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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

ISLAMABAD HIGH COURT, ISLAMABAD

NOTIFICATION

Islamabad, the 10th May, 2011

S. R. O. 391(I)/2011.—In pursuance of section 6 of the Islamabad High Court Act, 2010) (XVII OF 2010) read with Article 203 of the Constitution of the Islamic Republic of Pakistan and all others enabling powers in this behalf the Islamabad High Court hereby makes the following rules, namely “The Islamabad Judicial Service Rules, 2011”.

THE ISLAMABAD JUDICIAL SERVICE RULES, 2011

In pursuance of section 6 of the Islamabad High Court Act, 2010) (XVII of 2010) read with Article 203 of the Constitution of the Islamic Republic of Pakistan and all others enabling powers in this behalf the Islamabad High Court hereby makes the following rules for establishment of subordinate judiciary for Islamabad Capital territory for its functioning under the supervision and control of Islamabad High Court, Islamabad.

(1517)

[400(2011)/Ex. Gaz.]

Price : Rs. 20.50

PART-I

GENERAL

1. **Short title, commencement and application.**—(1) These rules may be called the Islamabad Judicial Service Rules, 2011.

(2) They shall come into force at once.

(3) They shall apply to all the members of the Service.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “Administration Committee” means Committee comprising the Chief Justice and two senior Judges;

(b) “appointment” means an appointment to the Service, whether on permanent, temporary or officiating basis;

(c) “appointing authority” means the authority specified in rule 5;

(d) “Appendix” means the appendixes to these rules;

(e) “Board” means the Judicial Selection Board comprising such number of Judges as may be nominated by the Chief Justice to make recommendations to appoint or recruit the judicial officers as may be prescribed;

(f) “Chief Justice” means the Chief Justice of the Islamabad High Court;

(g) “Departmental Promotion Committee” means a committee of two Judges constituted by the Chief Justice;

(h) “first time appointment” means appointment for the first time made to the service, after the commencement of these rules, from amongst the officers of Provincial Judicial Services and that of Federally Administered Tribal Areas (FATA) as prescribed in Part-IV;

(i) “Government” means the Federal Government;

(j) “High Court” means the Islamabad High Court;

- (k) "initial appointment" means appointment made otherwise than by promotion, transfer or first time appointment from another Service, department, or organization etc;
 - (l) "member of the Service" means a person appointed or recruited to the Islamabad Judicial Service in accordance with the Act and the provisions of these rules;
 - (m) "recognized university" means any University established under a law in Pakistan or any other university which may be recognized by the Higher Education Commission as a university; and
 - (n) "Service" means the Islamabad Judicial Service.
- (2) The words and expressions used but not defined in these rules shall have the meanings as are assigned to them by the General Clauses Act 1897 (X of 1897).

PART-II

ESTABLISHMENT, CONSTITUTION AND STRENGTH OF THE SERVICE

3. **Establishment and constitution of the Service.**—(1) On and from the date of commencement of these rules, there shall be established and constituted a Service to be known as the Islamabad Judicial Service.
- (2) The Service shall comprise the posts of,—
- (a) District and Sessions Judges;
 - (b) Additional District and Sessions Judges;
 - (c) Senior Civil Judges-*cum*- Magistrates;
 - (d) Civil Judges-*cum*-Magistrates; and
 - (e) such other category of judicial officers as may be prescribed by the High Court from time to time.
- (3) Unless otherwise provided in any other law for the time being in force, the Chief Justice shall determine the jurisdiction of the members of the service in the Islamabad Capital Territory.

4. **Strength of the Service.**—(1) The strength of the members of the Service shall be such as may be prescribed by the High Court from time to time.

(2) The permanent strength of the Members of Service, shall be as specified in Appendix-A.

(3) The High Court may, from time to time, leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create, from time to time, additional posts, temporary or permanent posts, as may be deemed fit and necessary.

PART-III

APPOINTING AUTHORITY

5. **Appointing Authority.**—(1) All the appointments to the Service shall be made by the Chief Justice on the recommendations of Administration Committee or the Board who shall be the Appointing Authority under these rules.

(2) The Chief Justice may delegate his powers under sub-rule (1), to any Judge or officer of the High Court.

PART-IV

FIRST TIME APPOINTMENT

6. **First time appointment.**—(1) On commencement of these rules, first time appointments shall be made by the Chief Justice upon recommendations of the Board against such number of posts of the service as determined by the Chief Justice.

