

HIGH COURT OF SINDH

Judicial Appointments Procedure and Criteria

Application Form

Appointment Procedure

&

Model Papers



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Procedure and Criteria for Judicial Appointments
Suggestions for reformation

By

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National Judicial Policy is aimed at to improve existing judicial system of the country. Role of judicial officers working at district level is of great importance in administration and dispensation of justice at root level. There are many areas which need improvement e.g. effective monitoring system, automation, improvement in legislative documents, strengthen prosecution branch, appointment of competent and hardworking judicial officers etc. The objective of this paper is to highlight need and suggest procedure and criteria for judicial appointments in Sindh. It is expected that valuable comments would enrich the proposed mechanism of appointment.

In our country appointment of judicial officers is governed by specific rules framed by each High Court/Provincial Government and therefore each province has its own practices. In few provinces selection process is initiated through Public Service Commission whereas others complete all stages of appointment at High Court level when Hon'ble Chief Justice of the province constitutes a committee for selection of particular cadre of judicial officers.

Sindh High Court initiates assessment process by designing a MCQs paper through NTS and thereafter one subjective paper which covers all laws is offered to the candidates.

Lahore High Court, assesses the candidates by formulating following two papers:

Papers	Name of subject	Marks	Time
Paper I	Civil Law	100	3hours
Paper II	Criminal Law (Part I) English essay (Part II)	100 30	3hours

Islamabad High Court, examines in the following manner:

Papers	Name of subject	Marks	Time
Paper I	English General and essay	100	3 hours
Paper II	General Knowledge	100	3 hours
Paper III	Civil Law I	100	3 hours
Paper IV	Civil Law II	100	3 hours
Paper V	Criminal Law	100	3 hours

Peshawar High Court, examines in the following manner:

Papers	Name of subject	Marks	Time
Paper I	General Knowledge (Part I) English (Part II)	30 70	3 hours
Paper II	Criminal Law	100	3 hours
Paper III	Civil Law	100	3 hours

Quetta High Court, evaluates in the following manner:

Papers	Name of subject	Marks	Time
Paper I	Civil Law	100	3 hours
Paper II	Criminal Law	100	3 hours

Azad Jammu & Kashmir High Court, examines in the following manner:

Papers	Name of subject	Marks	Time
Paper I	Civil Law I	100	3 hours
Paper II	Criminal Law	100	3 hours
Paper III	Civil Law II	100	3 hours
Paper IV	Islamic Law	100	3 hours

In Sindh, sometimes all vacant seats are not filled in due to non availability of potential candidates. The candidates after completing appointment process sometimes dispute and challenge the appointments on judicial side. To cater above issues, a prospectus may be designed which includes appointment procedure and criteria, model papers and application form. For making selection process more successful and meaningful; there is a need to improve existing system of judicial appointments. Key points of proposed selection procedure and criteria are as under:

- i. ***Application Form:*** Present application form asks only basic information of a candidate. It needs to be revised. Necessary information as to assess candidates' past professional activities, social and economical status, aptitude, attitude, behavior etc. may be sought through *application form*.

- ii. **Entry test:** It is a practice in Sindh that in the first phase of appointment one hour objective test paper is conducted for which services of National Testing Service (NTS) are hired. Basic language proficiency, general knowledge and intellectual quotient (I.Q.) is tested through the paper. This process is called shortlisting. It is suggested that in the objective paper 100 questions (MCQ) may be asked and out of those 50 may relate to English language, 40 may be about basic legal knowledge and 10 may assess Intellectual Quotient (I.Q.) of the candidates. It may be necessary for the candidates to obtain at least 60% marks to make themselves eligible for the second phase of the assessment. Specimen of the test paper is to be provided to the interested candidates as to facilitate them.
- iii. **Subjective test:** In the second phase of appointment a subjective test is conducted. It is suggested that instead of one subjective paper; four papers may be designed. This exercise may ease the committee to assess abilities of each candidate. Out of four subjective papers, one may be of English proficiency whereas other on legal subjects

[Civil Law, Criminal Law and Family Law]. The candidates may be given different scenarios to respond and may also be asked to write orders on different situations. Question papers of Indian jurisdiction may be used for assistance. Sample subjective papers may be provided to the candidates as to make themselves prepare for the competition.

- iv. **Feedback:** Presently unsuccessful candidates are not informed reason of not considering them for the post. Usually candidates apply time and again for the same post. Continuous attempts show their aptitude and interest towards judicial services but due unawareness of their lacking they could not get success. There is a need to develop a system of communicating reason of failure to each candidate. The reasons of failure may be like '*incomplete form*', '*lack of experience*', '*non filling of required documents*', '*low score in objective test paper*', '*low score in subjective papers*', '*want of vacancies*', '*unsatisfactory interview*', etc. This would make them able to compete in the next appointment.

