FEDERAL PUBLIC SERVICE COMMISSION

COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS IN BS-17 UNDER THE FEDERAL GOVERNMENT, 2011

Roll Number

LAW, PAPER – I

TIME ALLOWED: THREE HOURS	**(PART-I MCQs)**	**30 MINUTES**	**MAXIMUM MARKS: 20**
	(PART-II)	**2 HOURS & 30 MINUTES**	**MAXIMUM MARKS: 80**

NOTE: **(i)** **First** attempt **PART-I (MCQs)** on separate Answer Sheet which shall be taken back after 30 minutes.

(ii) **Overwriting/cutting of the options/answers will not be given credit.**

(PART-I MCQs) (COMPULSORY)

Q.1. Select the best option/answer and fill in the **appropriate box** on the **Answer Sheet**. **(1 x 20=20)**

(i) According to Civil Procedure Code a Statute to be interpreted in accordance with the:

(a) Intent of Legislature (b) Intent of Judiciary (c) Intent of Executive (d) None of these

(ii) After hearing the case the final decision is pronounced through:

(a) Judgment only (b) Judgment and Decree

(c) Decree is not required in the case (d) None of these

(iii) Temporary injunctions may be granted:

(a) Where property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to suit or wrongfully sold in execution of a decree.

(b) Defendant threatens or intends to remove or dispose of his property to defraud his creditors.

(c) Both of these (d) None of these

(iv) Second appeal lies before High Court from every decree passed in appeal by a Subordinate Court on the following grounds:

(a) The decision having failed to determine some material issues of Law or usage having the force of Law

(b) On any ground by the aggrieved party (c) On any minor error (d) None of these

(v) The Principle of Resjudicata will not apply where:

(a) A matter was in issue between parties in a former Suit

(b) A matter was not in issue actually or constructively

(c) On a matter which has to be decided (d) None of these

(vi) Where in a case for restitution of conjugal rights a decree has been passed and defendant wilfully disobeyed. The decree may be enforced:

(a) By attachment of the property (b) By the defendant's detention in civil prison

(c) By attachment of property and defendant's detention (d) None of these

(vii) Ubijus Ibi Remdium means:

(a) Remedy for rights in issue (b) Remedy for the infringement of fundamental rights

(c) For every wrong, the law provides a remedy (d) None of these

(viii) The contract is made in one country and is to be performed either wholly or partially in another. The proper law of contract may be presumed to be the law:

(a) Where the performance is to take place (b) Where the contract is made

(c) Where the contract is signed. (d) None of these

(ix) According to the law of contract, when the person to whom the proposal is made signifies his assent thereto, the proposal is said to be accepted. A proposal which is accepted becomes:

(a) A contract (b) A promise (c) An agreement (d) None of these

(x) An agreement which is enforceable at the option of one or more of the parties:

(a) Is a voidable contract (b) Void contract (c) Valid contract (d) None of these

(xi) In case where both the parties to an agreement are under a mistake as to a matter of fact, essential to the agreement. The agreement is:

(a) Voidable (b) Void (c) Enforceable (d) None of these

(xii) A "Contingent Contract" is a contract to do or not to do something; if some event, collateral to such contract, does or does not happen. In the light of this definition: A agrees to pay Rs.70,000 to B, if a cargo ship does not return, the ship met an accident and sunk. Can the contract be:

(a) Enforced the moment the ship is sunk (b) Voidable at the consent of the parties

(c) Void (d) None of these

(xiii) In a case where A, B and C are under a joint promise to pay to D a sum of Rs.3000. C becomes insolvent and A is compelled to pay the whole amount to D. What amount A would be entitled to receive from B:

(a) 1000 Rupees (b) 1500 Rupees (c) Nothing (d) 1200 Rupees

(xiv) A is negotiating to buy a house from B, during the course of negotiations A tells B that he can buy the house for Rs.300,000, if B will refurbish the house. Which of the following statement is correct:

(a) B has made a counter offer (b) A's acceptance is incomplete

(c) A has made a conditional acceptance (d) None of these

(xv) When a contract meets the consideration requirement:

(a) One party suffers a legal loss/detriment (b) Both parties suffer legal loss/detriment

(c) Both parties receive legal benefit (d) None of these

(xvi) Tort is a wrong independent of a contract for which the appropriate remedy is:

(a) A common law action (b) Criminal law action

(c) Constitutional law action (d) None of these

(xvii) A tort is a violation of:

(a) Right in personam (b) Right in Rem

(c) Fundamental right of every citizen in a state. (d) None of these

(xviii) "Malice" means:

(a) Ill-will against a person, or a wrongful act done intentionally without a just cause

(b) Legal act with a just cause (c) An act committed accidentally or negligently (d) None of these

(xix) "Misfeasance" is:

(a) Performance of a lawful act in an illegal manner (b) An unlawful act in an illegal manner

(c) A lawful act in a legal manner (d) None of these

(xx) One of the essential elements to constitute the tort of false imprisonment is:

(a) It must be lawful (b) The total restraint of the liberty of a person

(c) Partial restraint of the liberty of a person (d) None of these

PART-II

NOTE: **(i)** **PART-II** is to be attempted on separate Answer Book.
(ii) **Attempt ONLY FIVE questions from PART-II, selecting AT LEAST ONE question from each SECTION. All questions carry EQUAL marks.**
(iii) **Extra attempt of any question or any part of the attempted question will not be considered.**

SECTION – I (THE CODE OF CIVIL PROCEDURE)

Q.2. Write short notes on the following: **(4 + 4 + 4 + 4 =16)**

(a) What are the characteristics of a decree? How is it distinguished from an order?