(2) For the first time appointments to the Service, the Board shall recommend suitable persons from amongst the incumbent members of all Provincial Judicial Services and that of FATA, who opt or apply to be appointed in the Service through their respective High Courts and in case of FATA as determined by the Chief Justice.

(3) The High Court may invite applications for first time appointment to the posts of service as determined by the Chief Justice from the members of all Provincial Judicial Services by circulation through the respective High Courts and in case of FATA as determined by the Chief Justice as well as through open advertisement in the press.

(4) The Judicial Officers may apply for their appointment in the Service through their respective High Courts and those of FATA directly.

(5) The Board or a Sub-Committee of the Board shall interview the candidates, prepare a merit list for different posts and make recommendations for the first time appointment of the suitable persons.

(6) The suitability of a candidate for the Service shall be determined with reference to the marks obtained by a candidate in interview and giving due regard to his service record, knowledge, ability, character, personality and health.

(7) The interview shall be of one hundred marks for all the posts and passing marks shall be fifty or as determined by the Chief Justice from time to time.

7. Eligibility for first time appointment.—(1) No candidate shall be qualified for the post of District and Sessions Judge unless he is a District and Sessions Judge in a Provincial Judicial Service or FATA.

(2) No candidate shall be qualified for the post of Additional District and Sessions Judge unless he has served as an Additional District and Sessions Judge in a Provincial Judicial Service or FATA for a period of four years.

(3) No candidate shall be qualified for the post of Senior Civil Judge-*cum*-Magistrate unless he is a Senior Civil Judge-*cum*-Magistrate in a Provincial Judicial Service or FATA.

(4) No candidate shall be qualified for the post of Civil Judge-*cum*-Magistrate unless he has already been confirmed in a Provincial Judicial Service or FATA.

8. Absorption.—(1) The members of Judicial Services of the Provinces posted on deputation under the jurisdiction of Islamabad High Court may apply for absorption in the Service and the Chief Justice on recommendations of Administration Committee may order their absorption and appoint them against the posts for which they are eligible under these rules.

(2) The seniority of members of a judicial service absorbed under sub-rule (1) shall reckon from the date of such absorption.

(3) Notwithstanding anything contained in sub-rule (2) the order of seniority in parent judicial service of the officers absorbed under sub-rule (1) shall remain intact.

9. **Posting on deputation.**—In case some vacancies remain unfilled at the time of absorption and first time appointment, as provided under rules 6 and 8, the High Court may fill the post on deputation from the High Courts of other provinces:

Provided that such unfilled vacancies may not be brought forward for first time appointment, but filled through initial recruitment or promotion in a manner as prescribed.

PART-V

RECRUITMENT AND APPOINTMENT

10. **Method of recruitment.**—(1) After the first time appointment or absorption, subsequent appointments to the Service shall be made in the following manner namely:—

- (a) recruitment to a post of Civil Judge-*cum*-Magistrate shall be made on the recommendations of the Board, with the approval of the Chief Justice or his nominee, based on the result of a competitive examination conducted by it in the subjects specified in Appendix-B and the syllabus detailed in Appendix-C by the High Court, from time to time;
- (b) appointment to the post of Senior Civil Judge-*cum*-Magistrate shall be made on seniority-*cum*-merit basis from amongst the Civil Judges-*cum*-Magistrates by the High Court on the recommendations of Departmental Promotion Committee;
- (c) recruitment to the post of Additional District and Sessions Judge shall be made from the Advocates having ten years practical experience of practising the profession of law before a subordinate courts or a High Court:

Provided that posts of Additional District and Sessions Judges shall also be filled through promotion of Senior Civil Judges on merit with due regard to the seniority on the recommendations of the Departmental Promotion Committee ; and

- (d) appointment to the post of District and Sessions Judge shall be made by promotion from amongst the Additional District and Sessions Judges on merit with due regard to the seniority on the recommendations of the Departmental Promotion Committee.

(2) Notwithstanding anything contained in sub-rule(1) the High Court may make such changes in the method of recruitment as deem fit and necessary from time to time by a notification to be published in the official gazette.

PART-VI

INITIAL RECRUITMENTS OF CIVIL JUDGES-CUM-MAGISTRATES AND ADDITIONAL DISTRICT AND SESSIONS JUDGES

11. **Post to be filled in.**—(1) Subject to the provisions of Part-IV, all the appointments to the posts of Civil Judge-*cum*-Magistrate shall be made through initial recruitment and appointment to the posts of Additional District and Sessions Judges shall be through initial recruitment as well as by promotion.