- v. ***Post appointment activities:*** Prospectus may also discuss post appointment activities e.g. pre-service training, in-service training and promotion criteria. Career oriented candidates would make their mind to opt judicial services.

The prospectus may include all necessary information relating to process and criteria of selection including model papers and application form. If above suggestions are taken into consideration; more efficient and dedicated judicial officers would become part of our judicial system.

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HISTORY OF HIGH COURT OF SINDH



A Sadar Court for the province of Sindh was established by Bombay Act (XII of 1866). This Sadar Court was the highest court of appeal for Sindh in civil and criminal matters and was presided over by a judge called the 'Judicial Commissioner of Sindh'. In 1906, the Bombay Act (XII of 1866) was amended by the Sindh Courts Amending Act (Bom. 1 of 1906) and the Sadar Court was converted into the Court of the Judicial Commissioner of Sindh consisting of three or more judges. Apart from being the highest Court of Appeal for Sindh in civil and criminal matters, the court was the District Court and the Court of Sessions in Karachi. On 21st August 1926 the Sindh Courts Act (Bom. VII of 1926) was passed for the establishment of a Chief Court for the Province of Sindh.

On the coming into operation of part III of the Government of India Act, 1935 on 1st April 1937, Sindh became a separate province and the judges of the Court of Judicial Commissioner of Sindh were appointed by Royal Warrant by the British Government.

The construction of the existing main building commenced in the year 1923, at an estimated cost of Rs. 39,75,284/- but it was completed on 22-11-1929, at the actual cost of Rs. 30,35,000. This building was

meant for 5 judges in 1929 with some provision for expansion and now accommodates Court Rooms and chambers for 40 judges. In 1907, the Court consisted of a Judicial Commissioner, and three Additional Judicial Commissioners, however, in 1935 the number of Additional Judicial Commissioners was increased from 3 to 4, and in the same year the following were the judges of the Court:

Judicial Commissioners of Sindh-

- (1) V.M. Forrers, Esq., I.C.S. (Retired, May 1935)
- (2) Godfrey Davis, Esq., I.C.S. (From June 1935).

Additional Judicial Commissioners of Sindh-

- (1) Rupchand Bilaram, Esq., B.A., LL. B.
- (2) Dadiva C. Mehta, Esq., M.A., LL.B.
- (3) M.A. Havelivala, Esq. Bar-at-law.
- (4) Charles M. Lobo, Esq., B.A., LL.B. (Officiating).

In 1937, the Judicial Commissioners, by the order in council, were designated as the Judges. Significantly, for the first time that in 1938 a Muslim namely, Mr. Hatim B. Tyabji, Bar-at-Law was appointed as the acting judge of the Court.

As the Sindh Court Act, 1926 followed closely the lines of the letter patent of the Bombay High Court. The Government of India Act, 1926, was suitably amended by parliament and on 15th April 1940 the Sindh Court Act, 1926, was brought into operation whereby the Court of the Judicial Commissioner of Sindh became the Chief Court of Sindh.

In 1947 Mr. Hatim B. Tayabji became the Chief Judge of Sindh High Court when the court consisted of the following judges:

- (1) The Hon'ble Mr. Dennis Nail O' Sullivan, Bar at law.
- (2) The Hon'ble Mr. T.V. Thadani, Bar-at-Law.
- (3) The Hon'ble Mr. George Baxandell Constantine, B.A. (Oxen), I.C.S., Bar-at-Law.
- (4) The Hon'ble Mr. Hassan Ali G. Agha, B.A. LL.B.
- (5) The Mr. Maneksha Rustomji Mehar, I.C.S. (Officiating.)

In the year 1955, for the province of Sindh and Balochistan, one High Court with its principal seat at Karachi was established. Ultimately, in the year 1976, by the President's Order VI of 1976, the High Court of Sindh and Balochistan were separated and two separated High Courts for the two provinces were established. At the time of establishment of the High Court of West Pakistan the number of the judges of the Karachi bench was almost the same but subsequently it was increased to 15 and on separation of Sindh and Balochistan High Courts 12 judges were allocated to the Sindh High Court and 3 judges to the Balochistan High Court.

