for a term which may extend to one year , or with five, or with both
56. Which of the following is a condition for the applicability of section 360 of the Code of Criminal Procedure 1973 and of the probation of offenders Act, 1958
- (a) An offender is under eighteen years of age
 - (b) An offender is under twenty one years of age
 - (c) Or that the offence is punishable with under Section 26 A, Section 27 of this Act
 - (d) Condition of (a) and (c) both

- 57.** Which is true regarding the Special Court constituted by the Act?
- (a) A special Court shall consist of a Single Judge
 - (b) The Judge of a Special Court of the Act shall be appointed by the Government with the concurrence of the Chief Justice of the High Court
 - (c) A person shall not be qualified for appointment as a Judge of a Special Court unless he is immediately before such appointment, a sessions Judge or additional sessions Judge
 - (d) All of the above is true
- 58.** Which of the following is the current definition of a Commercial quantity for Cocaine?
- (a) 100 gram
 - (b) 50 gram
 - (c) 250 gram
 - (d) 100 milligram
- 59.** The “Narcotic Drugs and Psychotropic Substances Consultative Committee” shall consist of Chairman and such other members:
- (a) not exceeding ten
 - (b) not exceeding fifteen
 - (c) not exceeding twenty
 - (d) not exceeding twenty five
- 60.** Which of the following is the right combination of the current definition of a small quantity and a commercial quantity for Ganja?
- (a) 2 gram (0.07102) and 50 gram (1.802)
 - (b) 2 gram (0.07102) and 5 gram (0.1802)
 - (c) 1 kilogram (2.21b) and 20 kilogram (44 lb)
 - (d) None of these
- 61.** Which of the following is the correctly matched combination of the current definition of a small quantity and a commercial quantity for opium?
- (a) 2 milligram (0.031gr) and 100 milligram (1.5 gr)
 - (b) 2 gram (0.07102) and 50 gram (1.802)
 - (c) 5 gram (0.1802) and 250 gram (8.802)
 - (d) 25 gram (0.8802) and 2.5 kilogram (5.5lb)
- 62.** Applicability of section 360 of the Code of Criminal Procedure 1973 is effective of the NDAPS Act when –
- (a) The person convicted of an offence under this Act is under eighteen years of age
 - (b) The person convicted of an offence under this Act is under sixteen years of age
 - (c) The person convicted of an offence under this Act is under twenty one years of age
 - (d) The person convicted of an offence under this Act is under eighteen years of age and convicted under section 26 or section 27 of the ND&PS Act
- 63.** Judge of a special court shall be appointed by the Government with the concurrence of
- (a) The Judge of the High Court
 - (b) The Chief Justice of the High Court of that State where the special court situates.
 - (c) The Chief Justice of the Supreme Court of India
 - (d) Governor of the state in which the special court situates
- 64.** Special court constituted under the Act shall consists of
- (a) A single judge
 - (b) Two judge
 - (c) Three judge
 - (d) None of these

65. Provision of appeal and revision against the order of Special Court has been mentioned under _____ of the ND&PS Act.
- (a) Section 36 A (b) Section 36 B
(c) Section 36 C (d) None of these
66. The power to add to or omit from the list of Psychotropic substances specified in the schedule belongs to-
- (a) Central Government (b) State Government
(c) Both (a) and (b) (d) None of these
67. Which of the following Essential Narcotic Drugs that was restricted under the ND&PS Act, 1985 received relaxation of the ND&PS (Amendment) Act, 2014 for making them more accessible for use in pain relief and palliative care
- (a) Morphine (b) Fentanyl
(c) Methadone (d) All of these
68. The words and expressions used in the Act but not defined received the meaning define in
- (a) Indian Penal Code, 1860 (b) The Code of Criminal Procedure, 1973
(c) Civil Procedure Code (d) None of these
69. Which of the following is an advisory body to the Central Government of the Act?
- (a) The Central Board of Excise and Customs
(b) The Narcotics Commission
(c) The Narcotics drugs and psychotropic substance consultation committee
(d) None of these
70. Which of the following is not true about the NDPA(Amendment) Bill 2014?
- (a) Multiple State Licenses for possession, purchase, transport, sale, distribution, use and consumption has been continuing and reinforced.
(b) Drugs identified, as essential drugs will be subject to Central Rules under Section 9(1) (a)
(c) Section 71 of the Act authorizes the government to recognize and approve treatment centers which currently operates without license or accreditation and inflict violence and torture on drug users
(d) all of the above is not true
71. As per section 21 of the PC Act, 1988
- (a) Accused person to be a competent witness (b) Accused person is not a competent witness
(c) Accused person will never be witness (d) None of these
72. Section 5 of the PC Act deals with
- (a) Procedure and power of Special Judge (b) Offences and penalties
(c) Investigation into case under the Act (d) Preliminary define
73. What should be the qualification for the Special Judge appointed by the authority to try offences under the Act
- (a) He should be or should have been a Session Judge or Additional Session Judge
(b) Assistant Session Judge may be appointed in the Special Judge of the Act
(c) Both (a) and (b) are true
(d) None of these

