

FEDERAL PUBLIC SERVICE COMMISSION



COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS IN BS-17 UNDER THE FEDERAL GOVERNMENT, 2011

Roll Number

LAW, PAPER – I

TIME ALLOWED:	(PART-I MCQs) 30 MINUTES	MAXIMUM MARKS: 20
THREE HOURS	(PART-II) 2 HOURS & 30 MINUTES	MAXIMUM MARKS: 80
NOTE: (i) First attempt PART-I (MCQs) 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 MCQs) (COMPULSORY)

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

- (i) According to Civil Procedure Code a Statute to be interpreted in accordance with the:
- (a) Intent of Legislature (b) Intent of Judiciary (c) Intent of Executive (d) None of these
- (ii) After hearing the case the final decision is pronounced through:
- (a) Judgment only (b) Judgment and Decree
- (c) Decree is not required in the case (d) None of these
- (iii) Temporary injunctions may be granted:
- (a) Where property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to suit or wrongfully sold in execution of a decree.
- (b) Defendant threatens or intends to remove or dispose of his property to defraud his creditors.
- (c) Both of these (d) None of these
- (iv) Second appeal lies before High Court from every decree passed in appeal by a Subordinate Court on the following grounds:
- (a) The decision having failed to determine some material issues of Law or usage having the force of Law
- (b) On any ground by the aggrieved party (c) On any minor error (d) None of these
- (v) The Principle of Resjudicata will not apply where:
- (a) A matter was in issue between parties in a former Suit
- (b) A matter was not in issue actually or constructively
- (c) On a matter which has to be decided (d) None of these
- (vi) Where in a case for restitution of conjugal rights a decree has been passed and defendant wilfully disobeyed. The decree may be enforced:
- (a) By attachment of the property (b) By the defendant's detention in civil prison
- (c) By attachment of property and defendant's detention (d) None of these

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- (vii) Ubijus Ibi Remdium means:
- (a) Remedy for rights in issue (b) Remedy for the infringement of fundamental rights
(c) For every wrong, the law provides a remedy (d) None of these
- (viii) The contract is made in one country and is to be performed either wholly or partially in another. The proper law of contract may be presumed to be the law:
- (a) Where the performance is to take place (b) Where the contract is made
(c) Where the contract is signed. (d) None of these
- (ix) According to the law of contract, when the person to whom the proposal is made signifies his assent thereto, the proposal is said to be accepted. A proposal which is accepted becomes:
- (a) A contract (b) A promise (c) An agreement (d) None of these
- (x) An agreement which is enforceable at the option of one or more of the parties:
- (a) Is a voidable contract (b) Void contract (c) Valid contract (d) None of these
- (xi) In case where both the parties to an agreement are under a mistake as to a matter of fact, essential to the agreement. The agreement is:
- (a) Voidable (b) Void (c) Enforceable (d) None of these
- (xii) A “Contingent Contract” is a contract to do or not to do something; if some event, collateral to such contract, does or does not happen. In the light of this definition: A agrees to pay Rs.70,000 to B, if a cargo ship does not return, the ship met an accident and sunk. Can the contract be:
- (a) Enforced the moment the ship is sunk (b) Voidable at the consent of the parties
(c) Void (d) None of these
- (xiii) In a case where A, B and C are under a joint promise to pay to D a sum of Rs.3000. C becomes insolvent and A is compelled to pay the whole amount to D. What amount A would be entitled to receive from B:
- (a) 1000 Rupees (b) 1500 Rupees (c) Nothing (d) 1200 Rupees
- (xiv) A is negotiating to buy a house from B, during the course of negotiations A tells B that he can buy the house for Rs.300,000, if B will refurbish the house. Which of the following statement is correct:
- (a) B has made a counter offer (b) A’s acceptance is incomplete
(c) A has made a conditional acceptance (d) None of these
- (xv) When a contract meets the consideration requirement:
- (a) One party suffers a legal loss/detriment (b) Both parties suffer legal loss/detriment
(c) Both parties receive legal benefit (d) None of these
- (xvi) Tort is a wrong independent of a contract for which the appropriate remedy is:
- (a) A common law action (b) Criminal law action
(c) Constitutional law action (d) None of these

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(xvii) A tort is a violation of:

- (a) Right in personam (b) Right in Rem
(c) Fundamental right of every citizen in a state. (d) None of these

(xviii) “Malice” means:

- (a) Ill-will against a person, or a wrongful act done intentionally without a just cause
(b) Legal act with a just cause (c) An act committed accidentally or negligently (d) None of these

(xix) “Misfeasance” is:

- (a) Performance of a lawful act in an illegal manner (b) An unlawful act in an illegal manner
(c) A lawful act in a legal manner (d) None of these

(xx) One of the essential elements to constitute the tort of false imprisonment is:

- (a) It must be lawful (b) The total restraint of the liberty of a person
(c) Partial restraint of the liberty of a person (d) None of these

PART-II

NOTE:(i) **PART-II** is to be attempted on 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 (THE CODE OF CIVIL PROCEDURE)

Q.2. Write short notes on the following: **(4 + 4 + 4 + 4 =16)**

- (a) What are the characteristics of a decree? How is it distinguished from an order?
(b) Transfer of decree to court in another Province and Power of the court in executing transferred decree.
(c) Mesne Profit
(d) Differentiate between Preliminary decree and final decree.

Q.3. Explain and illustrate: **(8 + 8 =16)**

- (a) The Principle of Resjudicata
(b) How will it be differentiated from Estoppel?

Q.4. Discuss the following, support your answer with arguments: **(4 + 4 + 4 + 4 =16)**

- (a) What is a foreign judgement and under what conditions can a foreign judgement be considered as not conclusive?
(b) A sues B in England and the English Court dismisses the case without going into the merits. Can A file a case on same cause of action again against B in Pakistan?
(c) What is meant by attachment before Judgment?
(d) What is a Summary Suit and how its procedure differs from an Ordinary Suit?

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SECTION – II (THE CONTRACT)

- Q.5.** A offers to buy precious gems from B at Lahore, B accepts the offer by a letter, however, A never received a letter which was lost during its transit. Subsequent to posting the letter B sends gems to A by a registered mail. By the time A received the parcel the prices of gems were considerably decreased. Discuss in detail the Liability of A under the Law of Contract. (16)
- Q.6.** Discuss and illustrate the essentials of a contract. What is the legality of an agreement entered into by or on behalf of a minor? (16)
- Q.7.** A who has already been married to B contracts to marry C and D after one year. However, by that time he became seriously ill to marry at all. Further, the law to which A is a subject prohibits polygamy. Discuss A's liability and what remedies other parties can avail under the law of contract? (16)

SECTION – III (LAW OF TORTS)

- Q.8.** A is employed in a construction company owned by B. A works there with the knowledge of the fact that he is exposed to risks by the reason of the negligent practice of the employer. B transfers blocks over the heads of the workers by means of a crane, without taking any precautionary measures. Some blocks fall on A as a result he becomes seriously injured. Explain what legal action A can take against B? (16)
- Q.9.** How far is mistake and acts causing slight harm are good defences to an action of Tort? Distinguish mistake from an inevitable accident. (16)
- Q.10.** Discuss the following: (8 + 8 =16)
- (a) Liability of A under torts, who is in a moving train, shakes his fists at B.
 - (b) Liability of A in case where he make advances to B with clinched fists but is stopped by bystanders. There was an apprehension that A intends to offer violence or about to use 'criminal force' against B.
