

Law Paper 2007

FEDERAL PUBLIC SERVICE COMMISSION
COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS
IN BPS – 17 UNDER THE FEDERAL GOVERNMENT, 2007.

LAW, PAPER - I

TIME ALLOWED: THREE HOURS MAXIMUM MARKS:100

NOTE: (i) Attempt FIVE questions in all including question No. 10 which is compulsory and carries 20 marks. All other questions carry 16 marks each. Attempt at least ONE question from each part.

(ii) Extra attempt of any question or any part of the attempted question will not be considered

(iii) Candidate must draw two straight lines (=====) at the end to separate each question attempted in Answer Books.

PART – A (CIVIL PROCEDURE CODE)

1. State the law relating to the place of the institution of suits.
2. What do you understand by the term “Temporary Injunction”? When and on what grounds it may be granted?
3. Write notes on:
 - (a) Precept
 - (b) Mesne Profits

PART – B (CONTRACT ACT)

4. Define proposal. State when and how is it revoked?
5. What is a contract of bailment? State the rights and duties of the bailer and the bailee.
6. Write notes:
 - (a) Undue Influence
 - (b) Consideration
 - (c) Ratification

PART – C (LAW OF TORTS)

7. Define Tort and explain its ingredients.
8. Discuss the general defences which may be pleaded in an action for tort.
9. Write notes on:
 - (a) Defamation
 - (b) Malice
 - (c) Contributory Negligence

COMPULSORY QUESTION

10. Write only the correct answer in the Answer Book. Do not reproduce the questions.

- (1) Pleading includes:
 - (a) The plaint
 - (b) The written statement
 - (c) Both (a) and (b)

- (2) The doctrine of res judicata is the result of:
 - (a) The act of the plaintiff
 - (b) The act of the defendant
 - (c) The decision of the court

- (3) Where the court is without jurisdiction, the plaint presented to it shall be:
 - (a) Forwarded to the court having jurisdiction
 - (b) Returned for presentation to the proper court
 - (c) Rejected

- (4) An issue of fact is a fact:
 - (a) Asserted by both the parties
 - (b) Asserted by one party and denied by the other
 - (c) Specifically declared so under law

- (5) An application for review may be made where:
 - (a) No appeal lies against the decision
 - (b) Appeal preferred against the decision has been rejected
 - (c) An appeal is allowed but no appeal has been preferred against the decision

- (6) Where a plaintiff withdraws his suit without permission of the court, he is entitled to:
 - (a) Restore the same suit
 - (b) Institute a fresh suit on the same subject matter
 - (c) None of these

- (7) An ex-parte decree is a judgment based on:
 - (a) Merit of the case
 - (b) Compromise of the parties
 - (c) The non-appearance of the defendant

- (8) The communication of an acceptance as against the proposer is complete when:
 - (a) It comes to the knowledge of the proposer
 - (b) It is put into the means of transmission and is out of the control of the proposee
 - (c) The proposer notifies the proposee of its receipt

- (9) A voidable agreement is:
 - (a) Enforceable
 - (b) Unenforceable
 - (c) Enforceable at the option of one of the parties

- (10) A contract made as a result of mistake of law is:
 - (a) Valid or enforceable
 - (b) Void

(c) Voidable

(11) The rights and duties of the parties to a contingent contract:

- (a) Arise at the time of its formation
- (b) Do not rise as the contract is void
- (c) Arise upon the happening or unhappening of the future uncertain event collateral to the contract.

(12) An agreement made by a minor is:

- (a) Void
- (b) Voidable
- (c) Enforceable if its performance is beneficial to the minor.

(13) Where a contract of guarantee is performed by the surety upon default of the principal debtor, the surety:

- (a) Has a right to be indemnified by the principal debtor
- (b) Does not have any such right to the indemnified
- (c) Has right to be indemnified if provided under the contract

(14) Where under a contract of pledge, the pawner fails to perform his contract within the stipulated time, he:

- (a) Cannot redeem his pledged goods
- (b) Can redeem his pledged goods at any subsequent time
- (c) Can redeem his pledged goods before actual sale

(15) Malfeasance means:

- (a) The commission of an unlawful act
- (b) The improper performance of a lawful act
- (c) The failure to perform a lawful act

(16) Mayhem is:

- (a) The unlawful lying of hands on another person
- (b) Bodily harm whereby a man is deprived of the use of any member of his body
- (c) The actual striking of another person

(17) A master of a servant is:

- (a) Not liable for any of his wrongful acts
- (b) Is liable for all of his wrongful acts
- (c) Liable for his wrongful act committed in the course of his employment

(18) A slander is a false and defamatory statement made:

- (a) In writing
- (b) Verbally
- (c) In writing and verbally

(19) Damn Sine Injuria means:

- (a) Infringement of a legal right without any actual loss resulting a legal action.
- (b) Actual loss without infringement of any legal right resulting no legal action.
- (c) Infringement of a legal right with actual loss resulting legal action

(20) Trespass ab anitio means entrance on the land of another:

- (a) With authority of law

- (b) Without authority of law
- (c) With authority of law but subsequently commission of a wrong of misfeasance

LAW, PAPER - II

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NOTE: (i) Attempt FIVE questions in all including question No. 10 which is compulsory and carries 20 marks. All other questions carry 16 marks each. Attempt at least ONE question from each part.