The High Court of Sindh consists of a Chief Justice and 39 other judges. A judge of the High Court is appointed by the president after considering recommendations of two forums known as Judicial Commission and Parliamentary Committee for Appointment of Judges. No person is appointed as a judge of the High Court unless he is citizen of Pakistan having attained the age of forty-five years and who has been an advocate of the High Court or has held a judicial office for ten years, and has for a

period of not less than three years served as or exercised the function of a District Judge in Pakistan. A judge of a High Court holds office until he attains the age of sixty-two years, unless he sooner resigns or is removed from office in accordance with the constitution. The principal seat of the High Court of Sindh is at Karachi with a Bench at Sukkur, and Circuit Court at Hyderabad and Larkana.

In 1974, an Annexe building on the North-West side of the compound (Known as the Old Annexe) of the High Court was constructed at a cost of Rs. 4.4 million, for accommodating offices of this court and also providing office accommodation to standing council, official assignee, registry of the Federal Shariat Court, Sindh Bar Council, and Member Inspection Team as well as to offices of the Advocate General, and Assistant Advocate Generals of Sindh, but it did not ease the situation much for a longer period.

In 1992, another Annex Building known as the 'New Annexe' was constructed on the South-East side, in the compound of the High Court premises. This building was accommodating court rooms for the Benches and chambers for the judges. Besides, the office of additional Registrars (O.S.I) and (O.S.II), the judicial branches of D-I, D-II and execution were also situated in this building.

In the year 2016 administrative block was constructed and most of the administrative offices were shifted there.

Jurisdiction of the High Court

Original Jurisdiction

A High Court, under the constitution, has original jurisdiction to make an order:

- (i) directing a person within the territorial jurisdiction of the court to refrain from doing anything he is not permitted to do by law or to do anything he is required to do by law;
- (ii) declaring that any act done by a person without lawful authority is of no legal effect;
- (iii) directing that a person in custody be brought before it, so that the court may satisfy itself that he is not being held unlawfully; and
- (iv) giving such directions to any person or authority, for the enforcement of any of the fundamental rights conferred by the constitution.

Besides the original jurisdiction conferred by or under various laws, a High Court has the power to withdraw any civil criminal case from a trial court and try it itself.

Appellate jurisdiction

A High Court has extensive appellate jurisdiction against the judgments, decisions, decrees and sentences passed by the civil and criminal courts.

General

A High Court has the power to make rules regulating its practice and procedure and of courts subordinate to it. The High Court supervises and controls all courts subordinate to it and any decision of a High Court binds all courts subordinate to it.



OTHER COURTS

Civil Courts

In every district of the province, there is a court of District Judge which is the court of original jurisdiction in civil matters. Added to this there is the court of Additional District Judge. Jurisdiction besides the court of District Judge, there are courts of Senior Civil Judges and Civil Judges who work under the supervision and control of the District Judge, and all matters of civil nature originate in the courts of these judges. The District Judge may, however, transfer any matter from any Additional District Judge, Senior Civil Judge and Civil Judge. Appeals against the judgments and decrees passed by the Civil Judges, in cases where the value of the suit does not exceed the specified amount, lie to the District Judge.

Criminal Courts-

In every district, there is a court of Sessions Judge and Courts of Magistrates. Criminal cases punishable with death or imprisonment for life as well as cases arising out of the enforcement of laws relating to Hudood are tried by Sessions Judges. However, offences not punished with death are tried by the Assistant Sessions Judges and Magistrates. An appeal against the sentence passed by a Sessions Judge lies to the

High Court and against the sentence passed by an Assistant Session Judge and a Judicial Magistrate to the Sessions Judge, if the term of sentence is up to seven years.

Special Courts and Tribunals-

To deal with specific type of cases, special courts and tribunals are constituted. These are:

- i. Special Courts for Trial of Offences in Banks;
- ii. Special Courts for Recovery of Bank Loans;
- iii. Special Courts under the Customs Act;
- iv. Court of Special Judges Anti-corruption;
- v. Drug courts;
- vi. Labour courts;
- vii. Insurance Appellate Tribunal;
- viii. Income Tax Appellate Tribunal; and
- ix. Services Tribunals.
- x. Special Courts under the Anti-terrorist Act;
- xi. Special Courts under the Accountability laws;

¹Appeals from the special courts lie to the High Courts, except in case of Labour Courts and Special Traffic Courts, which have separate forums of appeal.

¹Object of giving detail history is to introduce apex courts and others courts subordinate to the High Court. Having detail information would facilitate candidates to know hierarchy of the High Court. The information would not harm any of the candidates or affect the Selection Committee. Prescribed rules do not restrain from sharing basic information of the courts with candidates or the public at large.

GENERAL POINTS FOR JUDICIAL APPOINTMENTS

Judges are selected from amongst the enrolled lawyers or barristers. All judges are therefore, legally qualified and have already spent some considerable time using and developing their legal skills before being appointed as judges. Successful candidates for judicial appointment have necessary professional qualifications and demonstrate their skills and personal qualities when are assessed. Women are encouraged to apply. The majority of judicial vacancies are filled through open competition selection procedures, where eligible lawyers and barristers apply and compete for the posts that are available.



