

## Law paper 2008

### FEDERAL PUBLIC SERVICE COMMISSION

#### COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS IN BPS-17 UNDER THE FEDERAL GOVERNMENT, 2008

Time allowed: Part-I .....30 Minutes MAXIMUM MARKS: 20

Part-II.....2 Hours & 30 Minutes MAXIMUM MARKS: 80

#### NOTE:

i: First attempt PART –I (MCQ) 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 (MCQ)

Compulsory

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

i. The concept of Res-judicata is available in:

- (a) section 9
- (b) section 11
- (c) section 12
- (d) none of these

ii. In cases wherein the subject-matter is more than 30 lacs appeal against appellate decree lies before:

- (a) District court
- (b) High court
- (c) Supreme court
- (d) Any of these

iii- review can be filed before:

- (a) same court of original jurisdiction
- (b) district court
- (c) High court
- (d) Supreme court

iv- defendant is the person who:

- (a) files a suit
- (b) delays a suit
- (c) defends a suit
- (d) none of these

v- Appeal against decree is available on the ground of:

- (a) Questions of fact
- (b) Questions of law
- (c) Mixed questions of law and fact
- (d) All of these

vi- A suit means:

- (a) Any criminal proceeding in a court of law
- (b) A cause of action

- (c) Any civil proceeding, being part of a plaint
- (d) None of these

vii- Revisional jurisdiction is available to:

- (a) District court
- (b) High court in its original jurisdiction
- (c) Supreme court
- (d) None of these

viii- Agency contract is created by:

- (a) express agreement
- (b) implied agreement
- (c) ratification
- (d) all of these

ix- Pledge is a:

- (a) contract of bailment
- (b) contract of indemnity
- (c) contract of agency
- (d) none of these

x- these are the contracts wherein there is no need of consideration :

- (a) agreement to compensate past voluntary services
- (b) agreement to time barred debt
- (c) none of these
- (d) in both (a) & (b)

xi- all the agreements are contracts:

- (a) if they are on stamp paper
- (b) if they are made by the free consent of the parties
- (c) if they are registered
- (d) none of these

xii- under the effect of fraud the contract would be:

- (a) voidable
- (b) void
- (c) unenforceable
- (d) none of these

xiii- Tort(word) is derived from the:

- (a) latin language
- (b) greek language
- (c) French language
- (d) English language

xiv- how many constitutes of torts are stated by legal thinkers:

- (a) 3
- (b) 4
- (c) 5
- (d) None of these

xv- Rylands vs. Fletcher case was about:

- (a) negligence

- (b) nuisance
- (c) strict liability
- (d) none of these

xvi- libel and slander are kinds of:

- (a) damnum sine injuria
- (b) defamation
- (c) discharge of torts
- (d) none of these

xvii- assault and battery are kinds of :

- (a) trespass to person
- (b) malicious prosecution
- (c) force majeure
- (d) none of these

xviii- any thing done to hurt or annoyance of the lands and not amounting to trespass is termed as:

- (a) negligence
- (b) Nuisance
- (c) Malicious prosecution
- (d) All of these

xix- incorporeal rights include:

- (a) easements
- (b) trade marks
- (c) patent and copy right
- (d) all of these

xx- when license and authority is given to hurt , doing the same it becomes:

- (a) trespass ab intio
- (b) injuria sine damnum
- (c) Volenti non fit injuria
- (d) None of these

## PART-II

### NOTE:

- (i) Part-II is to be attempted on the 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 (civil procedure civil)

Q2. write an exhaustive summary on the particulars that should be contained in a plaint (order 7 rule 1 CPC) (16)

Q3. write a detailed note on concept of jurisdiction with reference to (Section 9): ( 16)

- (a) subject matter jurisdiction
- (b) pecuniary jurisdiction
- (c) territorial jurisdiction
- (d) inherent jurisdiction

(e) original jurisdiction

Q4. Explain the difference between first and second appeal against decree. State the distinguishing features. (16)

Section II (the Contract Act)

Q5. critically evaluate the remedies available to a party who discovers that a Contract has been founded on a misrepresentation. (16)

Q6. Explain and discuss the essentials of a valid contract? (16)

Q7. Explain any FOUR of the following terms: (16)

- (a) novation
- (b) severability
- (c) force majeure
- (d) waiver
- (e) confidential information
- (f) indemnity

Section III (Law of Torts)

Q8. what are the essentials of the Tort of negligence. Highlight the standard of care in the context of duty of care? (16)

Q9. write short notes on: (16)

- (a) defenses in torts
- (b) ubi jus Ibi remedium
- (c) injuria sine damnum (damno)

