

HEC LAW GAT

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Explanations

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reference to the relevant Constitutional Articles, Codes, and
Rules.

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CONSTITUTIONAL HISTORY (CASES)

1. As a consequence of the unanimous judgment of the Supreme Court in Begum Nusrat Bhutto Vs Chief of Army Staff case, Chief of Army Staff General Zia's act of ousting Bhutto from power was declared to be valid in the name _____.

- A. Constitutional supremacy
- B. Fundamental right
- C. High treason

✓ D. State necessity — CORRECT ANSWER

Explanation:

In Begum Nusrat Bhutto v. Chief of Army Staff (PLD 1977 SC 657), the Supreme Court invoked Kelsen's theory of legal necessity to validate the 1977 martial law, holding that the extra-constitutional step was justified by the doctrine of "state necessity."

2. Supreme court of Pakistan in the State Vs Dosso, a leading case, _____ the order of the High Court.

- A. held appropriate
- B. held effective
- C. held valid

✓ D. set aside — CORRECT ANSWER

Explanation:

In State v. Dosso (PLD 1958 SC 533), the West Pakistan High Court had declared certain detention/tribal orders illegal. The Supreme Court reversed and set aside that High Court order, applying Kelsen's theory to validate the 1958 martial law as a new legal order.

3. In Syed Zafar Ali Shah Case, (PLD 2000 SC 869), the Supreme Court of Pakistan allowed _____ period to the Chief Executive with effect from the date of the Army take-over (12th October 1999) for achieving his declared objectives.

A. ninety days

B. one year

C. two years

✓ D. three years — CORRECT ANSWER

Explanation:

In Zafar Ali Shah v. General Pervez Musharraf, the Supreme Court validated the October 1999 takeover under the doctrine of state necessity and granted the Chief Executive a maximum period of three years, from 12 October 1999, to achieve his stated objectives, including holding general elections within that period.

CONSTITUTION OF PAKISTAN, 1973

4. According to the Constitution 1973, The State shall provide free and compulsory education to all children of the age of _____ years in such manner as may be determined by law.

✓ A. five to sixteen — CORRECT ANSWER

B. five to eighteen

C. five to twenty

D. six to fifteen

Explanation:

Article 25-A of the Constitution (inserted by the 18th Amendment) obliges the State to provide free and compulsory education to all children of the age of five to sixteen years.

5. A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless he is, in the case of the National Assembly, not less than _____ years of age.

A. twenty

B. twenty-two

C. twenty-four

✓ D. twenty-five — CORRECT ANSWER

Explanation:

Article 62(1)(c) of the Constitution requires that a candidate for the National Assembly be not less than twenty-five years of age.

6. A House may declare the seat of a member vacant if, without leave of the House, he remains absent for _____ consecutive days of its sittings.

A. twenty

B. thirty

✓ C. forty — CORRECT ANSWER

D. sixty

Explanation:

Under Article 64(2) of the Constitution, a House may, by resolution, declare the seat of a member vacant if he remains absent from its sittings, without leave, for forty consecutive days.

7. According to Article 63-A of the Constitution of the Islamic Republic of Pakistan, the _____ is the presiding officer of the National Assembly.

A. chairman

B. opposition leader

C. prime minister

✓ D. speaker — CORRECT ANSWER

Explanation:

Article 63-A (the defection clause) requires the Party Head to forward a declaration of defection to the Presiding Officer, who in the case of the National Assembly is the Speaker; the Speaker then refers it to the Election Commission.

8. As per Article 184(1) of the constitution of Pakistan,"
The Supreme Court shall, to the exclusion of every other
court, have original jurisdiction in any dispute between
any two or more _____.

A. autonomous institutions

B. departments

✓ C. governments — CORRECT ANSWER

D. legal persons

Explanation:

Article 184(1) gives the Supreme Court exclusive original jurisdiction in any dispute between the Federal Government and a Provincial Government, or between two or more Provincial Governments — i.e., between "governments."

INTERNATIONAL LAW

9. Membership in the United Nations is open to all _____ which accept the obligations contained in the United Nation Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

A. Asian states

B. European states

✓ C. other peace-loving states — CORRECT ANSWER

D. states

Explanation:

Article 4 of the UN Charter states that membership is open to all other peace-loving states that accept the obligations of the Charter and are, in the judgment of the Organization, able and willing to carry them out.