(2) The vacant post shall be advertized in at least two newspapers. application received shall be scrutinized and thereafter a written examination for judging the suitability of the candidates shall be held.

(3) The Board shall call for interview such applicants who in its opinion have qualified the written test and are qualified for interview after scrutiny and written examination.

(4) In assessing the merit of a candidate, the Board shall have due regard to his experience, academic qualifications, professional ability, character, personality and health.

(5) The Board shall make a preliminary selections specified in sub-rules (3) and (4) and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in the opinion of the Board, are suitable for appointment to the Service.

(6) The Chief Justice shall, after examining the recommendations of the Board and having regard to the number of direct appointees to be taken, make appointments to the Service of the recommended candidates in the order in which they stand in the merit list.

12. **Ratio of appointment by promotion and direct recruitment.**—The ratio of appointment to the posts of Additional District and Sessions Judges shall be fifty percent by promotion and fifty percent by initial recruitment.

13. **Procedure of appointment by promotion.**—(1) The promotion to the post of Senior Civil Judge-*cum*-Magistrate shall be made on seniority-cum-merit basis from amongst the Civil Judge-*cum*-Magistrates in the Service.

(2) The promotion to the post of Additional District and Sessions Judge shall be made from amongst the Senior Civil Judges-*cum*-Magistrates in the Service.

(3) The promotion to the post of District and Sessions Judge shall be made from amongst the Additional District and Sessions Judges in the Service.

(4) The Departmental Promotion Committee shall consider a panel of three members of the service against each post to be filled by promotion. A list of eligible candidates shall be placed before the Departmental Promotion Committee in the order of seniority. The number of recommendees shall be two times as compared to the number of vacancies required to be filled by promotion.

(5) The recommendations of the committee shall be forwarded to the Chief Justice along with list of the recommendees.

(6) The Chief Justice, after examining the list, may appoint the candidates.

PART-VII

QUALIFICATIONS AND DISQUALIFICATIONS

14. **Nationality of candidates.**— A candidate for the appointment to the Service must be a citizen of Pakistan.

15. **Age limit.**—(1) No person shall be recruited to the Service,—

(a) In case of initial recruitment as Civil Judge-*cum*-Magistrate if he is less than twenty one years and more than thirty years of age:

Provided that in the case of a Government Servant who has served in connection with the affairs of the Federation or the Provincial Government, or an officer serving in the legal departments of statutory organizations, for a period of not less than three years, the upper age limit shall be thirty five years; and

(b) In case of direct initial recruitment as Additional District and Sessions Judge, if he is less than thirty five years or more than forty five years of age.

(2) For the purpose of this rule, age shall be reckoned as on the last date fixed for submission of application for appointment.

(3) For the recruitments through promotion the above age limits shall not apply.

16. **Qualifications.**—(1) No person shall be appointed to a post in the service by initial recruitment unless,—

- (a) in case of appointment to a post of Civil Judge-*cum*-Magistrate he,—
 - (i) possesses a degree in law from a recognized university entitling him to practise the profession of law; and
 - (ii) has actively practised the profession of law for not less than two years after having been enrolled as an Advocate; and
- (b) in case of appointment to a post of Additional District and Sessions Judge, he, apart from possessing the qualification in sub-clause (i) of clause (a), must have actively been practising the profession of law for a minimum period of ten years.

Explanation I.—For the purpose of sub-clause (ii) of clause (a) and clause (b) the expression “practising the profession of law” shall include any period of Government service in the legal department or of a statutory organization or by a person as,—

- (a) District Attorney, a Deputy District Attorney or an Assistant District Attorney; or
- (b) full time prosecutor authorized to conduct prosecution on behalf of the Government; or
- (c) employee of Superior Courts.

(2) To prove active practice, the candidate shall declare by a duly sworn affidavit that he—

- (a) had been actively practising the profession of law during the period of two years or ten years, as the case may be, preceding the date of advertisement as required under sub-rule 1; and
- (b) during this period, had not engaged himself in any other whole time service, business or occupation for gain, as the case may be.

17. **Character.**—No person shall be appointed to the Service through initial recruitment unless he,—

- (a) possesses such character as to render him suitable in the opinion of the Board, in all respects for appointment to the Service;

- (b) produces a certificate of good character from the District Judge of the District in which he has been practising, and in case of candidate normally practising in any High Court, from the Registrar of the concerned High Court, and in case of an officer in a statutory organization, from the head of the department or the organization, and
- (c) produces certificates of character from two other respectable persons of status, not being his relatives, who are well acquainted with his private life, character and antecedents.