Advertisements

The first stage in the open competition selection procedure is when an [advertisement](#) for a particular judicial vacancy appears in a national press and on the website of High Court of Sindh www.sindhhighcourt.gov.pk. Prospective candidates contact the address/telephone number/e-mail address given in the advertisement for a prospectus which includes [Application Form](#). Relevant material is also available on the official website of High Court of Sindh. Candidates are made fully aware of the

criteria for appointment, so that they may be in no doubt as to the skills and qualities that are sought. In summary the criteria is:

- i. legal knowledge and experience
- ii. intellectual and analytical ability
- iii. understanding of people and society
- iv. sound judgment decisiveness
- v. sound temperament and maturity
- vi. commitment to public service
- vii. courtesy and humanity
- viii. integrity
- ix. fairness

All candidates complete and return the prescribed [Application Form](#) by the closing date for that competition.

Assessment and consultations

Legal knowledge, intellectual and analytical ability and communication skills are initially assessed through one hour objective test. High Court sometimes seeks assistance from National Testing Service (NTS). Specimen of the test paper is provided to the interested candidates as to facilitate them. This process is called short listing. Main object of initial assessment is to assess communication skills of the candidates. 100 questions are asked and out of those 50 relate to English language, 40 to basic legal knowledge and 10 assess Intellectual Quotient (I.Q.). It is necessary for the candidates to obtain at least 60% marks to make themselves eligible for the second phase of the assessment. In the second phase successful candidates are assessed through three subjective papers. Minimum and maximum age criteria, qualification, required experience etc. have been prescribed in the Sindh Judicial Service Rules,

1994² which can be seen on the website of the High Court of Sindh. www.sindhhighcourt.gov.pk.

A committee, specially constituted by the Chief Justice, assesses the merits of candidates, as they are familiar with the role of the judge and with the skills and qualities required to do the job well. All assessments are made against the published criteria for appointment as listed above. Selection committee may consult or direct any District & Sessions Judge and the secretary to Sindh Bar Council/Bar Association to assess & commend a candidate.³ Assessments are required only from those who know the candidate sufficiently.

Interviews

The numbers of candidates are usually well exceeding the number of vacancies. Short listing procedure identifies the candidates who are then asked to attend a formal interview. A panel of three or sometimes five judges of High Court interviews and decides which candidates appear to best meet the criteria.

Appointments

The successful candidates are those who best meet the criteria over the whole of the selection procedure – the application from, the written assessments, opinion

² Application form, Advertisement, Code of Conduct and the Sindh Judicial Rules, 1994 are to be placed on the official website of the Sindh High Court. This would facilitate the candidates as to know basic criteria required for the appointment. This exercise would minimize the grievances of the candidates that they had no knowledge about the procedure and required qualification. Copy of prospectus may also be made available to the candidates through website so that those practicing at some far districts may have knowledge the selection criteria well before deadline of filing application.

³ This practice would facilitate the Selection Committee to know about general conduct of the candidates and to know any sanction awarded to them for misconduct during the period of the practice. The candidate may be made aware about this mode of enquiry as well.

of consultee and the interview. The Chief Justice personally considers the candidacy of all those interviewed before reaching at final decision.

Feedback to candidates

Staff of Member Inspection Branch always provides feedback and advice to unsuccessful candidates⁴.

⁴ It may be curtsey to respond and inform the candidate reason of his disqualification or non selection. For instance 'incomplete form' 'non supply of required documents' 'over age/under age' 'lack of qualification' 'unable to obtain required marks' 'unsatisfactory interview' etc. This practice would facilitate the candidate to get them prepare in the next exam by removing the deficiencies. Some advisory remarks may also be given.

Post appointment activities and promotion criteria

Initial appointments are made subject to passing out three-month pre-service mandatory training program. During training each trainee is assessed and evaluated. The Director General of the Sindh Judicial Academy submits monthly report of each candidate to the Chief Justice and Provincial Judicial Selection Committee⁵. Each judicial officer on completing at least three years in one cadre/post is asked to undergo pre-promotion training program followed by departmental examination that are held on yearly basis. Those who qualify the departmental exam are made eligible to consider by the Departmental Promotion Committee.⁶

⁵ There is no harm to inform the candidates about the post appointment activities. Career oriented candidates would like to know this aspect before joining the judiciary. This activity including promotion criteria would be a motivation for the prospective candidate to join judiciary.

⁶ As at foot note number 5.