74. Which of the following is not true regarding the Power of a Special Judge under the PC Act?
- (a) He may take cognizance of the offences without the accused being commissioned to him for trial
 - (b) In trying the accused person, he shall follow the procedure prescribed by the Cr.P.C for the trial of warrant cases by Magistrate
 - (c) He may tender pardon to a person supposed to have been directly or indirectly concerned in an offence in order to obtain the evidence provided such person would make full and true disclosure of the whole circumstances within his knowledge related to the offence.
 - (d) All of the above is true
75. In which of the following case the Hon'ble Justice Ranganath Mishra has observed the main ingredients of the charge of an offence under section 7 of the PC Act?
- (a) Madan Lal vs. State of Himachal Pradesh
 - (b) State of Rajasthan vs. Shanti
 - (c) Joseph Fernandez vs State of Goa
 - (d) R.S. Nayak vs. A.R. Antulay and another
76. Which of the following case reference is relating to the offence of corruption under the PC Act?
- (a) R.S. Nayak vs. A.R. Antulay and another
 - (b) Vineet Narayan vs. Union of India
 - (c) both (a) and (b)
 - (d) None of these
77. Which of the following section of the PC Act 1988 deals with taking gratification by a private individual for the exercise of personal influence on a public servant?
- (a) Section 8
 - (b) Section 9
 - (c) Section 10
 - (d) None of these
78. Which section of the Act says about appointment of Special Judges?
- (a) Section 4
 - (b) Section 3
 - (c) Section 5
 - (d) None of these
79. Chapter IV of the Act deals with:
- (a) Offence and penalties
 - (b) Power of Special Judges
 - (c) Investigation
 - (d) Appoint of Special Judge
80. Punishment under section 7 of the PC Acts, 1988 shall be
- (a) Not less than three months
 - (b) Not less than five months
 - (c) Not less than six months
 - (d) Not less than one month
81. Section 8 of the PC Acts is rightly corresponding to which section of IPC?
- (a) Section 161
 - (b) Section 162
 - (c) Section 163
 - (d) Section 165A
82. The word 'gratification' by the PC Acts 1988 is
- (a) Restricted to pecuniary gratification only
 - (b) Is not restricted to pecuniary gratification
 - (c) Is restricted to pecuniary gratification only which may be estimated in terms of money
 - (d) None of these
83. Law Commission of India has presented a report relating to the proposed amendments to the Prevention of Corruption (Amendment) Bill 2013. The said report is
- (a) 252nd Law Commission of India Report
 - (b) 253rd Law Commission of India Report
 - (c) 254th Law Commission of India Report
 - (d) None of these