(b) Transfer of decree to court in another Province and Power of the court in executing transferred decree.

(c) Mesne Profit

(d) Differentiate between Preliminary decree and final decree.

Q.3. Explain and illustrate: **(8 + 8 =16)**

(a) The Principle of Resjudicata

(b) How will it be differentiated from Estoppel?

Q.4. Discuss the following, support your answer with arguments: **(4 + 4 + 4 + 4 =16)**

(a) What is a foreign judgement and under what conditions can a foreign judgement be considered as not conclusive?

(b) A sues B in England and the English Court dismisses the case without going into the merits. Can A file a case on same cause of action again against B in Pakistan?

(c) What is meant by attachment before Judgment?

(d) What is a Summary Suit and how its procedure differs from an Ordinary Suit?

SECTION – II (THE CONTRACT)

Q.5. A offers to buy precious gems from B at Lahore, B accepts the offer by a letter, however, A never received a letter which was lost during its transit. Subsequent to posting the letter B sends gems to A by a registered mail. By the time A received the parcel the prices of gems were considerably decreased. Discuss in detail the Liability of A under the Law of Contract. **(16)**

Q.6. Discuss and illustrate the essentials of a contract. What is the legality of an agreement entered into by or on behalf of a minor? **(16)**

Q.7. A who has already been married to B contracts to marry C and D after one year. However, by that time he became seriously ill to marry at all. Further, the law to which A is a subject prohibits polygamy. Discuss A's liability and what remedies other parties can avail under the law of contract? **(16)**

SECTION – III (LAW OF TORTS)

Q.8. A is employed in a construction company owned by B. A works there with the knowledge of the fact that he is exposed to risks by the reason of the negligent practice of the employer. B transfers blocks over the heads of the workers by means of a crane, without taking any precautionary measures. Some blocks fall on A as a result he becomes seriously injured. Explain what legal action A can take against B? **(16)**

Q.9. How far is mistake and acts causing slight harm are good defences to an action of Tort? Distinguish mistake from an inevitable accident. **(16)**

Q.10. Discuss the following: **(8 + 8 =16)**

(a) Liability of A under torts, who is in a moving train, shakes his fists at B.

(b) Liability of A in case where he make advances to B with clinched fists but is stopped by bystanders. There was an apprehension that A intends to offer violence or about to use 'criminal force' against B.

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Roll Number

LAW, PAPER – II

TIME ALLOWED:	**(PART-I MCQs)**	**30 MINUTES**	**MAXIMUM MARKS: 20**
THREE HOURS	**(PART-II)**	**2 HOURS & 30 MINUTES**	**MAXIMUM MARKS: 80**

NOTE: **(i)** **First** attempt **PART-I (MCQs)** on separate Answer Sheet which shall be taken back after 30 minutes.

(ii) **Overwriting/cutting of the options/answers will not be given credit.**

(PART-I MCQs) (COMPULSORY)

Q.1. Select the best option/answer and fill in the **appropriate box** on the **Answer Sheet**. **(1 x 20=20)**

(i) A murdered B, C a witness of the case states that he was standing near the two and saw that A pulled a dagger out of his jacket stabbed B twice on his chest as a consequence B fell down on the ground who later died. Will C's evidence be:

(a) Circumstantial evidence (b) Evidence of fact and law

(c) Direct evidence (d) None of these

(ii) Facts which are the occasions, cause or effect, of relevant facts or facts in issue are:

(a) Relevant (b) Not relevant at all (c) Sometimes relevant (d) None of these

(iii) Can a Magistrate or Police Officer be compelled:

(a) To provide information as the commission of any offence.

(b) They are bound under the law to inform about the commission of any offence.

(c) They cannot be compelled whence they received information as to the commission of any offence.