Model Objective Paper⁷
Pre-entry test for Civil Judges & Judicial Magistrates
High Court of Sindh

Time limit: 60 minutes

Directions (Q 1-6): Each of the following words is spelt in four different ways. One of them is correctly spelt. Pick out the correctly spelt word.

1.

i. Judgment	ii. Judgement
iii. Jugdement	iv. Jagdemant
2.

i. Charactar	ii. Cheracter
iii. Character	iv. Characatar
3.

i. Ancillary	ii. Ancillery
ii. Ancilary	iv. Encillary
4.

i. Parole	ii. Payrole
iii. Perole	iv. Paroll
5.

i. Salnder	ii. Slendar
iii. Slander	iv. Celender
6.

i. Centence	ii. Santence
iii. Sentense	vi. Sentence

Directions (Q 1-3): Mark the correct choice after changing the Narration of the leading sentence.

⁷ Objective test paper may be designed by the High Court itself or this activity may be outsourced however, if it is assigned to any other organization, they may be informed about nature of questions to be placed in the papers.

7. The mother said to the teacher, "Do not punish my son."
- i. . The mother told the teacher not to punished her son.
 - ii. The mother requested the teacher that her son might not be punished.
 - iii. The mother requested the teacher that not to punish her son.
 - iv. The mother requested the teacher not to punish her son.
8. The Judge asked the prisoner if he has anything to say.
- i. The Judge said to the prisoner, "Have you anything to say?"
 - ii. The Judge said to the prisoner, "If you have anything to say?"
 - iii. The Judge said to the prisoner, "You had anything to say?"
 - iv. The Judge said to the prisoner, Have you anything to be said?"
9. She advised me not to trust him.
- i. She said to me, "Not to trust you."
 - ii. She said to me, "Not to Trust him."
 - iii. She said to me, "Do not be trust by him."
 - iv. She said to me, "Do not trust him."

Directions (Q 10-11): In each of the sentences given below a word has been underlined and four choices marked 1 to 4 have been given. Choose the correct word which is opposite word underlined in the sentence.

10. His unscrupulous pursuit of wealth finally landed him in prison.

- i. Conscientious
- iii. Single-minded

- ii. Dedicated
- iv. Superfluous

11. Let us not aggravate the sufferings of the poor.

- i. Advocate
- ii. Appreciate
- iii. Alleviate
- iv. Abbreviate

Directions (Q 12-21): Fill in the blanks with suitable propositions/ words given below.

12. She was debarred _____ appearing in the exam.

- i. for
- ii. of
- iii. from
- iv. none of these

13. His views did not coincide _____ those of his wife.

- i. to
- ii. on
- iii. for
- iv. with

14. If you had come earlier, we _____ to see the movie.

- i. would go
- ii. would be going
- iii. will have gone
- iv. would have gone

15. He lives _____ DHA _____ Karachi.

- i. in, in
- ii. at, at
- iii. in, at
- iv. at, in

16. I am astonished _____ her way of talking.

- i. at
- ii. with
- iii. on
- iv. upon

17. I _____ to Islamabad last week.

- i. had been
- ii. Went
- iii. will go
- vi. Was going

18. I am in Karachi but I _____ to Sukkur last year.

- | | |
|----------------|--------------|
| i. went | ii. had been |
| iii. was going | vi. Will go |

19. They _____ in my office for the last two years.

- | | |
|------------------------|------------|
| i. are working | ii. were |
| working | |
| iii. have been working | vi. Worked |

20. You had better _____ five hours a day to pass this exam.

- | | |
|--------------------|-------------|
| i. studied | ii. study |
| iii. been studying | iv. studies |

21. Please keep _____ ahead to reach at supper market.

- | | |
|------------|----------|
| i. go | ii. gone |
| iii. going | iv. went |

Directions (Q 22-25): Find out the correct choice no. as the answer after changing the given sentences from Active voice to passive voice and vice versa.

21. A song will be sung by him.

- | | |
|---------------------------|--------------------------|
| i. He will be sing a song | ii. He would sing a song |
| iii. He will sing a song | iv. He shall sing a song |

22. They had already tried this plan.

- | |
|---|
| i. This plan had already tried by them. |
| ii. This plan had already being tried by him. |
| iii. This plan had been already tried by them |
| iv. This plan had already been tried by them |

23. Can you help him?
- Can he helped by you?
 - Could he helped by you?
 - Can he helped by you?
 - Can he be helped by you?
24. The child is not cutting teeth.
- Teeth are not being cutting by the child.
 - Teeth are not being cut by child.
 - Teeth are not cut by the child.
 - Teeth are not cutting by child.
25. She was not paying the taxes.
- The taxes not paid by her.
 - The taxes are not being paid by her.
 - The taxes were not being paid by her.
 - The taxes is not being paid by her

Directions (Q 26-): Out of the given choices marked 1-4, select the best substitute for the leading sentence.

