

MIZORAM PUBLIC SERVICE COMMISSION

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

LAW PAPER - III

Time Allowed : 2 hours

Full Marks : 100

Attempt all questions.

All questions carry equal marks of 1 each.

1. Indian Evidence Act came into force on
 - (a) 1st August, 1872
 - (b) 1st September 1872
 - (c) 1st April 1872
 - (d) 1st March, 1872
2. Law of evidence is
 - (a) a substantive law
 - (b) a procedural law
 - (c) both (a) & (b)
 - (d) neither (a) nor (b)
3. "Facts in issue" as used in the Indian Evidence Act means and includes
 - (a) facts, the existence, non-existence, of which is admitted by the parties
 - (b) facts, the existence, non-existence, of which is disputed by the parties
 - (c) both of the above
 - (d) none of these
4. Tape recorded conversation is relevant with certain precautions was laid down in case of
 - (a) R. M Malkani vs State of Maharashtra
 - (b) Dr. Prafulla Bala Desai vs State of Maharashtra
 - (c) Bhuboni sahu vs Emperor
 - (d) None of these
5. Standard of proof in criminal cases is
 - (a) Preponderance of probability
 - (b) Beyond reasonable doubt
 - (c) Up to the satisfaction of the Court
 - (d) None of these
6. Indian Evidence Act is not applicable in
 - (a) Civil proceedings
 - (b) Criminal Proceedings
 - (c) Proceeding before an Arbitrator
 - (d) All of these
7. Motive, preparation and previous or subsequent conduct are the relevant facts. This has been provided under _____ of the Indian Evidence Act.
 - (a) Section 7
 - (b) Section 8
 - (c) Section 9
 - (d) Section 10
8. Facts which are the occasion, cause, or effect, immediately or otherwise of relevant facts are relevant. This provision has been mentioned under _____ of the Indian Evidence Act.
 - (a) Section 7
 - (b) Section 8
 - (c) Section 9
 - (d) Section 10

9. The "plea of alibi" is relevant in _____ of the Indian Evidence Act
- (a) Section 9 (b) Section 10
(c) Section 11 (d) Section 12
10. Who can make Admission in a suit or proceeding under the Indian Evidence Act?
- (a) Party to the proceeding (b) Party interested in subject-matter
(c) Person from whom interest derived (d) All of these
11. Confession made to police officer is _____ under the Indian Evidence Act.
- (a) relevant (b) not relevant
(c) always relevant (d) none of these
12. Confession made by one accused can be relevant against other accused if
- (a) there is joint trial of both accused for same offence
(b) confession made by one accused affecting the other accused
(c) both (a) & (b) should be present together
(d) none of these
13. Provision of dying declaration has been mentioned under _____ of the Indian Evidence Act.
- (a) Section 32(1) (b) Section 33(1)
(c) Section 34(1) (d) Section 35(1)
14. Which of the following types of evidence means 'testimony'?
- (a) Direct evidence (b) Circumstantial evidence
(c) Both (a) and (b) (d) None of these
15. The *res inter alia acta* is receivable under _____ of the Indian Evidence Act
- (a) Section 45 (b) Section 46
(c) Section 47 (d) Section 48
16. The evidence of bad character is irrelevant unless
- (a) it is in response of good character (b) character himself is under dispute
(c) both of the above (d) none of these
17. The circumstances under which the Secondary evidence is admissible
- (a) Section 63 of the Indian Evidence Act (b) Section 64 of the Indian Evidence Act
(c) Section 65 of the Indian Evidence Act (d) None of these
18. The maxim 'falsus in uno, falsus in omnibus' is
- (a) A sound rule of law (b) A sound rule of evidence
(c) Both (a) and (b) (d) None of these
19. If it is proved that sexual intercourse has been committed against a woman and she says her consent was absent. Then the court shall presume that her consent was absent. The burden of proof in this case shall lie on the accused to prove that her consent was present. This provision was laid down by
- (a) Criminal Law (Amendment) Act, 1981 (b) Criminal Law (Amendment) Act, 1982
(c) Criminal Law (Amendment) Act, 1983 (d) None of these
20. In order to hold a person bound by estoppel the following requirement(s) must be fulfilled.
- (a) there must be representation that certain state of things is true
(b) the person to whom representation is made should have belief of it
(c) person to whom representation is made should have belief of it and altered his position
(d) all of these