10. A quorum of _____ judges shall suffice to constitute the International Court of Justice.

A. five

B. seven

✓ C. nine — CORRECT ANSWER

D. eleven

Explanation:

Article 25(3) of the Statute of the International Court of Justice provides that a quorum of nine judges shall suffice to constitute the Court.

THE JURISPRUDENCE

11. While categorizing the sources of Islamic Law, the 'Sunnah' is considered as _____ source.

✓ A. primary — CORRECT ANSWER

- B. secondary
- C. unrecognized
- D. weak

Explanation:

The Sunnah (the sayings, actions, and approvals of the Prophet ﷺ) is, along with the Qur'an, Ijma, and Qiyas, recognized as a primary source of Islamic law.

12. According to Salmond, public law is divided into two types: Constitutional law and _____.

✓ A. Administrative Law — CORRECT ANSWER

- B. Executive Law
- C. Governmental Law
- D. Secretarial Law

Explanation:

Salmond classifies public law into Constitutional Law (which deals with the structure of the state and its organs) and Administrative Law (which governs the functioning of administrative authorities).

13. The purpose of studying the “hukm-shari” is to understand the conceptual part of Islamic _____.

A. ethics

✓ B. law — CORRECT ANSWER

C. traditions

D. morality

Explanation:

Hukm-shar'i refers to the divine communication/legal effect that governs the conduct of a legally competent person; studying it is central to understanding the conceptual framework of Islamic law (fiqh).

14. Imperative law means a precept or rule of action imposed upon men by some _____ which enforces obedience to it.

A. authority

B. corporation

C. society only

✓ D. sovereign only — CORRECT ANSWER

Explanation:

Under the Austinian (imperative) theory of law, law is a command issued by a sovereign, backed by a sanction, which compels obedience from those who are politically subject to that sovereign.

15. Conventional Law consists of rules _____ by states/person for the regulation of their conduct towards each other.

✓ A. agreed — CORRECT ANSWER

B. derived

C. initiated

D. introduced

Explanation:

Conventional law consists of rules that are agreed upon by states or persons — such as through treaties or contracts — to regulate their mutual conduct.

CIVIL PROCEDURE CODE

16. Section _____ of the C.P.C prevents courts of concurrent jurisdiction from simultaneously entertaining and adjudicating upon two parallel litigations in respect of the same matter in issue.

A. 09

✓ B. 10 — CORRECT ANSWER

C. 11

D. 12

Explanation:

Section 10 CPC embodies the doctrine of res sub judice: it bars a court from proceeding with a suit if a previously instituted suit between the same parties, on the same matter in issue, is pending in a court of concurrent jurisdiction.

17. As per Section 09 of the C.P.C, the Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which _____.

- A. some stay order has been given
- B. the parties have consented otherwise
- C. the subject matter has perished

✓ D. their cognizance is either expressly or impliedly barred — CORRECT ANSWER

Explanation:

Section 9 CPC gives civil courts jurisdiction over all suits of a civil nature, except suits of which their cognizance is either expressly or impliedly barred by law.

18. Under CPC, no proceedings in revision _____ be entertained by the High Court against an order made under section 115(2) by the District Court.

- A. can
- B. may
- C. might

✓ D. shall — CORRECT ANSWER

Explanation:

Section 115(3)/(4) CPC uses the mandatory word “shall” — no proceedings in revision shall be entertained by the High Court against an order made by a District Court under sub-section (2), reflecting the finality intended for such orders.

19. Under the C.P.C, " _____ " means the statement given by the Judge of the grounds of a decree or order.

✓ A. Judgment — CORRECT ANSWER

- B. Plaint
- C. Ratio
- D. Suit

Explanation:

Section 2(9) CPC defines “judgment” as the statement given by the Judge of the grounds of a decree or order.

20. According to the Code of Civil Procedure 1908, the term “Code” is defined as “includes _____”.

- A. laws
- B. norms
- C. orders

✓ D. rules — CORRECT ANSWER

Explanation:

Section 2(1) CPC defines “Code” as including rules — the Code comprises both the body of sections and the First Schedule of Orders and Rules.

21. As per Order I, rule 10(3) of the C.P.C,” No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without _____”.

✓ A. his consent — CORRECT ANSWER

- B. issuing summon
- C. issuing warrant
- D. informing defendant

Explanation:

Order I, Rule 10(3) CPC provides that no person shall be added as a plaintiff, or as next friend of a plaintiff under disability, without his consent to being so added.