26. One who is determined to take exact full vengeance for wrongs done to him:
- | | |
|---------------|--------------|
| i. vindictive | ii. vengeful |
| ii. Inductor | iv. Candice |
27. Custom of having many wives:
- | | |
|----------------|--------------|
| i. Homogamy | ii. Polygamy |
| iii. Matrogamy | iv. Monogamy |
28. A person who has no money to pay off his debts:
- | | |
|--------------|--------------|
| i. Insolvent | ii. Beggar |
| iii. Debtor | iv. Creditor |

29. A person who is not a party to a case but who is interested in or affected by its outcome and is allowed by the court to introduce argument is called:

- i. Plaintiff
- ii. Judgment debtor
- iii. Amicus Curiae
- iv. Respondent

30. The act of seizing a person or property under the authority of a judicial order is called:

- i. Confiscation
- ii. Attachment
- iii. Abstraction
- iv. Sealing

31. An opinion written by an appellate judge explaining why he or she disagrees with the decision reached by the majority of judges considering the case is called:

- i. Minority opinion
- ii. Dissenting opinion
- iii. Non-conforming opinion
- vi. Formal opinion

32. Questioning of a witness by an adverse party that attempts to cast doubt on the credibility of the witness is called:

- i. Impeachment of witness
- ii. Adverse witness
- iii. Favorable witness
- iv. Weakness of witness

33. Malice means-

- i. Evil intent
- ii. False information
- ii. Important case
- iv. Poorly written draft

34. The day before the day before yesterday is three days after Saturday. What day is it today?

- i. Monday
 iii. Wednesday
 v. Friday
- ii. Tuesday
 iv. Thursday

Correct answer: v

35. Which number should come next in this series?

25, 24, 22, 19, 15

- i. 4
 iii. 10
 ii. 5
 iv. 14

Correct answer: iii

Explanation: The pattern decreases progressively: -1, -2, -3, -4, -5

36. How many times has Martial Law Government come in the country?

- i. One
 iii. Three
 ii. Two
 iv. Four

37. There are 45 pupils in a certain law class. If $(\frac{2}{3})$ of the pupils are boys, and $(\frac{1}{2})$ of the boys are blue-eyed, how many blue eyed boys are in the class?

- i. 15
 iii. 34
 ii. 30
 iv. 38

38. Whether an issue heard finally decided by a competent court of limited jurisdiction shall operate as resjudicata in a subsequent suit that the aforesaid court was not competent to try :-

Yes

39. Where the plaint has been rejected the plaintiff on the same cause of action:-

May file new suit

40. During the proceeding of execution of a decree, a question arises as to whether any person is or not the

representative of a party such question shall be determined by:

The court executing the decree

41. During service of summons defendant was found absent from his residence & within reasonable time no chance to get back at his residence, service of the summons may be made on:

Adult Son

42. In which condition the officer in charge of the prison may refuse to produce the prisoner for evidence despite court's order:

Where the medical officer has certified the prisoner is unfit to be removed

43. Where any party dies after conclusion and before pronouncing Judgment:

The suit shall not abet

44. After the passing of the decree for payment of money, on the application of the judgment debtor court shall not order that payment of amount of decree shall be made by installments:

Without the consent of decree holder

45. Appointment of receivers of any property can be made when:

When it appears to the court to be just & convenient whether before or after decree

46. Nothing is an offence which is done by a child under:

Seven years

47. A instigates B to instigate C to murder Z. B accordingly instigate C to murder Z and C commits that offence in consequence of B's instigation A is:

-Guilty of abetting murder

48. Z strikes B. B is by this provocation excited to violent rage. A a by slander, intending to take advantage of B's rage and to cause him to kill Z puts a knife into B's hand

for that purpose B kills Z with knife. What offence A is guilty of:

-Murder

49. A finds the key to Y's house door, which Y had lost and commits home trespass by entering Y's house having opened the door with that key. What offence has A committed.

-House breaking

50. In a first information an offence is cognizable and other is non cognizable the whole case shall be deemed to be:

-Cognizable

1. 'Redemption is the heart of mortgage' was observed by

- (a) Lord Develin
- (b) Lord Davey
- (c) Lord Halsbury
- (d) None of the above

2. In which of the following sections of T.P. Act 'transfer by ostensible owner' is provided:

- (a) Section 39
- (b) Section 41
- (c) Section 40
- (d) Section 42

Ans. (c)

24- Who writes evidence in a criminal trial

- (a) Any employee of the Court.
- (b) Magistrate
- (c) Advocate
- (d) Expert

Ans.: (b)

Model Paper I (Family Law)⁸
Pre-entry test for Civil Judges & Judicial Magistrates
High Court of Sindh

Note: Attempt any ten (10) questions. (5 from each section)

Time limit: 3 hours

Each question carries equal marks.