21. Things said or done by a conspirator in reference to common design, is a relevant fact under _____ of the Indian Evidence Act.
- (a) Section 13 (b) Section 12
(c) Section 11 (d) Section 10
22. The *Bhuboni Sahu vs The King* is related with
- (a) Accomplice (b) Estoppel
(c) Privileged communication (d) Conspiracy
23. Which section of the Indian Evidence Act provides about hostile witness?
- (a) Section 134 (b) Section 148
(c) Section 154 (d) Section 155
24. In which of the following case Supreme Court held that “Test of identification parade is only an aid to investigation the practice is not born out of prudence”?
- (a) Siddharth Vashist@ Manu Sharma v State (b) Shivaji v Nagendra
(c) S. Jaiswal v Alok (d) Sujata v S K Behra
25. If a dumb witness gives witness in writing that is known as
- (a) oral evidence (b) documentary evidence
(c) circumstantial evidence (d) none of these
26. The presumption as to legitimacy of any child born during the continuance of a valid marriage between his mother and any man is _____ unless non-access is proved by such man.
- (a) rebuttable presumption (b) conclusive proof
(c) mixed presumption (d) none of these
27. Which among the following is not correct?
Leading questions must not be asked
- (a) If objected to by the adverse party (b) In an examination-in-chief
(c) In a re-examination (d) In cross examination
28. Which section of the Indian Evidence Act, 1872 provides that the credit of a witness may be impeached in by the adverse party?
- (a) Section 154 (b) Section 155
(c) Section 156 (d) None of these
29. Which section of the Indian Evidence Act, 1872 provides that the improper admission or rejection of evidence shall not be ground of itself for a new trial?
- (a) Section 165 (b) Section 166
(c) Section 167 (d) None of these
30. The case *Mirza Akbar vs Emperor* is related with
- (a) Dying Declaration (b) Confession
(c) Relevancy of Conspiracy (d) None of these
31. When did Information Technology Act 2000 come into force?
- (a) 17th October, 2000 (b) 18th October, 2000
(c) 17th October, 2001 (d) 19th October, 2001
32. Provision regarding digital Signature has been mentioned under _____ of the Information Technology Act 2000.
- (a) Chapter I (b) Chapter II
(c) Chapter III (d) Chapter IV

- 33.** Which section of Information Technology Act 2000 deals with the legal recognition of the digital signature?
- (a) Section 2 (b) Section 5
(c) Section 6 (d) Section 4
- 34.** Who shall be the repository of all digital signature?
- (a) The Central Government (b) The State Government
(c) The Controller (d) None of these
- 35.** Who can suspend the license under the Information Technology Act 2000?
- (a) Controller (b) Certifying Authority
(c) ITO (d) None of these
- 36.** Which among the following needs to be followed by Certifying Authority?
- (a) Every Certifying Authority shall, make use of hardware, software and procedures that are secure from intrusion and misuse
(b) Every Certifying Authority shall, provide a reasonable level of reliability in its services which are reasonably suited to the performance of intended functions
(c) Every Certifying Authority shall, adhere to security procedures to ensure that the secrecy and privacy of the digital signatures are assured
(d) All of these
- 37.** Who can suspend the digital signature certificate?
- (a) Controller (b) Certifying Authority
(c) ITO (d) None of these
- 38.** Under the Information Technology Act 2000, a Cyber Appellate Tribunal shall consist of-
- (a) one person (b) two persons
(c) three persons (d) four persons
- 39.** The Presiding Officer of a Cyber Appellate Tribunal shall hold office
- (a) for a 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
(b) for a term of five years from the date on which he enters upon his office or until he attains the age of sixty years, whichever is earlier
(c) for a 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
(d) none of these
- 40.** Whoever knowingly or intentionally conceals, destroys or alters any computer source code used for a computer, when the computer source code is required to be kept or maintained by law for the time being in force,
- (a) shall be punishable with imprisonment up to two years, or with fine which may extend up to two lakh rupees, or with both
(b) shall be punishable with imprisonment up to three years, or with fine which may extend up to two lakh rupees, or with both
(c) shall be punishable with imprisonment up to five years, or with fine which may extend up to two lakh rupees, or with both
(d) none of these