(d) None of these

(iv) Confession made after removal of impression caused by inducement, threat or promise:

(a) Becomes relevant (b) Not relevant at all

(c) Could be relevant with certain other conditions (d) None of these

(v) Confession made by accused while in the custody of Police:

(a) Not to be proved against the accused (b) Could be proved against the accused

(c) Could be proved against accused if made in the immediate presence of a Magistrate (d) None of these

(vi) Credit of a witness can be impeached:

(a) By a proof that the witness has been bribed, or has accepted the offer of bribe or has received any other corrupt inducement to give his evidence

(b) The law does not permit to impeach the credit of a witness at all

(c) Only the court can impeach the credit of witness (d) None of these

(vii) Evidence available due to modern devices and techniques:

(a) Are not acceptable as evidence (b) Only acceptable if court allows to produce

(c) Acceptable only if recorded before a Magistrate (d) None of these

(viii) Movable property include:

(a) Corporeal property of every description not attached to the Earth

(b) Lands and things attached to the Earth

(c) Permanently fastened to anything which is attached to the Earth (d) None of these

(ix) A person is said to have "reason to believe" a thing;

(a) If he has sufficient cause to believe that thing but not otherwise

(b) If he has sufficient cause to believe otherwise

(c) If he has slight doubt in believe (d) None of these

(x) "Dishonest Intention" is a Sine qua non of the offence of:

(a) Robbery (b) Theft (c) Extortion (d) None of these

(xi) "Common Intention" and "Common Object" are:

(a) Not synonymous (b) Synonymous (c) Semi Synonymous (d) None of these

(xii) "Wrongful Gain" means:

(a) Gain by unlawful means of property to which the person gaining is not legally entitled

(b) Gain by means of customary law (c) Gain with the help of police (d) None of these

(xiii) The "Injury" according to Penal Code means:

(a) A lacerated wound on leg (b) Harm on body with dagger

(c) Any harm whatever illegally caused o any person, in body, mind, reputation or property

(d) None of these

(xiv) The punishments to which offenders are liable under the provisions of Pakistan Penal Code are:

(a) Qisas, Diyat and Death (b) Death or Life Imprisonment

(c) Qisas, Diyat, Arsh, Daman, Tazir, Death, Imprisonment For Life, Rigorous or Simple Imprisonment, Forfeiture of Property, Fine.

(d) None of these

(xv) "Criminal Conspiracy" takes place:

(a) When two or more persons agree or cause to be done, an illegal act or an act which is not illegal by illegal means

(b) When one person commits an illegal act to take revenge

(c) When two persons while having argument suddenly attack on a third person (d) None of these

(xvi) To an appeal before the Supreme Court in criminal matters the applicable law will be:

(a) Pakistan Penal Code (b) The Criminal Procedure Code

(c) The Constitution of Pakistan (d) None of these

(xvii) "Cognizable Offence" is:

(a) An offence in which Police Officer needs warrants to arrest

(b) An offence in which Police Officer seeks permission from High Court to arrest the accused

(c) An offence in which Police Officer can arrest the accused without warrant (d) None of these

(xviii) Session Judge can pass:

(a) Only Death Sentence (b) Only Ten Years Imprisonment

(c) Any sentence authorised by law, Death Sentence subject to confirmation by High Court.

(d) None of these

(xix) Any person accused of any non-bailable offence is arrested without warrant or detained or appears or is brought before court, he may be released on bail, except in:

(a) Offences punishable with Death, Imprisonment for Life and Imprisonment for Ten Years

(b) Offences punishable with Imprisonment for Seven Years only

(c) Offences punishable with Imprisonment for Six Years (d) None of these

(xx) A person convicted on a trial by an Additional Session Judge may appeal to:

(a) The Session Judge (b) The High Court (c) The Supreme Court (d) None of these

PART-II

NOTE:**(i)** **PART-II** is to be attempted on separate Answer Book.
(ii) **Attempt ONLY FIVE questions from PART-II, selecting AT LEAST ONE question from each SECTION. All questions carry EQUAL marks.**
(iii) **Extra attempt of any question or any part of the attempted question will not be considered.**

SECTION – I (QANUN-E-SHAHADAT)

Q.2. Can oral evidence be excluded by documentary evidence? Discuss. **(16)**

Q.3. Explain when the confession of an accused be used against the co-accused. Distinguish between confessions and admissions. **(16)**

Q.4. Discuss when oral admission as to content of documents are relevant. Explain when Judgements of Courts of Justice become relevant. **(16)**

SECTION – II (CODE OF CRIMINAL PROCEDURE(CrPC))

Q.5. Can a police officer arrest a person without an order from a Magistrate and without a warrant? What procedure Police Officer has to follow after arrest of an accused? **(16)**

Q.6. What is a Summary trial? Explain the procedure of Summary trial as provided in the CrPC. **(16)**

Q.7. What is the procedure laid down in the CrPC for recording the confession of an accused person? Is it essential that a confession can only be made before a Magistrate? **(16)**

SECTION – III (PAKISTAN PENAL CODE (PPC))

Q.8. Under what circumstances and to what extent the right of private defence could be availed? Explain and illustrate. **(16)**

Q.9. Explain and distinguish between 'Wrongful Restraint' and 'Wrongful Confinement'. What are the punishments for both of the offences under Pakistan Penal Code? **(16)**

Q.10. Write short note on the following: **(04 + 04 + 04 + 04 = 16)**

(a) Criminal Force.

(b) Qatal-e-Khata

(c) Abetment

(d) Extort

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