- Q.1. What are the steps required for initiating trial in family courts?
- Q.2. What do you mean by family disputes? Draft a plaint for any one or more prayers?
- Q.3. What is the importance of pre trial and post trial in family matters? Draft an order declaring post trial as successful.
- Q.4. Civil Procedural Code is not applicable in family matter. Do you agree with it? Please discuss with case references.
- Q.5. What do you understand by term 'welfare of minor'? Discuss the circumstances when custody of five years child (male) may be given to his father under Guardian Act. Please discuss with case references.
- Q.6. Discuss the procedural difficulties you faced during the course of trial in a family court?
- Q.7. Write short notes on the following:
(i) Types of divorces in Islam (ii) Prompt and differed dower
(iii) Duties of Qazi (iv) Ordinary Residence
- Q.8. Which suits are exclusively tribal by a Family Court established under the Family Courts Act, 1964?
- Q.9. In which cases an appeal shall not lie against a judgment and decree passed by a Family Court?
- Q.10. Explain the duty of a guardian of a person and property of a minor appointed with reference to the provisions of the Guardian and Wards Act, 1890.

⁸ To improve the selection procedure at least three subjective papers may be conducted.

Model Paper II (Civil Law)⁹
Pre-entry test for Civil Judges & Judicial Magistrates
High Court of Sindh

Note: Attempt any ten (10) questions. (5 from each section)

Time limit: 3 hours

Each question carries equal marks.

- Q.1. Discuss the circumstances under which temporary injunction order, passed by a civil court, is vacated?
- Q.2. Discuss the pecuniary jurisdiction of civil courts in Sindh?
- Q.3. How many modes of service are available in the Code of Civil Procedure, 1908 and when order of substituted service becomes necessary?
- Q.4. What are the considerations of an application filed for rejection of plaint?
- Q.5. Define any four from the following:
 - i. Res Judicata
 - ii. Temporary injunction
 - iii. Permanent injunction
 - iv. Estoppels
 - v. Primary and secondary evidence
- Q.6. Discuss relevant articles of Qanoon-e-Shahadat that are applied for while recording evidence in a court of law.
- Q.7. What is the difference between sections 35 & 35-A of civil procedure Code and under what circumstances a judge should apply each section?
- Q.8. Discuss with illustration the value of evidence that may have become available because of modern devices and techniques.
- Q.9. Write a short note on examination-in-chief, cross-examination and re-examination?
- Q.10. How will you proceed to execute the following decrees:
 - i. For recovery of possession of immovable property.
 - ii. For specific performance of an agreement to sell.
 - iii. Recovery of money.

⁹ To improve the selection procedure at least three subjective papers may be conducted.

- Q.11. Explain the term of “Legal Disability” with reference to the relevant provisions of the Limitation Act, 1908 and state the manner of computation of limitation in such cases.
- Q.12. Explain the terms “Acknowledgement” and “Promise to Pay” with reference to the relevant provisions of the Limitation Act, 1908, and their legal effect vis-à-vis limitation for filing of relevant suits.
- Q.13. What contracts cannot be specifically enforced? Explain with reference to the relevant provisions of the Specific relief Act, 1877.
- Q.14. State the conditions enabling a Court to cancel a written instrument.
- Q.15. State the cases in which an injunction shall not be issued by a Court.

Model Paper III (Criminal Law)¹⁰
Pre-entry Test for Civil Judges & Judicial Magistrates
High Court of Sindh

Note: Attempt any seven questions.

Time limit: 3 hours

Each question carries equal marks.

- Q.1 How many criminal courts work under the control of District Judge in a district? Discuss their powers and jurisdiction.
- Q.2. Elaborate trial in criminal cases followed in the courts of a magistrate?
- Q.3. Describe kinds of bails and under what provision of law these are applied for?
- Q.4. What should be the consideration of a judge at the time of granting bail in non bailable offences?
- Q.5 What is meant by 'rule of consistency'? Write a bail order in a case of theft applying rule of consistency.
- Q.6. What are the discriminatory powers of a judge who presides a criminal court? How and in what manner these powers are exercised?
- Q.7. What are the circumstances when a trial court (of magistrate) requires to amend or alter charge?
- Q.8. Describe types of punishments?
- Q.9. What is the difference between *Hadd* and *Tazir*?
- Q.10. What is the difference between warrant and summons?
- Q.11. What is the difference between bailable and non bailable offence? Whether an accused, below the age of 18 years, is entitled for the benefit of bail in

¹⁰ To improve the selection procedure at least three subjective papers may be conducted.

