

## **Law Papers 2001**

### **FEDERAL PUBLIC SERVICE COMMISSION COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS IN BPS – 17 UNDER THE FEDERAL GOVERNMENT, 2001.**

#### **LAW, PAPER - I**

**TIME ALLOWED: THREE HOURS MAXIMUM MARKS:100**

**NOTE: Attempt SIX questions in all, including question No. 10 which is COMPULSORY and carries 20 marks. All other questions carry EQUAL marks i.e. 16 each. Attempt at least one question from each of the parts.**

#### **PART – “A” (CIVIL PROCEDURE CODE)**

1. Give essentials of the principle of Res-judicata. What is the distinction between the principles of Res-judicata and Res-judice?
2. Write short notes on:
  - (a) Legal Representative
  - (b) Mesne Profits of property
  - (c) Constructive Res-judicata
3. What do you understand by the “Representative suit”?

#### **PART – “B” (CONTRACT ACT)**

4. Define “void contracts” and “voidable contracts”. Explain the difference between the two by illustrating your answer.
5. On whom does the burden of proving undue influence lie? Discuss the subject with special reference to “parda-nashin” ladies.
6. Explain and define the following by giving illustrations and stating their effect on contracts:
  - (a) Fraud
  - (b) Coercion

#### **PART – “C” (LAW OF TORT)**

7. What is the difference between:
  - (a) A tort and a crime
  - (b) A tort and a breach of contract
8. How far a motive and malice are relevant in an action of tort? What are various kinds of malice? Explain.
9. Explain the following:
  - (a) Malfeasance
  - (b) Misfeasance
  - (c) Non-feasance

### **COMPULSORY QUESTION**

10. Write TRUE OR FALSE in the Answer Book. Do not reproduce the questions.
- (1) Interpleader suit is a suit between pleaders. [True/False]
  - (2) All orders are appealable. [True/False]
  - (3) No appeal shall lie from an Original decree passed ex-parte. [True/False]
  - (4) Where the relief claimed by the plaintiff is under-valued, the Court can require the plaintiff to correct the same and if not corrected can reject the plaint. [True/False]
  - (5) Additional evidence can be allowed to be produced by an appellate Court. [True/False]
  - (6) A civil Court can reconsider and revise its own order, judgment, and decree. [True/False]
  - (7) Only one appeal lies from the appealable orders. [True/False]
  - (8) A tort and a crime is one and the same thing and both can be tried by a civil court. [True/False]
  - (9) All persons are entitled to sue and liable to be sued in tort. [True/False]
  - (10) The greater the truth, the greater is libel. [True/False]
  - (11) A person cannot be liable in respect of wrongful acts or omissions of another under any circumstances. [True/False]
  - (12) Entry on the land of another person without his consent is not justifiable even on the ground of necessity. [True/False]
  - (13) A wife may, sue her husband for the protection and security of her own separate property but the husband has no such corresponding right against her. [True/False]
  - (14) Legal damage is the same as actual damage. [True/False]
  - (15) An agreement has no legal status but a contract is enforceable at law. [True/False]
  - (16) A contract entered into on account of mis-representation is VOID/VOIDABLE. [True/False]
  - (17) All contracts are agreements but all agreements are not contracts. [True/False]
  - (18) Agreements by way of wager are VOID/VOIDABLE. [True/False]
  - (19) "A" lost his purse containing Rs. 10,000. He arranged publication of a reward of Rs. 1000 to the finder on its return. "B" found the purse but when he went to return it to "A", "A" refused to pay the reward. Can "B" sue for the reward and retain the purse until he receives the reward? [Yes/No]
  - (20) "Rescission" is the cancellation of a voidable contract. [True/False]

### **LAW, PAPER - II**

#### **TIME ALLOWED: THREE HOURS MAXIMUM MARKS:100**

**NOTE: Attempt SIX questions in all, including question No. 10 which is COMPULSORY and carries 20 marks. All other questions carry EQUAL marks i.e. 16 each. Attempt at least one question from each of the parts.**

#### **PART – "A" (PAKISTAN PENAL CODE)**

1. When a person is accused of an offence the 'burden of proof is on the prosecution'. What are the exceptions to this rule?
2. When does culpable homicide not amount to murder?
3. What do you understand by the term "mens rea"? is it necessary element in criminal liability? How far is the principle of "mens rea" recognized in the Pakistan Penal Code?

#### **PART – "B" (CRIMINAL PROCEDURE CODE)**

4. (a) Define offence.  
(b) Distinguish between:
  - (i) Bailable and non-bailable offence
  - (ii) Cognizable and non-cognizable cases
5. How long can a police officer keep an offender in custody by his own power and with the order of a Magistrate?
6. What preventive measures can a Magistrate take when a dispute concerning an immovable property is likely to cause breach of peace?

### **PART – "C" (QANOON-E-SHAHADAT)**

7. Define and explain the following:
  - (a) Original and Hearsay evidence
  - (b) Primary and Secondary evidence
  - (c) Oral and Documentary evidence
8. What is meant by "character"? Discuss the admissibility and relevancy of "character" in criminal proceedings in Pakistan.
9. What do you understand by "Hostile Witness"? What is the advantage by the party by declaring its Witness hostile?

### **COMPULSORY QUESTION**

10. Write only the correct answer in the Answer Book. Do not reproduce the questions.
  - (1) An offender cannot, under any circumstances be kept in solitary confinement for more than:
    - (a) Three months
    - (b) Six months
    - (c) 12 months
    - (d) None of these
  - (2) What is the maximum duration of sentence of imprisonment in default of Payment of fine of Rs. 5000 for offences punishable with fine only:
    - (a) Three months
    - (b) Six months
    - (c) 12 months
    - (d) None of these
  - (3) Name the offence the commission of which is not punishable under Pakistan Penal Code, but the attempt to commit is punishable.
  - (4) Fabricating false evidence and intentionally giving false evidence in any stage of judicial proceeding or for the purpose of being used in any stage of judicial proceeding are:
    - (a) Synonymous
    - (b) Different
  - (5) Is giving a female in marriage a valid badl-i-sulh (qisas)? [Yes/No]

- (6) Violation of an order by a Magistrate to a certain person to pay a certain amount of money for maintenance of his wife and children is punishable under the law. [True/False]
- (7) As a general rule, no complaint is required to be made in a cognizable case. [True/False]
- (8) Under no circumstances, a police officer can arrest a person without a warrant of arrest issued by a Magistrate. [True/False]
- (9) A person alleged to have committed "forgery" can be arrested by a police officer without a warrant of arrest. [True/False]
- (10) Qatl-i-amd is a compoundable offence. [True/False]
- (11) When an offender is absconding, the Court can record evidence in his absence. [True/False]
- (12) A magistrate having passed an order of discharge cannot subsequently take fresh proceedings against the accused in respect of the same offense. [True/False]
- (13) "Conclusive Proof" is a fact which can be rebutted by the either party by producing strong evidence to contradict it. [True/False]
- (14) All confessions are admissions but all admissions are not confessions. [True/False]
- (15) Two witnesses are required to prove a fact in a case. [True/False]
- (16) Admissions are made in criminal cases while confessions are made in civil cases only. [True/False]
- (17) An approver is an accomplice in a case. [True/False]
- (18) A witness can be excused from answering a question on the ground that his answer to the question will incriminate him. [True/False]
- (19) A conviction can be based on the statement of the co-accused. [True/False]
- (20) The opinion of expert is not binding upon the judge. [True/False]

---

The Me you have always known, the Me that's a stranger still.