- 84.** Law Commission of India 254th Report relates to:
- (a) Widening the power of Central Government to cover Private corporate bodies within the term public servant
 - (b) The proposed amendment to the Prevention of Corruption (Amendment) Bill 2013
 - (c) To curb the power of Central Vigilance Commission
 - (d) None of these
- 85.** Which of the following chapter of IPC relates to offence by or relating to Public Servants?
- (a) Chapter VII
 - (b) Chapter VIII
 - (c) Chapter IX
 - (d) Chapter X
- 86.** Which of the following Section of this Act deals with the formulation of the guidelines by the State Government
- (a) Section 40
 - (b) Section 38
 - (c) Section 39
 - (d) None of these
- 87.** Under Section 44 of the Act which of the following organ has been mandated to implement the provision of the Act in addition to its assigned function
- (a) National Human Rights Commission
 - (b) Nation Commission for Women
 - (c) Nation Commission for Protection of Child Rights
 - (d) All of these
- 88.** Which of the following is not true
- (a) The Act intends to protect the child through all stage of Judicial process and give paramount importance to the principle of best interest of the child
 - (b) Using a child for pornographic purposes is outside the scope of this Act
 - (c) This Act envisages punishing even abetment or an attempt to commit the offences defined in the Act
 - (d) It is now mandatory for police to register an FIR in all cases of Child Abuse
- 89.** The Notification of POSCO Act took place on:
- (a) 12th June, 2012
 - (b) 15th June, 2012
 - (c) 20th June, 2012
 - (d) None of these
- 90.** The Act has defined different form of sexual abuse covering
- (a) Penetrative assault and sexual harassment
 - (b) Penetrative assault, sexual harassment and pornography
 - (c) Non penetrative assault, sexual harassment but not pornography
 - (d) Penetrative and non penetrative assault, sexual harassment and pornography
- 91.** Which section of the POCSO Act deals with Medical Examination provisions
- (a) Section 39
 - (b) Section 44
 - (c) Section 26
 - (d) Section 27
- 92.** Which section of the Cr.P.C relates to the provision of Emergency Medical Care under the POCSO Act and Rules
- (a) S. 257 of Cr.P.C, 1973
 - (b) S. 357 of Cr.P.C, 1973
 - (c) S. 357C of Cr.P.C, 1973
 - (d) S. 358 of Cr.P.C, 1973

- 93.** ICPS stands for
- (a) Integrated Child Protection Scheme
 - (b) International Child Protection Scheme
 - (c) Integrated Child Protection Standard
 - (d) Integrated Child Precaution Standard
- 94.** Section 61 of Juvenile Justice Act is relevant for the POCSO Act because
- (a) Nation Commission for Protection of Child Rights is constituted under the Act originates from J.J.Act
 - (b) The Act has defined different form of sexual abuse covering
 - (c) Counselors engaged externally may be remunerated from the Fund constituted by the State Government under this Act.
 - (d) None of these
- 95.** An FIR in respect of any offence committed against a Child under this Act is filed under which of the following provision
- (a) Section 19(6) of the POCSO Act, 2012
 - (b) Section 40
 - (c) Section 44
 - (d) None of these
- 96.** Section 3 of the Act deals with
- (a) Penetrative Sexual Assault
 - (b) Sexual Assault
 - (c) Aggravated Sexual Assault
 - (d) None of these
- 97.** Which of the following punishment is provided for penetrative sexual assault under section 4 of the Act, 2012
- (a) Not less than three years of imprisonment which may extend to five years and fine
 - (b) Not less than five years of imprisonment which may extend to seven years and fine
 - (c) Not less than seven years of imprisonment which may extend to imprisonment for life and fine
 - (d) Three years of imprisonment and fine
- 98.** Which of the following is/are the designated authority to monitor the implementation of the Act?
- (a) The National Commission for the Protection of Child Right (NCPCR)
 - (b) The State Commissions for the Protection of Child Rights (SCPCRs)
 - (c) Both (a) and (b)
 - (d) None of these
- 99.** Maximum penalty prescribed under the POCSO Act, 2012 is:
- (a) Death penalty
 - (b) Life imprisonment
 - (c) Imprisonment of 10 years
 - (d) Imprisonment of 7 years
- 100.** Who among the following perform the role of an intermediary between the authorities and the Child abused under the Act?
- (a) The trust person
 - (b) The counselor
 - (c) The support person
 - (d) None of these