18. **Physical fitness.**—No person shall be eligible for appointment to the Service unless he is in good mental and physical state and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service. Before a person is appointed, he shall be required to appear before the Medical Board, as prescribed:

Provided that the persons already in service shall not be required to undergo a medical examination.

19. **Quota for appointment through initial recruitment.**—(1) The initial recruitment shall be made in the following manner,—

- (a) fifty percent appointments through initial recruitment shall be made from the eligible candidates having domicile of Islamabad Capital Territory; and
- (b) fifty percent appointments through initial recruitment shall be made from the eligible candidate of other provinces and FATA with ratio of twelve percent for each province and two percent for FATA.

(2) Three per cent seats shall be reserved across the board for women to the posts in the Service by direct recruitment subject to suitability:

Provided that if sufficient number of women candidates is not available then the reservation shall not have any operation to the extent of such non-availability.

(3) There shall be no carry forward for reservation in respect of quota as mentioned in sub-rules (1) and (2).

PART-VIII

TERMS AND CONDITIONS OF SERVICE

20. **Probation.**—(1) The persons appointed to the Service at the first time appointment shall stand confirmed with effect from the date of their appointment:

Provided that they have been confirmed by their parent department otherwise they shall remain on probation for a period of one year.

(2) Save as provided in sub-rule (1), a person appointed to a post against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise:

Provided that the Appointing Authority may extend the period of probation by a similar term:

Provided further that a total period of probation shall not exceed four years in case of initial recruitment:

Provided also that the High Court may, in exceptional circumstances of any case, reduce the period of probation.

Explanation.—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(3) No person shall be confirmed in a post unless he has successfully completed such training and passed such departmental examinations as may be prescribed from time to time.

(4) If no order to the contrary has been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended:

Provided that the officers confirmed on the posts of Civil Judges-*cum*-Magistrates and on the posts of Additional District and Sessions Judges shall not be required to be confirmed on the posts of Senior Civil Judges-*cum*-Magistrates and District and Sessions Judges respectively.

(5) Subject to the provisions of sub-rule (3), if no order has been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which

the period of probation was last extended or may be deemed to have been so extended.

(6) A probationer, who has satisfactorily completed his period of probation against a substantive vacancy, shall be confirmed with effect from the date of his continuous appointment against such a vacancy:

Provided that where the period of probation has been extended under the provisions of sub-rule (2), the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

(7) If it appears to the High Court at any time during or at the end of the period of probation, or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfactory performance, it may revert the probationer to his original post, if any, or if he does not hold a lien on any post, his services may be dispensed with.

(8) A person whose services are dispensed with or who is reverted under sub-rule (7) shall not be entitled to any compensation.

21. **Seniority.**—(1) The *inter se* seniority of the members of the Service in the various grades thereof shall be determined in the following manner, namely:-

- (a) in case of "first time appointment", in accordance with the order of merit assigned on the basis of interview by the Board;
- (b) in the case of the members of service appointed through initial recruitment, in accordance with the order of merit assigned by the Board;
- (c) in the case of members appointed by promotion, with reference to the dates of their initial appointment therein:

Provided that if the date of continuous appointment in the case of two or more members of the Service is the same, the older officer, if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers:

Explanation I.—If a junior officer in a lower grade is promoted temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his senior officer in the fixation of his seniority in the higher grade:

Explanation II.—If a junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently:

Explanation III.—A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both the junior and *senior* officers were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment *vis-à-vis* those appointed otherwise shall be determined,—

- (a) in case both the officers appointed by initial recruitment and appointed otherwise have been appointed against substantive vacancies or temporary vacancies in the same calendar year, from the date of appointment;
- (b) in case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by initial recruitment shall rank senior to the officer appointed otherwise; and
- (c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against a temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

22. **Appointment to special posts.**— Appointment of the Judicial officers to special posts (for example Registrar, Member Inspection Team, Additional Registrar, Deputy Registrar and Assistant Registrar, etc.) shall be in temporary capacity and made on the criteria of fitness of an officer for such appointment.

23. **Scale of pay.**—The scale of pay admissible to the persons appointed to the Service, whether in substantive or officiating capacity or as a temporary measure, shall be as decided by the High Court from time to time:

Provided that, for the time being, they shall be entitled to the scale, pay package and other facilities admissible to the corresponding officers of the provincial judiciary of any province which is at the higher side as compared to other provinces.