22. Where a suit is to obtain relief respecting, or compensation for wrong to immovable property situate within the jurisdiction of different Courts, the suit may be instituted in _____ within the local limits of whose jurisdiction any portion of the property is situated.

✓ A. any court — CORRECT ANSWER

- B. all the courts simultaneously
- C. the sessions court
- D. the high court

Explanation:

Section 17 CPC allows such a suit to be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situated, provided that court is otherwise competent as to value and jurisdiction over the whole claim.

23. As per section 115(4) of the C.P.C, no proceeding in revision shall be entertained by the _____ against an order made under subsections (2) by the district court.

- A. Supreme Court

✓ B. High Court — CORRECT ANSWER

- C. Federal Shariat Court
- D. Session Court

Explanation:

Section 115(4) CPC provides that no proceeding in revision shall be entertained by the High Court against an order made under sub-section (2) by the District Court.

24. As per Order IX rule 13(1) of the C.P.C, in any case, in which a decree is passed ex parte against a defendant, he may apply to the Court by which the decree was passed for an order to _____.

- A. continue with it
- B. give notice to the other party
- C. return the fee

✓ D. set it aside — CORRECT ANSWER

Explanation:

Order IX, Rule 13(1) CPC allows a defendant against whom an ex parte decree has been passed to apply to the same Court for an order to set it aside, on showing sufficient cause for non-appearance.

25. Under Order XLI Rule 1 of the C.P.C, every appeal shall be preferred in the form of _____ signed by the appellant or his pleader.

- A. appeal

✓ B. memorandum — CORRECT ANSWER

- C. plaint
- D. statement

Explanation:

Order XLI, Rule 1 CPC requires every appeal to be preferred in the form of a memorandum, signed by the appellant or his pleader, setting forth the grounds of objection to the decree appealed from.

CRIMINAL LAW

26. Under the P.P.C, Tazir means _____.

- A. a bribe amount agreed by an individual.
- B. a gift offered to the judge.
- C. an offense

✓ D. punishment other than qisas, diyat, a'rsh or daman — CORRECT ANSWER

Explanation:

Section 299(I) PPC defines "Tazir" as punishment other than qisas, diyat, arsh, or daman — i.e., discretionary punishment awarded by the court in offences not governed by the fixed Islamic penalties.

27. As per illustration C to section 351 of the PPC, which crime is committed if a pickup a stick, saying to B, “I will give you a beating”?

- A. A might have committed battery.
- B. A might have committed criminal force.
- C. A might have committed wrongful restraint.

✓ D. A might have committed an assault. — CORRECT ANSWER

Explanation:

Section 351 PPC defines assault as any gesture or preparation intending to cause apprehension of criminal force. Threateningly raising a stick while saying “I will give you a beating” creates such apprehension, and therefore constitutes assault rather than the actual use of force (battery).

28. As per section 362 of the PPC, which crime is committed under the PPC if a person compels by force, or by any deceitful means induces, any person to go from any place?

✓ A. Abduction — CORRECT ANSWER

- B. Battery
- C. Criminal force
- D. Kidnapping

Explanation:

Section 362 PPC defines Abduction: whoever by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person.

29. As per section 430 of the PPC, punishment for mischief by injury to works of irrigation or by wrongfully diverting water shall be imprisonment extendable to

- _____.
- A. four years or fine or both

✓ B. five years or fine or both — CORRECT ANSWER

- C. ten years or fine or both
- D. life imprisonment

Explanation:

Section 430 PPC prescribes imprisonment of either description for a term which may extend to five years, or with fine, or with both, for mischief by injury to works of irrigation, or by wrongfully diverting water.

30. As per Section 305 of the PPC, In the case of Qatl, if the victim has no wali _____ shall have the right of qisas.

- A. deceased him-self
- B. the court
- C. the distant relatives

✓ D. the government — CORRECT ANSWER

Explanation:

Section 305 PPC (definition of 'Wali') provides that where the victim of qatl has no wali, the Government shall have the right of qisas, or, as the case may be, shall be the wali.

31. As per section 4(1)(I) Under the Cr.P.C _____ includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorized by a Magistrate on this behalf.