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PART – A (QANUN-E-SHAHADAT ORDER)

1. An accomplice is unworthy of credit. Discuss.
2. Explain the laws relating to the extra-judicial confession.
3. Discuss the evidentiary value of identification parade.

PART – B (CRIMINAL PROCEDURE ORDER)

4. What is revisional jurisdiction of a Court? Explain.
5. When may a court order attachment of property of a person who has absconded?
6. Discuss the law of grant of bail in non-bailable offences.

PART – C (PAKISTAN PENAL CODE)

7. Briefly discuss crimes in which diyat can be awarded.
8. Define and differentiate between 'theft', 'extortion', 'robbery' and 'decoity'.
9. Define 'jurh' and briefly discuss kinds of 'jurh'.

COMPULSORY QUESTION

10. Write only the correct answer in the Answer Book. Do not reproduce the questions.

- (1) Public nuisance is a tort:
 - (a) Only when it prejudicially affects the public
 - (b) Only when it damages property belonging to the public
 - (c) Only when it causes direct and substantial injury to an individual
 - (d) None of these
- (2) Confession made under the promise of secrecy is:
 - (a) Admissible

- (b) Inadmissible
- (c) Objectionable
- (d) None of these

- (3) An irrebuttable presumption:
- (a) Is inconclusive proof of a fact
 - (b) Is conclusive proof of a fact
 - (c) Can be contradicted
 - (d) None of these

- (4) Evidence may be given of:
- (a) Inadmissible facts
 - (b) Irrelevant facts
 - (c) Facts in issue
 - (d) None of these

- (5) Doctrine of estoppel:
- (a) Applies to a minor
 - (b) Does not apply to a minor
 - (c) Applies to a minor for acts and omissions of others
 - (d) None of these

- (6) Admission on point of law:
- (a) Has force
 - (b) Has no force
 - (c) May help in proof
 - (d) None of these

- (7) Dying declaration made under expectation of death is:
- (a) Irrelevant
 - (b) Inadmissible
 - (c) Admissible
 - (d) None of these

- (8) For a crime of strict liability:
- (a) 'mens reas' is essential
 - (b) 'actus reas' is essential
 - (c) Both 'mens rea' and 'actus reas' are essential
 - (d) None of these

- (9) Section 411 PPC relates to:
- (a) Extortion
 - (b) Dacoity
 - (c) Dishonestly receiving stolen property
 - (d) None of these

- (10) A master is liable for the torts of his servant:
- (a) When the servant commits an ultra vires act
 - (b) When the servant commits an intra vires act
 - (c) When the servant commits a wrong within the course of employment
 - (d) None of these

- (11) Punishment for imputation of unchastity of woman is:

- (a) 2 years
- (b) 5 years
- (c) 10 years
- (d) None of these

(12) A magistrate can order a person who files a false, frivolous and vexatious criminal case against somebody.

- (a) To pay compensation to that somebody.
- (b) To force him to deposit fine
- (c) To ask him to apologize
- (d) None of these

(13) Shujjah is divided into:

- (a) 7 categories
- (b) 8 categories
- (c) 10 categories
- (d) None of these

(14) Punishment for attempt to commit suicide is:

- (a) 4 years
- (b) 6 years
- (c) 8 years
- (d) None of these

(15) In pre arrest bail

- (a) Complaint is not essential
- (b) FIR is essential
- (c) FIR is not essential
- (d) None of these

(16) A private complaint can be lodged:

- (a) Before a Judge of High Court
- (b) Before a Session judge
- (c) Before a magistrate
- (d) None of these

(17) Criminal Procedure is a Code of:

- (a) Substantive law
- (b) Adjective law
- (c) Substantive as well as adjective law
- (d) None of these

(18) Qanune Shahadat Order divides 'fact' into:

- (a) 2 categories
- (b) 3 categories
- (c) 4 categories
- (d) None of these

(19) Order for removal of obstruction and nuisance in urgent cases can be given by:

- (a) A police officer
- (b) A nazim
- (c) A magistrate
- (d) None of these

(20) Compensation:

- (a) Is awarded in all crimes
- (b) Is not awarded at all in some crimes
- (c) Is awarded in some crimes
- (d) None of these