41. Removal of difficulties clause has been mentioned under _____ of the Information Technology Act 2000
- (a) Section 85 (b) Section 86
(c) Section 87 (d) None of these
42. Which section of Information Technology Act 2000 deals with Cyber terrorism?
- (a) Section 66C (b) Section 66B
(c) Section 66F (d) Section 66A
43. Major amendments to Information Technology Act 2000 was introduced in the form of Information Technology (amendment) Act 2008, which came into effect on
- (a) 2009 October 27 (b) 2008 October 27
(c) 2008 June 10 (d) 2009 July 30
44. Which are the sections of Information Technology Act 2000 applicable for Cyber pornography?
- (a) 66, 66A, 66B (b) 67, 67A, 67B
(c) 67, 67C, 67D (d) None of these
45. If a corporate house, possessing personal information, neglects to implement and maintain reasonable security practices and thus causes wrongful loss or wrongful gain to any person, such corporate body is liable to pay compensation under-
- (a) Sec. 42 (b) Sec. 43
(c) Sec. 43A (d) Sec. 44
46. Which of the following acts as regulator as well as first-poll-of-call for cyber security incidents?
- (a) Cyber Appellate Tribunal (b) CERT-IN
(c) Intermediary (d) Subscriber
47. _____ involves following a person's movements across the Internet by posting messages (sometimes threatening) on bulletin boards frequented by the victim, entering chat-rooms frequented by the victim, constantly bombarding the victim with emails etc.
- (a) Cyber Stalking (b) IP Crimes
(c) DNS attack (d) None of these
48. Which of the following safety measures are necessary for using credit card?
- (a) Make online transactions only on secure, well established and reputed websites. Always ensure that the address of the website where transactions to be done, starts with 'https://'.
(b) Change your card PIN (Personal Identification Number) periodically.
(c) Avoid using cyber cafes for Internet Banking purpose
(d) All of these
49. What is the penalty for publishing images of a person's private parts without consent, as per Information Technology Act 2000?
- (a) Life imprisonment
(b) 5 years imprisonment or 5 lakh rupees penalty or both
(c) 3 years imprisonment or 2 lakh rupees penalty or both
(d) None of these
50. The case *Shreya Singhal vs Union of India* related with
- (a) Unconstitutionality of section 66A (b) Unconstitutionality of section 66B
(c) Cyber pornography (d) None of these

- 51.** The Root Certifying Authority (RCAI) of India is established by the Controller Certifying Authorities under
- (a) Section 18(a) of the Information Technology Act
 - (b) Section 18(b) of the Information Technology Act
 - (c) Section 18(c) of the Information Technology Act
 - (d) Section 18(d) of the Information Technology Act
- 52.** The failure/refusal to decrypt data has been made punishable under
- (a) Section 66 of the Information Technology Act
 - (b) Section 66 D of the Information Technology Act
 - (c) Section 66E of the Information Technology Act
 - (d) Section 69 of the Information Technology Act
- 53.** Information Technology Act 2000 got the assent of President on
- (a) 8th June, 2000
 - (b) 9th June, 2000
 - (c) 10th June, 2000
 - (d) None of these
- 54.** Information Technology Act shall not apply to
- (a) a negotiable instrument as defined in section 13 of the Negotiable Instruments Act 1881
 - (b) a power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882
 - (c) a trust as defined in section 3 of the Indian Trusts Act, 1882
 - (d) all of these
- 55.** An individual, being a citizen of India and having a capital of _____ crores of rupees or more in his business or profession can apply for grant of a license to issue Digital Signature Certificates.
- (a) 2
 - (b) 5
 - (c) 10
 - (d) 15
- 56.** Where the license of the Certifying Authority is suspended or revoked the Controller shall publish notice of such suspension or revocation, as the case may be, in the:
- (a) Newspaper
 - (b) Official gazette
 - (c) Data-base maintained by him
 - (d) None of these
- 57.** Chapter IX of the Information Technology Act, 2000 deals with
- (a) Attribution, acknowledgement and dispatch of electronic records
 - (b) Duties of subscribers
 - (c) Penalties, compensation and adjudication
 - (d) Electronic Signature Certificates
- 58.** The selection of chairperson and members of the Cyber Appellate Tribunal shall be made by the Central Government in consultation with the
- (a) President of India
 - (b) Chief Justice of India
 - (c) Minister, Information Technology
 - (d) None of these
- 59.** *Syed Asifuddin v State of Andhra Pradesh* 2005 CriLJ 4314 is case connected with section _____ of The Information Technology Act, 2000:
- (a) 65
 - (b) 67
 - (c) 70
 - (d) 69