Q10. what do you understand by trespass to person? In line with the case law, discuss false imprisonment

**Law paper II**

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PART –I (MCQ)

Compulsory

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

(i) judicial confession can be recorded by the following procedure available in:

- (a) section 164 cr.pc
- (b) section 364 cr.pc
- (c) both sections
- (d) none of these

(ii) the procedure of identification parade is available in:

- (a) Art. 22 of Q.S.O.
- (b) Art. 24 of Q.S.O.
- (c) Art. 27 of Q.S.O.
- (d) Any of these

(iii) fact of judicial notice requires its proof by:

- (a) oral evidence
- (b) documentary evidence
- (c) by both (a) & (b)
- (d) Need not to prove

(iv) expert is a person who is specially skilled in the subject of:

- (a) foreign law
- (b) Art
- (c) Both (a) & (b)
- (d) None of these

(v) hearsay evidence is generally:

- (a) admissible evidence
- (b) inadmissible evidence
- (c) oral evidence
- (d) none of these

(vi) Accomplice is a type of witness:

- (a) who is partner in crime
- (b) who don't associate in crime
- (c) who may be a planted person in a criminal gang
- (d) none of these

(vii) section \_\_\_\_\_ deals with arrest without warrant:

- (a) 46
- (b) 48
- (c) 54
- (d) 59

(viii) Arrest without warrant can be made by a Police officer:

- (a) of any rank
- (b) officer in charge of a police station
- (c) not below the rank of officer
- (d) any of these

(ix) unlawful assembly is an assembly consisting at least \_\_\_\_\_ persons:

- (a) 4
- (b) 5

- (c) 6
- (d) None of these

(x) after recording confession, the accused is:

- (a) sent back to the police custody
- (b) kept in judicial lock up
- (c) set free
- (d) none of these

(xi) confirmation of death sentence by the High court must be signed by:

- (a) one judge
- (b) two judge
- (c) three judges
- (d) any of these

(xii) bailable offences are offences punishable with:

- (a) imprisonment for life
- (b) imprisonment less than 10 years
- (c) Death
- (d) All of these

(xiii) FIR of a cognizable offences can be lodged by :

- (a) the aggrieved person
- (b) the relative of the aggrieved
- (c) Any person having knowledge of the offence
- (d) All of these

(xiv) statement recorded under section 342 shall be administered on Oath :

- (a) Yes
- (b) No
- (c) Discretion of court to ask for Oath or not

(xv) The form of FIR contains:

- (a) 4 columns
- (b) 5 columns
- (c) 6 columns
- (d) 7 columns

(xvi) Pakistan Penal Code was passed in:

- (a) 7th April 1860
- (b) 6th October 1860
- (c) 7th October 1860
- (d) None of these

(xvii) right of private defence of body includes the defence of:

- (a) his own body
- (b) Any other person
- (c) His own body and of his close relative
- (d) His body and the body of any other person

(xviii) kidnapping includes:

- (a) kidnapping from Pakistan
- (b) kidnapping from lawful guardianship
- (c) kidnapping from Pakistan and from lawful guardianship

(d) None of these

(xix) the word "injury" includes or denotes any harm whether illegally caused to person:

- (a) in body
- (b) reputation or property
- (c) mind
- (d) All of these

(xx) whoever commits theft shall be punished with imprisonment of the description for a term which may extend to:

- (a) 3 years
- (b) 19 years
- (c) 14 years
- (d) 17 years

#### Section – 1 ( Qanuen-e-Shahadat Order)

Q2. Which communications are considered privileged communications? Discuss it with reference to the privileges. (16)

Q3. What are the circumstances under which secondary evidence relating to a document can be given? (16)

Q4. Write a note on: (16)

- (a) Dying declaration
- (b) Burden of proof
- (c) Fact in issue

#### Section - II ( Criminal Procedure Code )

Q5. what is FIR? Discuss its importance in Criminal cases? (16)

Q6. what is meant by illegalities and irregularities? (16)

Q7. write a note on: (16)

- (a) framing of charges
- (b) bail
- (c) tender of pardon

#### Section –III ( Pakistan Panel Code )

Q8. What is right of private defence? What are the limitations imposed on the use of force under this right? Explain. (16)

Q9. Define defamation. What are the different exceptions to the charge of defamation? Discuss. (16)

Q10. Define and explain common intention and object. Is there any difference between the two? Explain (16)

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Then let these shivers go on fire...  
And these screams go blind...  
And you go sore in the eyes your life is an abyss...  
Where your shadow reached before You.