

Law Papers 2004

**FEDERAL PUBLIC SERVICE COMMISSION
COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS
IN BPS – 17 UNDER THE FEDERAL GOVERNMENT, 2004.**

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. “The Doctrine of Resjudicate is of Universal application and a fundamental concept in the organization of every jural society.” Comment. Also quote the relevant provisions.
2. “The worries of the Decree Holder start after he obtains the decree.” Elucidate.
3. Write notes on:
 - (a) Principles of Natural justice
 - (b) Review as enshrined in the provision of C.P.C.

PART – “B” (CONTACT ACT)

4. “Fraud vitiates most solemn proceedings.” Elucidate.
5. When time is of the essence of the Contract? Give examples.
6. Write short notes on:
 - (a) Doctrine of frustration
 - (b) Contingent Contract

PART – “C” (LAW OF TORT)

7. Quote four pleas which may be taken as defence against an action for Torts.
8. Write notes on:
 - (a) Quasi judicial acts
 - (b) Joint tort feasons

COMPULSORY QUESTION

9. Write only the correct answer in the Answer Book. Do not reproduce the questions.
 - (1) Can a party file a fresh suit on the subject matter in respect of which earlier suit was withdrawn:
 - (a) Yes

- (b) No
(c) Yes if the earlier suit was withdrawn with permission of the court.
- (2) The provisions of law ousting jurisdiction of a court should be construed:
(a) Liberally
(b) Strictly
(c) According to facts of a case
(d) None of these
- (3) Are the right to take out procession or the right of franchise of civil nature permissible/ accepted:
(a) Yes
(b) NO
(c) Yes, the right of franchise but not the right to take out procession
(d) Yes, not the right to take out procession but not the right of franchise
- (4) A reside at Murree, B at Lahore and C at Karachi. They all get together at Bahawalpur. B and C make a joint promissory note payable on demand and deliver it to A with leave of the court. A many sue B and C at:
(a) Murree only
(b) Lahore only
(c) Karachi only
(d) Murree, Lahore and Karachi
(e) Bahawalpur or Lahore or Karachi
- (5) The code of civil procedure is:
(a) Act V of 1908
(b) Act IV of 1908
(c) Act V of 1912
(d) Act I of 1930
- (6) Are the following properties liable to attachment and sale in execution of a decree.
(a) Fully salary
(b) Cooking vessels
(c) Yes
(d) No
- (7) An injunction in respect of collection of Public revenues ceases to have effect on the expiry of:
(a) Three months
(b) Six months
(c) One year
- (8) The court may at any time before passing a decree amend the issue or frame additional issues:
(a) Correct
(b) Incorrect
- (9) A premises to obtain for B an employment in the public service and B promises to pay ten thousand rupees to A. is the agreement void?
(a) Yes
(b) No

(10) A delivers a rough diamond to B, a jeweler, to be cut and polished which is accordingly done. Is B entitled to retain the Diamond?

- (a) Yes till he is paid for the services he has rendered
- (b) No he has to return the diamond and claim only remuneration.

(11) A promises to deliver goods at B's Warehouse on the first July. On that day A brings the goods to B's warehouse but after the usual hour for closing it, and they are not received. Has A performed the promise?

- (a) Yes
- (b) No

(12) Which of the statement is correct?

- (a) A contract may be express only
- (b) It may be express or implied or of mixed character

(13) Can a Minor enter into a lawful contract to which the other contracting party does not object?

- (a) Yes
- (b) No being void ab initio

(14) When consent to an agreement is caused by coercion, the agreement is a contract"

- (a) Void ab-initio
- (b) Voidable at the option of the other party

(15) The remedies available to a person for nuisance are:

- (a) Abatement, damages and injunction
- (b) Only damages
- (c) Only injunctions

(16) During a cricket match in an open ground a batsman hits a ball which injured the plaintiff standing on the Highway road. The plaintiff brought an action for damages. Is the cricket ball liable?

- (a) Yes
- (b) No, being a case of contributory negligence
- (c) None of these

(17) Damnum Sine Inuria means:

- (a) Damage without infringement of any legal right
- (b) Damage and infringement of any legal right

(18) IS the employer liable for the negligent act of a contractor?

- (a) Yes where there is an implied warranty by the employer
- (b) No

(19) One of the distinguishing features between libel and Slander is that:

- (a) Libel is written defamation while Slander is spoken defamation.
- (b) Libel is spoken defamation and Slander is written defamation.

(20) Is it correct that a civil injury for which an action will not lie is not a tort?