- A. Charge
- B. Inquiry

✓ C. Investigation — CORRECT ANSWER

- D. Judicial Proceeding

Explanation:

Section 4(1)(I) Cr.P.C defines "Investigation" as including all proceedings under the Code for the collection of evidence, conducted by a police officer or by any person (other than a Magistrate) authorized by a Magistrate.

32. As per section 59 of the Cr.P.C, a private person may arrest a person under the Cr.P.C who in his view commits _____.

A. A bailable offence

✓ B. A non-bailable and cognizable offence or any proclaimed offender — CORRECT ANSWER

C. A non-bailable offence only

D. A non-cognizable offence

Explanation:

Section 59 Cr.P.C empowers a private person to arrest, in his view, any person who commits a non-bailable and cognizable offence, or any proclaimed offender, and to hand him over to the police without unnecessary delay.

33. As per section 4(1)(h) of the Cr.P.C, _____ means the allegation made orally or in writing to a Magistrate, with a view to his taking action, under this Code that some person whether known or unknown, has committed an offence, but it does not include the report of a police officer.

A. Application

✓ B. Complaint — CORRECT ANSWER

C. FIR

D. Report

Explanation:

Section 4(1)(h) Cr.P.C defines "Complaint" as an allegation made orally or in writing to a Magistrate, with a view to his taking action, that some person has committed an offence, expressly excluding a police officer's report.

34. As per section 299(a), of the PPC, "adult" means a person who has attained the age of _____.

A. puberty

B. sixteen years

✓ C. eighteen years — CORRECT ANSWER

D. twenty-one years

Explanation:

Section 299(a) PPC defines "adult" as a person who has attained the age of eighteen years.

35. Give your legal opinion as per Section 429 of the Cr.P.C. when judges composing the Court of appeal are equally divided in opinion regarding a criminal case

_____.

A. A fresh trial should be held

B. It shall be appealed to the Higher Court

✓ C. It shall be laid before another judge of the same court — CORRECT ANSWER

D. The decision of the senior judge shall prevail

Explanation:

Section 429 Cr.P.C provides that when the judges composing the Court of appeal are equally divided in opinion, the case, with their opinions, shall be laid before another judge of the same Court, who after such hearing as he thinks fit shall deliver his opinion, and the judgment or order shall follow that opinion.

LAW OF EVIDENCE

36. As per Article 54 of the Qanoon-e-Shahdat Order 1984, the existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a _____ when the question is whether such Court ought to take cognizance of such suit or to hold such trial.

- A. admitted fact
- B. disputed fact
- C. irrelevant fact

✓ D. relevant fact — CORRECT ANSWER

Explanation:

Article 54 QSO 1984 provides that the existence of any judgment, order, or decree which by law prevents a Court from taking cognizance of a suit or holding a trial is a relevant fact when the question is whether such Court ought to take cognizance of, or hold, that trial.

37. As per Article 2(6) of the Qanoon-e-Shahdat Order 1984, a fact is said not to be proved when it is

✓ A. neither proved nor disproved — CORRECT ANSWER

- B. not authenticated
- C. not disproved
- D. not proved

Explanation:

Article 2(6) QSO 1984 defines “not proved”: a fact is said not to be proved when it is neither proved nor disproved — i.e., the court is unable to form a definite belief either way.

38. The Qanoon-e-Shahadat Order 1984 extends to the whole of Pakistan and applies to all judicial proceedings before any forum, EXCEPT:

✓ A. Arbitrator — CORRECT ANSWER

- B. Authority exercising judicial or quasi-judicial proceedings
- C. Court Martial
- D. Services Tribunal

Explanation:

Article 1(2) QSO 1984 provides that it applies to all judicial proceedings before any Court, including a Court Martial, but does not apply to proceedings before an arbitrator.

39. Which Article of the Qanoon-e-Shahadat Order 1984 provides that the evidence can be given regarding any facts-in-issue and relevant facts?

A. Article 10

✓ **B. Article 18 — CORRECT ANSWER**

C. Article 28

D. Article 30

Explanation:

Article 18 QSO 1984, which opens Chapter III (Relevancy of Facts), provides that evidence may be given in any proceeding of the existence or non-existence of every fact in issue and of such other facts as are declared to be relevant.

40. Under the Qanoon-e-Shahadat Order, 1984, “That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense or is or was at a specified time conscious of a particular sensation” is a

_____.

A. evidence

✓ B. fact — CORRECT ANSWER

C. proof

D. witness

Explanation:

Article 2(1) QSO 1984 defines “Fact” to include such internal/mental states — opinions, intentions, good faith, or a particular consciousness — as these are treated as “facts” capable of being proved.