60. Penalty and Compensation for damage to computer, computer system, etc is provided under section _____ The Information Technology Act, 2000
- (a) 43 (b) 44
(c) 45 (d) 46
61. The Limitation Act 1963 came into force on :
- (a) 1st January, 1964 (b) 5th October, 1963
(c) 1st January, 1965 (d) 1st October, 1963
62. Which of the following maxims represent the law of limitation?
- (a) *Interest republicae ut sit finis litium*
(b) *Vigilantibus non dormientibus jura sub vinient*
(c) Both (a) and (b)
(d) None of these
63. The period of limitation for filing of suit on the basis of a promissory note from the date of its execution is
- (a) One year (b) Two years
(c) Three years (d) Five years
64. When the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted:
- (a) on the day when the court reopens
(b) on the last preceding day before the court was closed
(c) none of these
(d) all of these
65. Which Report of the Law Commission of India deals with Limitation Act, 1963?
- (a) Eighty-Eighth Law Commission Report (b) Eighty-Ninth-Law Commission Report.
(c) Ninetieth Law Commission Report (d) None of these
66. Sections 3 to 11 of the Limitation Act, 1963 deals with
- (a) the limitation of suit and appeals (b) suit and applications
(c) suits, appeals and applications (d) suit only
67. Which among the following cases is related with condonation of delay under section 5 of the Limitation Act, 1963?
- (a) Ram Pal vs Rewa Coal Field Ltd. (b) Rajendra Singh vs Santa Singh
(c) Both (a) & (b) (d) None of these
68. Which section of the Limitation Act provides for the limitation period in case of suit against trustee and their representative?
- (a) Section 10 (b) Section 11
(c) Section 12 (d) Section 13
69. Which among the following is not an essential requisite of a valid acknowledgement?
- (a) It must be made before the expiration of limitation period
(b) It need not be in writing
(c) It must be signed by the person making the acknowledgement or by his authorized agent
(d) It must be made by the party against whom any property or right is claimed

70. What is the limitation period for filing suit by a surety against co-surety when the surety pays anything in excess of his own share?
- (a) Two years (b) Three years
(c) Five years (d) Twelve years
71. The Limitation Act is not applicable in
- (a) Civil Matters (b) Revenue Matters
(c) Inheritance Matters (d) None of these
72. Which is true of acknowledgement?
- (a) Extends the period of limitation (b) Confers an independent right on person
(c) Confers a right on the person (d) All of these
73. Section 19 of the Limitation applies
- (a) suit for debts (b) suit for legacies
(c) both (a) & (b) (d) none of these
74. The word 'prescribed period' as used in section 19 of the Limitation Act refers
- (a) the period prescribed for re-payment
(b) the period prescribed for limitation by the Act
(c) the period prescribed for limitation in any other Act
(d) None of these is correct
75. The time barred debt can be claimed:
- (a) as set off (b) as counter claim
(c) as a fresh suit (d) none of these
76. What is the period of limitation for setting aside an *ex-parte* decree?
- (a) 10 days (b) 20days
(c) 30 days (d) 60 days
77. In which of the following cases the Calcutta High Court held that "Though Limitation of 1 year as provided in Contempt of Courts Act, in fit case provisions of section 5 and 17 of Limitation Act can be applied by virtue of section 29(2) of Limitation Act"?
- (a) Subrata Kundu v. Kshiti Goswami, AIR 2010 Cal 44
(b) Nirpendra Ch. Dey v. Collector, AIR 2010 Cal 49
(c) Anma Ghosh v. Vimla, AIR 2010 Cal 62.
(d) Vikashini Ghosh v. A.K. Roy, AIR 2010 Cal
78. What is the period of limitation for a review of the judgment?
- (a) 30 days (b) 60 days
(c) 90 days (d) 180 days
79. What is the limitation period for restoration of suit?
- (a) 90 days (b) 60 days
(c) 30 days (d) 10 days
80. Limitation for filing an appeal commences from
- (a) the date of judgment
(b) the date of signing of the decree
(c) the date of application for copy of the judgment
(d) the date of availability of copy of the judgment.

- 81.** In which of the following cases has the Constitution bench of the Supreme Court of India held that when a debt becomes time barred, it does not become extinguished but only becomes unenforceable in a court of law?
- (a) Siathalavi vs State
 - (b) Balakrishnan vs Krishnamurthy
 - (c) Bombay Dyeing and Manufacturing Company Ltd vs State of Bombay
 - (d) None of these
- 82.** Which of the following sections of the Limitation Act, 1963 is an exception to the rule that the law of limitation only bars the remedy and it does not extinguish any right?
- (a) 25
 - (b) 26
 - (c) 27
 - (d) 28
- 83.** The Limitation Act, 1963 is not applicable to section _____ of the Indian Contract Act, 1872
- (a) 20
 - (b) 25
 - (c) 30
 - (d) 40
- 84.** Limitation Act, 1963 is not applicable to law relating to
- (a) Partition
 - (b) Adverse possession
 - (c) Marriage and Divorce
 - (d) None of these
- 85.** The period of limitation for a suit for an account and a share of the profits of dissolved partnership is three years from the date of
- (a) Dissolution
 - (b) Notice of dissolution
 - (c) Knowledge of dissolution
 - (d) None of these
- 86.** When did the the Mizo Marriage, Divorce and Inheritance of Property Act, 2014 receive the assent of the Governor of Mizoram?
- (a) on the 28th November, 2014
 - (b) on the 29th November, 2014
 - (c) on the 30th November, 2014
 - (d) None of these
- 87.** Under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014 ‘Ancestral property’ means
- (a) A coparcenary property that belongs to two male parental ancestors in the unbroken line of ascent
 - (b) A coparcenary property that belongs to three male parental ancestors in the unbroken line of ascent
 - (c) A coparcenary property that belongs to four male parental ancestors in the unbroken line of ascent
 - (d) None of these
- 88.** “Marriage” means a union of a man and a woman who are both major as husband and wife upon the happening of the following sequence of events :
- (a) a male suitor conveys a proposal for marriage of a woman through ‘palai’ to the head of the family of the woman he wants to marry
 - (b) if the woman’s family accepts the proposal after obtaining the consent of the woman, quantum of ‘man’ is fixed by the head of bride’s family and the date and venue for payment of marriage price and of solemnization of marriage are fixed
 - (c) the man pays the marriage price through ‘palai’
 - (d) all of these are correct