- (a) Yes
- (b) No, infliction of all civil injury is tort.

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” (QANOON-E-SHAHADAT ORDER 1984)

1. Who are competent to testify and how the court shall determine the competence of a witness?

2. How can credit of a written be impeached? Quote instances,

3. Write notes on:

- (a) Shahada ala al Shahada
- (b) Burden of proof

PART – “B” (CRIMINAL PROCEDURE CODE)

4. What measures you suggest for speedy trial of a criminal case without compromising the principles of Natural justice?

5. What irregularities vitiate proceedings? Quote some instances.

6. Write notes on:

- (a) Importance of precedents of superior Courts
- (b) Warrant trial

PART – “C” (PAKISTAN PENAL CODE)

7. Define ‘document’. Give illustrations.

8. A picks up a cheque on a banker signed by B, payable to bearer but without a sum having been inserted in the cheque. A fraudulently fill up the cheque by inserting the sum of ten thousand rupees and attempts to withdraw it. What offence is it? Also give another illustration of this offence.

9. Write notes on:

- (a) Offences by foreigner
- (b) Form of charges

COMPULSORY QUESTION

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

(1) Civil court can review its order under Section 114 C.P.C Has a Criminal Court the similar power:

- (a) Yes

- (b) No
 - (c) Yes, in some areas
- (2) To prove terms of a contract contained in six letters should:
- (a) All the letters be produced
 - (b) More important among them be produced
- (3) Can a court allow to be produced any evidence made available through recorded cassette talk between accused and another person?
- (a) Yes
 - (b) No
 - (c) Yes, If the court considers appropriate
- (4) Can Caricature and an inscription on a metal plate be categorized as a document?
- (a) Yes
 - (b) No
- (5) An accomplice is a competent witness against an accused:
- (a) Yes but not in a Hadd Case
 - (b) No
- (6) Can witness to character may be cross examined and reexamined?
- (a) Yes
 - (b) No
 - (c) Yes, may be cross examined but not reexamined.
 - (d) None of these
- (7) Bailable offense means an offence shown as bailable.
- (a) In the Second Schedule
 - (b) In the first schedule
 - (c) In the second schedule or any other law for the time being in force.
- (8) Can a person be tried again for an offence for which he was acquitted by a court not competent to try the case?
- (a) Yes
 - (b) No
- (9) Can a criminal court order disposal of property of a pending case if it consists of fruit and vegetable?
- (a) Yes
 - (b) No
- (10) Is the offence of cheating (Sec 417):
- (a) Non Bailable and Non Compoundable
 - (b) Non Bailable and Compoundable
 - (c) Bailable and Compoundable with permission of court
- (11) Is the provincial legislature competent to amend, modify or repeal the code of criminal procedure?
- (a) Yes
 - (b) No
- (12) Is a previously convicted woman accused entitled to Bail under Section 497 Cr.P.C:

- (a) Yes
- (b) No

(13) A is wounded within jurisdiction of court X, and dies within jurisdiction of court Z. The offence may be tried by:

- (a) Court X alone
- (b) Court Z alone
- (c) Court X or Z

(14) A and B mutually agree to fence with each other for amusement. A while playing fairly causes grievous hurt to B. Has A committed offence?

- (a) Yes
- (b) No

(15) A enters into the house of B at midnight and is challenged by B and during ensuing scuffle causes death of B. Which of the following offences have been committed by A?

- (a) Section 452 and 302
- (b) Section 460 and 302
- (c) Section 448 and 302

(16) A, being executor to the will of the deceased person disobeys the law which directs him to divide the effects according to the will and appropriates them to his own use. Which of the following offences has A committed?

- (a) Cheating
- (b) Criminal breach of trust
- (c) Forgery

(17) Can a judge of High court and an Arbitrator appointed by a court categorized as "Public Servant".

- (a) Yes
- (b) No

(18) A, a surgeon, knowing that a particular operation is likely to cause death to Z but in good faith and in Z's benefit performs that operation on Z with his consent. Has he committed any offence?

- (a) Yes
- (b) No

(19) A, a public servant, induces Z, erroneously to believe that A's influence with the government has obtained a title for Z and thus induces Z to give A money as a reward for this service. A has committed the offence of:

- (a) Cheating
- (b) Taking gratification other than legal remuneration

(20) Apprehending injury to him, A confined B in a house but escape is open through a door. Is A guilty of the offence of:

- (a) Wrongful confinement
- (b) Wrongful restraint
- (c) None of these