24. **Liability to transfer and serve.**—The members of the Service shall be liable to;—

- (a) transfer anywhere under the administrative control of the High Court;
- (b) serve, anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government or any local authority or statutory body set up or established by the Government; and
- (c) serve anywhere, on deputation, in Pakistan under the Provincial Governments:

Provided that the officers, while working on non-judicial posts, shall be entitled to the same pay package and other facilities which were admissible to them as judicial officers.

PART-IX

MISCELLANEOUS

25. **Discipline, penalty and Appeal.**—The High Court shall prescribe rules in matters relating to efficiency, discipline, penalty and appeal etc;

Provided that until such rules are prescribed the corresponding rules of the Lahore High Court, Lahore, shall *mutatis mutandis* apply.

26. **Residuary matters.**—Subject to these rules, other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance in case of death during service, leave or other privileges of an employee shall be governed by the Rules and Orders for the time being in force and applicable to the employees in posts in the same scales in the Federal Government:

Provided that the powers of the Federal Government shall be exercised by the Chief Justice or such other judges to whom such powers may be delegated by the Chief Justice:

Provided further that the Chief Justice may grant a special allowance to any officer or an employee keeping in view the nature of the services, he is required to perform.

27. **Interpretation.**—If any question arises as to the interpretation of these rules, the same shall be decided by the Chief Justice, whose decision shall be final.

28. **Relaxation.**—Notwithstanding anything contained in these rules, the Chief Justice may relax any rule for the reasons to be recorded in writing, if he is satisfied that the strict application of these rules would cause undue hardship to the individual concerned or any other matter as the case may be.

29. **Delegation of power.**—The Chief Justice may delegate all or any of his powers under these Rules to any Judge or Officer of the High Court, as the case may be, as he deems fit and necessary.

30. **Interim arrangements.**—(1) On the commencement of these rules the judicial officers holding posts of the district judiciary in the Islamabad Capital Territory shall stand repatriated to the Lahore High Court, Lahore, within thirty days.

(2) The Chief Justice, at his discretion, may appoint the eligible members of the service against the posts under sub-rule (1) or other posts under the administrative control of the High Court, from time to time.

(3) The Chief Justice, at his discretion, may also borrow the services of suitable judicial officers from provincial High Courts for appointment on deputation against the posts under sub-rule (1) or posts created under these rules or other posts under the administrative control of the High Court, from time to time.

(4) As soon as the composition and strength as determined by the High Court or under these rules, as the case may be, is completed the judicial officers appointed on deputation under sub-rule (3), unless earlier directed by the Chief Justice, shall be repatriated to the concerned provincial High Courts.

31. **Amendment of the rules.**—The Chief Justice on recommendations of the Administration Committee of the High Court may amend these rules.

32. **Savings.**—The commencement of these rules and nothing contained therein shall affect all or any of the acts done, decisions taken, appointments made, notifications issued and proceedings taken by the Chief Justice, at his discretion or on the recommendations of the Administration Committee, as the case may be, towards establishment of subordinate judiciary for the Islamabad Capital Territory, in pursuance of the Act.

APPENDIX-A

[see rule 4(2)]

The total strength of the Judicial Officers, under the Islamabad High Court, Islamabad shall be as follows:—

S.No.	Name of Post	No. of Posts	BS	Place of Posting
1.	District and Sessions Judge	15	21 and 22	(i) Registrar (BS-22) (ii) Member Inspection Team. (iii) District & Sessions Judges, I & II, ICT. (iv) Presiding Officer, Labour Court, ICT. (v) Judge Banking Court, ICT. (vi) Special Judge (Central), ICT. (vii) Special Judge (Custom), ICT. (viii) Accountability Court, ICT. (ix) Chairman and Members of Environmental Protection Tribunal. (x) Special Judge ATA Court, ICT. (xi) Special Judge Drug Court, ICT. (xii) Presiding Officer Consumer Court, ICT. (xiii) Judge Special Court (CNS), Islamabad.
2.	Additional District and Sessions Judge	30	20	Additional District and Sessions Judges posted in Districts of ICT or on <i>ex cadre</i> post for which they are eligible to be appointed in ICT.
3.	Senior Civil Judges-cum-Magistrates	06	19	Senior Civil Judges-cum-Magistrates posted in Districts of ICT or on <i>ex cadre</i> post for which they are eligible to be appointed in ICT.
4.	Civil Judges cum-Magistrates.	50	17 and 18	Civil Judges-cum-Magistrates posted in Districts of ICT or on <i>ex cadre</i> post for which they are eligible to be appointed in ICT.