89. A Mizo marriage is *void if*
- (a) two persons of the marriage are of same sex
 - (b) a person with another person having a spouse living
 - (c) either or both are under age
 - (d) all of these are correct to make the marriage void
90. Provision of void marriage has been under _____ of the Mizo Marriage, Divorce and Inheritance of Property Act, 2014.
- (a) Section 8
 - (b) Section 9
 - (c) Section 10
 - (d) Section 11
91. Which among the following is not a ground of dissolution of marriage?
- (a) The respondent has committed adultery
 - (b) The respondent has been incurably of unsound mind for a continuous period of not less than three years immediately preceding the presentation of the petition
 - (c) The respondent has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent
 - (d) The respondent is suffering from epilepsy.
92. What is the meaning of *indang* under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014?
- (a) *indang* means son leaving his father's house for independent and separate establishment or family which is accepted by the head of family
 - (b) *indang* means a daughter leaving her father's house for independent and separate establishment or family which is accepted by the head of family
 - (c) both of the above are correct
 - (d) none of these
93. If a testator executes two wills for the same property under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014 what would be the consequence?
- (a) The last one will prevail over the other or others
 - (b) The first one will prevail over the other or others
 - (c) Both will have equal weightage
 - (d) None of these is correct
94. Which among the following is correct?
- (a) On the death of the head of the family, the wife will automatically become the head of the family if she remains a chaste widow and looks after the welfare of her minor children
 - (b) The property left by the deceased father will be inherited by the sons who are not *indang* and the surviving wife of the Head of the Family equally
 - (c) The youngest son will get one extra share provided he looks after members of the family who are not *indang*
 - (d) All of these are correct
95. Provision of Permanent Alimony has been mentioned under _____ of the Mizo Marriage, Divorce and Inheritance of Property Act, 2014
- (a) Section 15
 - (b) Section 16
 - (c) Section 17
 - (d) Section 18

96. Choose the correct alternative

Under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014 if a man divorces his wife on ground of adultery she will have a share over the acquired property-

- (a) not exceeding 20 % along with her personal property
- (b) not exceeding 25 % along with her personal property
- (c) not exceeding 30 % along with her personal property
- (d) not exceeding 50 % along with her personal property

97. Which Section of Mizo Marriage, Divorce and Inheritance of Property Act, 2014 empowers to remove difficulty?

- (a) Section 39
- (b) Section 40
- (c) Section 41
- (d) None of these

98. Format for Divorce certificate has been mentioned in _____ of the Mizo Marriage, Divorce and Inheritance of Property Act, 2014.

- (a) Schedule I
- (b) Schedule II
- (c) Schedule III
- (d) Schedule IV

99. What do you mean by the word *Falak* as used in Mizo Marriage, Divorce and Inheritance of Property Act, 2014?

- (a) *Falak* means a child whose father is not identified
- (b) *Falak* means a child whose parents are not known
- (c) *Falak* means a child born before marriage
- (d) None of these

100. Which among the following is not a valid element of marriage under the Mizo Marriage, Divorce and Inheritance of Property Act, 2014?

- (a) A male suitor conveys a proposal for marriage of a woman through *palai* to the head of the family of the woman he wants to marry;
- (b) If the woman's family accepts the proposal after obtaining the consent of the woman, quantum of man is fixed by the head of bride's family and the date and venue for payment of marriage price and of solemnization of marriage are fixed;
- (c) The woman pays the marriage price through *palai*;
- (d) On the day marriage is solemnized and at the appointed time, the bride under escort by *lawichal* leaves her home and family to live with the bridegroom.