

Law Papers 2003

**FEDERAL PUBLIC SERVICE COMMISSION
COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS
IN BPS – 17 UNDER THE FEDERAL GOVERNMENT, 2003.**

LAW, PAPER - I

TIME ALLOWED: THREE HOURS MAXIMUM MARKS:100

NOTE: Attempt SIX questions in all, including question No. 9 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. Write a detailed note on the following of restitution.
2. Explain the meaning and scope of “Inherent Powers” of the Court.
3. Write short notes on the following:
 - (a) Judgment debtor
 - (b) Ex parte decree

PART – “B” (CONTRACT ACT)

4. “Law does not countenance an agreement whereby it is sought to oust the jurisdiction of law courts.” Discuss and state whether there are any exceptions to this rule.
5. Write short notes on the following:
 - (a) Consideration
 - (b) Contract of Guarantee

PART – “C” (LAW OF TORT)

6. “No action lies for a wrong, which is authorized by the Legislature.” Comment.
7. Explain the maxim. “Actio Personalis Maritur cum Persona”.
8. Write short notes on:
 - (a) Abuse of legal process
 - (b) Vicarious liability

COMPULSORY QUESTION

9. Write only the correct answer in the Answer Book. Do not reproduce the questions.
 - (1) The Civil Procedure Code was enacted in:
 - (a) 1908
 - (b) 1809
 - (c) 1947
 - (d) None of these
 - (2) When a decision of a civil court is decreed:

- (a) No appeal lies therefrom
- (b) An appeal invariably lies therefrom
- (c) None of these

- (3) Cause of action means:
- (a) Subject matter of a suit
 - (b) Relief claimed in a suit
 - (c) Parties to a suit
 - (d) None of these

- (4) Written statement is a statement of:
- (a) Plaintiff
 - (b) Defendant
 - (c) Witness
 - (d) None of these

(5) (Missing)

- (6) A sum of money payable under a decree may be paid:
- (a) Into the court which passed the decree
 - (b) To the decree holder out of the court
 - (c) Both of these
 - (d) None of these

- (7)
- (a) False
 - (b) True

- (8) A commission is appointed under the civil procedure code by:
- (a) The parties
 - (b) The provincial Government
 - (c) The court
 - (d) None of these

- (9) A receiver is representative of:
- (a) The court
 - (b) Plaintiff
 - (c) Defendant plaintiff
 - (d) None of these

- (10) Issues in a civil suit are framed by:
- (a) The parties
 - (b) Advocates of the parties
 - (c) Witness
 - (d) None of these

- (11) In a contract of guarantee there are:
- (a) Two parties
 - (b) Three parties
 - (c) Four parties
 - (d) None of these

(12) Remedy of injunction is:

- (a) Negative
- (b) Positive
- (c) Mitigation of damages
- (d) None of these

(13) Performance of a contract

- (a) Cannot be avoided
- (b) May be avoided in certain circumstances

(14) A proposal when accepted becomes:

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

(15) An agreement to do an impossible act is:

- (a) Voidable
- (b) Valid
- (c) None of these

(16) The word tort is derived from:

- (a) Latin
- (b) Roman
- (c) English
- (d) None of these

(17) Malice is necessary ingredient in tort:

- (a) True
- (b) False

(18) Wrongfully setting the law in motion is:

- (a) Defamation
- (b) Fraud
- (c) Nuisance
- (d) None of these

(19) Where a person having right to enforce a claim abstains from enforcing it for a long time, it is called:

- (a) Release
- (b) Acquiescence
- (c) Negligence
- (d) None of these

(20) Trespass to person without lawful justification involves:

- (a) Assault
- (b) Battery
- (c) False imprisonment
- (d) All of these
- (e) None of these

LAW, PAPER - II

TIME ALLOWED: THREE HOURS MAXIMUM MARKS:100

NOTE: Attempt SIX questions in all, including question No. 9 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” (QANOON-E-SHAHADAT ORDER 1984)

1. Explain the different stages in which evidence of a witness is recorded in a case.
2. “All relevant facts are not admissible, but all admissible facts are relevant.” Discuss.
3. Write short notes on:
 - (a) Refreshing memory
 - (b) Privileged communication

PART – “B” (CRIMINAL PROCEDURE CODE)

4. Describe confession and state the procedure laid down in the Code for recording it.
5. Explain the appellate jurisdiction and revisional jurisdiction of a High Court indicating points of difference between them.
6. Write short notes on the following:
 - (a) Approver
 - (b) Compoundable offences

PART – “C” (PAKISTAN PENAL CODE)

7. Explain the principle of “mens rea”. How far this principle is recognized in P.P.C.?
8. Write short notes on:
 - (a) Harboursing on offender
 - (b) Criminal intimidation

COMPULSORY QUESTION

9. Write only the correct answer in the Answer Book. Do not reproduce the questions.
 - (1) An arbitrator is also a Court:
 - (a) Correct
 - (b) Incorrect
 - (2) An oral statement made by a person which suggest any inference as to any fact in issue under certain circumstances is:
 - (a) Admission
 - (b) Confession
 - (c) None of these
 - (3) Oral evidence is:
 - (a) Best evidence
 - (b) No evidence
 - (c) Bad evidence
 - (d) None of these
 - (4) Generally documents are to be proved by:
 - (a) Primary evidence
 - (b) Secondary evidence
 - (c) None of these
 - (5) Irrelevant questions may be asked by the:

- (a) Prosecution
- (b) Defence
- (c) Presiding judge
- (d) None of these

(6) Ambiguities in documents are:

- (a) Latent
- (b) Patent
- (c) Both 'a' and 'b'
- (d) None of these

(7) When a fact is neither proved nor disproved, it is said to be:

- (a) Not proved
- (b) Proved
- (c) None of these

(8) A cognizable offence is usually:

- (a) No offence
- (b) Serious offence
- (c) Minor offence
- (d) None of these

(9) There is no difference between a complaint and FIR:

- (a) Correct
- (b) Incorrect
- (c) None of these

(10) An investigation is made by:

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

(11) After a charge has been framed against an accused, he may be:

- (a) Discharged
- (b) Acquitted
- (c) Both of these
- (d) None of these

(12) A person who has committed a serious offence may be arrested by:

- (a) A private person
- (b) Police officer
- (c) Magistrate
- (d) All of the above
- (e) None of these

(13) Retracted confession is a confession made before:

- (a) A Police officer
- (b) A magistrate
- (c) A private person
- (d) None of these

(14) Where there is a conviction, there is an appeal.

- (a) False
- (b) True
- (c) None of these

(15) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed:

- (a) Forgery
- (b) Fraud
- (c) Mischief
- (d) None of these

(16) Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing:

- (a) Fraudulently
- (b) Gaining or losing wrongfully
- (c) Dishonestly
- (d) None of these

(17) Preparation to commit an offence is:

- (a) Not punishable
- (b) Punishable in certain cases
- (c) None of these

(18) Bigamy means:

- (a) Adultery
- (b) Taking away with criminal intention a married woman
- (c) Concealment of a marriage
- (d) None of these

(19) Jurm is a hurt, its kinds are:

- (a) Two
- (b) Three
- (c) Four
- (d) None of these

(20) Prosecution is bound to prove motive for the crime:

- (a) Correct
- (b) Incorrect
- (c) None of these