41. Article 46 of Qanoon-e-Shahadat Order 1984 among others deal with _____.

✓ A. Dying declaration — CORRECT ANSWER

- B. Estoppel
- C. Judicial notice
- D. Res gestae

Explanation:

Article 46(1) QSO 1984 deals with statements made by a person as to the cause of his death, or as to the circumstances of the transaction resulting in his death — commonly known as a dying declaration.

42. A sues B for the land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father. In this scenario, the burden of proof lies on _____.

✓ A. A — CORRECT ANSWER

- B. B
- C. C
- D. Both A and B

Explanation:

Under the general rule of burden of proof (Article 117 QSO 1984), whoever asserts a fact must prove it. Since A asserts that the land was bequeathed to him by C's will, the burden of proving that assertion lies on A.

43. Article 163(1) of the Qanoon-e-Shahadat Order 1984, when the plaintiff takes oath in support of his claim, the court shall, on the application of the plaintiff, call upon the defendant to _____.

A. call upon witness

✓ **B. deny the claim on oath — CORRECT ANSWER**

C. produce evidence

D. take oath as well

Explanation:

Article 163(1) QSO 1984 provides that where the plaintiff supports his claim on oath, the Court shall, on his application, call upon the defendant to either deny the claim on oath or accept it.

44. There are _____ articles in the Qanoon-e-Shahadat Order 1984.

A. 159

B. 160

C. 163

✓ **D. 166 — CORRECT ANSWER**

Explanation:

The Qanoon-e-Shahadat Order, 1984, is arranged in three parts and thirteen chapters, comprising a total of 166 Articles.

45. As per Article 2(1)(c)(i) of the Qanoon-e-Shahadat Order 1984, _____ evidence refers to “all statements which the Court permits or requires be made before it by witnesses, relation to matters of fact under inquiry”.

- A. documentary
- B. factual
- C. mandatory

✓ D. oral — CORRECT ANSWER

Explanation:

Article 2(1)(c)(i) QSO 1984 defines “Oral evidence” as all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry.

PROFESSIONAL ETHICS

46. Every Advocate must uphold at all times _____, as well as his own dignity and a high standing as a member thereof.

A. his prosperity

B. his repute

✓ C. the dignity and high standing of his profession — CORRECT ANSWER

D. the wellbeing of his profession

Explanation:

Under the Canons of Professional Conduct and Etiquette for advocates, every advocate must at all times uphold the dignity and high standing of his profession, in addition to his own personal dignity and standing as a member of it.

47. According to Rule 135 of canons of professional conduct, a/an _____ shall not solicit professional employment by advertisement or by any other means.

✓ A. advocate — CORRECT ANSWER

B. judge

C. magistrate

D. police officer

Explanation:

Rule 135 of the Canons of Professional Conduct and Etiquette for Advocates provides that an advocate shall not solicit professional employment through advertisement or by any other similar means.

48. According to Rule 141 of canons of professional conduct and etiquette of advocates, no division of fees with any person for legal services is _____ EXCEPT with another advocate based upon the principle of division of work as expressed in the agreement between the advocates.

- A. acceptable
- B. allowed
- C. ethical

✓ D. proper — CORRECT ANSWER

Explanation:

Rule 141 provides that division of fees for legal services with any person is not proper, except with another advocate, based on the division of work actually done, as expressed in an agreement between the advocates.

49. According to Rule 143 of canons of professional conduct and etiquette of advocates, Junior and younger members should always _____ to senior and elder members.

A. be duty-bound

✓ B. be respectful — CORRECT ANSWER

C. grateful

D. submissive

Explanation:

Rule 143 requires junior and younger members of the profession to always be respectful to senior and elder members, in keeping with the collegial etiquette expected within the Bar.

50. According to Rule 145 of canons of professional conduct and etiquette of advocates, an advocate shall not acquire an interest _____ in the property or interest involved in the case.

✓ A. adverse to a client — CORRECT ANSWER

B. equal to the client

C. resembling to that of the client

D. similar to that of the client

Explanation:

Rule 145 prohibits an advocate from acquiring an interest adverse to his client in the property or subject matter of the case, to avoid a conflict of interest with the client he represents.