APPENDIX-B

[see rule 9(a)]

**SYLLABUS AND STANDARD FOR THE ISLAMABAD
JUDICIAL SERVICE COMPETITIVE EXAMINATION.**

1. The Competitive Examination shall be in the subjects as provided below and each candidate shall take all the subjects.
2. A candidate shall answer the papers in English, unless otherwise directed.
3. The subjects and maximum marks fixed for each subject or paper shall be such as shown below in column 2 and 3 respectively:

SUBJECTS/PAPERS

Serial No.	Subjects	Maximum Marks
(1)	(2)	(3)
1.	English General and English Essay.	100
2.	General Knowledge:	
	(a) Islamic Studies	50
	(b) Current Affairs	50
	(c) Pakistan Studies	50
3.	Civil Law-I	100
4.	Civil Law-II	100
5.	Criminal Law.	100
6.	Qanun-e-Shahadat 1984 and Pleadings	100
7.	<i>Viva-Voce</i>	100
	Total	750

Note: All papers shall be of three hours duration.

4. Qualifying marks in the aggregate of written papers and *viva voce* shall respectively be 375 and 30.

5. No candidate shall be summoned for *Viva Voce* Test unless he or she has obtained at least 40 percent marks in each Individual Written Paper and 375 marks in the aggregate. No candidate shall be considered to have qualified in the examination unless he also obtains at least 30 percent marks in *Viva Voce*. Failure in or absence from *Viva Voce* shall mean that the candidate has failed to qualify for appointment and his name shall not be included in the merit list.

6. Credit shall be given for good English including orderly, effective and exact expression combined with the economy of words, in all subjects of the examination and not only in subjects which are specially devoted to English.

7. Names of the candidates who qualify shall be arranged in order of merit according to the aggregate marks obtained in the examination.

8. In the event of a tie, the order of merit shall be determined in accordance with the highest marks secured in the *viva-voce*. Should the marks in the *viva voce* of the candidates who tie be equal then the candidate who is older in age shall be placed senior.

APPENDIX-C

[see rule 9(a)]

DETAILED SYLLABUS FOR THE ISLAMABAD JUDICIAL SERVICE COMPETITIVE EXAMINATION.

1. **English General and English Essay.**—This paper is intended to test the candidate's command of the English language and may include precise writing, usage of idioms, with an essay in English on one of the several specified subjects and is intended to test the candidate's ability to compose.

2. **General Knowledge including Islamic Studies and Pakistan Studies.**—This paper is intended to test the candidate's knowledge of current world affairs and also of broad facts of historical, political, geographical and economic importance. A section will be included to test the candidate's knowledge and understanding of Islam particularly with reference to its system of administration of justice. Paper will be of Degree standard.

3. **Details of subject with respect to certain paper.**—The following papers shall comprise the subject noted against each:

- | | |
|---|---|
| (a) Civil Law Paper-I | (i) Civil Procedure Code 1908 (Act V of 1908);
(ii) West Pakistan Civil Court Ordinance, 1962;
(iii) Contract Act, 1872 (II of 1872);
(iv) Sales of Goods Act. |
| (b) Civil Law Paper-II | (i) Muhammadan Law or Islamic Law;
(ii) Registration Act 1908;
(iii) Limitation Act;
(iv) Specific Relief Act. |
| (c) Criminal Law | (i) Pakistan Penal Code, 1860 (Act XLV of 1860).
(ii) Criminal Procedure Code, 1898 (Act V of 1898).
(iii) Hudood Ordinances. |
| (d) Qanun-e-Shahadat, 1984 and Pleading. | (i) Qanun-e-Shahadat, 1984.
(ii) Particulars of Plaints.
(iii) Particulars of written statements;
(iv) Drafting of Plaints and Written Statements. |

Note: Except in case of Muhammadan Law or Islamic law, Hudood Ordinances, Islamic Jurisprudence and Pleadings, bare copies of the relevant Acts shall be provided to the candidates.

5. The object of the examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the kind of questions that asked shall be to give the facts of a typical case and ask the candidate to frame issues, to write a judgment and to discuss the admissibility of evidence.

6. **Viva Voce:** The *viva voce* shall be a test of the personal qualities of the candidates. This examination shall be in matters of general interest and is intended to test the candidate's alertness, intelligence and general outlook. Consideration shall also be paid to these bearing and physique of the candidate.

[No.F.4312/Genl./I.H.C.]

ATIQ-UR-REHMAN,
Registrar.