- a case of capital punishment? If so, discuss relevant law.
- Q.12. What are the integral parts of criminal justice system in Pakistan?
- Q.13. What is the difference between section 249 and 249A of Cr.P.C.?
- Q.14. Discuss existing juvenile justice system in Pakistan?
- Q.15. Define and explain “ Qisas”, “Badl-i-Sulah”, Diyat, “Arsh” and “Daman”
- Q.16. Give salient features of Juvenile Justice System Ordinance, 2000, who can and under what circumstances declare an accused as juvenile?
- Q.17. What is remand? Under what circumstances custody of an accused can be given to police?
- Q.18. What is confession? How it can be recorded? Whether the statement under Section 164 Cr.P.C can be used against an accused and under what circumstances?
- Q.19. Illustrate what precautions can be taken by a Magistrate at the time of holding Identification Parade and also discuss evidentiary value of the Identification Parade.

Model Paper IV (English General)¹¹
Pre-entry Test for Civil Judges & Judicial Magistrates
High Court of Sindh

Note: Attempt any five questions.

Time limit: 2 hours

Each question carries equal marks.

Q.1 Rewrite the following sentences correctly:

- i. The witness swore that this is false.
- ii. He promised to have given me a post.
- iii. The judge disposed the case at once.
- iv. When he reaches to manhood, he will visit to England.
- v. There is nothing such as chance.
- vi. Why the Government levies taxes.
- vii. The President went to Thatta a week before.
- viii. An atheist has no zeal upon any religion.

Q No. 2 Read these sentences until you understand their construction and then write them out and punctuate them.

- i. Blest is the man who has found his work let him ask no other blessedness.
- ii. It was leveled hardened widened by very slow degrees.
- iii. It is an excellent work carefully compiled copiously illustrated and well arranged.
- iv. Obviously a work must have charm or it cannot succeed and the charm will depend on very complex conditions of the artist's mind.
- v. We are all and who would not be offended at unkind treatment.

¹¹ To improve the selection procedure at least three subjective papers may be conducted. Written communication skills need to be assessed thoroughly and therefore independent paper is necessary.

Q No. 3 In each group below, only one of the four spellings is correct select the correct spelling and write it down as your answer:

- i. (a) enforcement (b) enforcment
(c) anforcement (d) inforcement
- ii. (a) desireable (b) disirable
(c) desirable (d) desireable
- iii. (a) convenience (b) convience
(c) convenence (d) conveneince
- iii. (a) Misdemenor (b) misdemeanor
(c) misdemener (d) misdemeanour
- iv. (a) Memry (b) memary
(c) memory (d) memrey
- v. (a) Shedule (b) schedul
(c) schedule (d) shceduel
- vi. (a) Enfortunate (b) unfortunate
(c) unforchunate (d) unfortunat
- vii. (a) Accommodate (b) accommodate
(c) accomodate (d) accomodate
- x. (a) Insolvensy (b) insolvency
(c) insolveny (d) insolvency

Q No. 4 Write down words of opposite meaning of the following:

Accustomed, Active, Ample, Ancient,
Arrogant, Beneficial, Blustering, Cautious,
Conspicuous, Equitable, Expedient,
Expeditious, Flexible, Foolish, Plenteous,
Progressive, Prudent, Salubrious Serious,
Shallow, Generous Genuine, Logical, Ordinary,
Simply, Vital, Acquisition, Ability, Bravery,
Brutality, Deficit, Economy, Elegance,
Lenience, Accumulate, Approach, Choose,
Collect, Complicate, Condemn, Consolidate,
Converge, Defame, Diminish, Distress, Elevate,

Induce, Insert, Obscure, Permit, Persist,
Preliminary, Persuade, Pursue, Restore,
Resolve, Volunteer.

Q No. 5 Write down the meaning of the following words and use them in sentence-

1. Formally, Formerly
2. Check, Cheque
3. Cession, Session
4. Able, Capable
5. Accept, Except
6. Accede, Concede, Exceed
7. Advice, Advise
8. Altar, Alter
9. Alternate, Alternative
10. Admit, Confess
11. Beneficent, Beneficial
12. Beside, Besides
13. Blunder, Error, Mistake
14. Cast, Caste, Cost
15. Considerate, Considerable
16. Council, Counsel
17. Confess, Admit
18. Casual, Causal
19. Deny, Refuse
20. Defend, Protect

Q. No. 6 Study carefully the following paragraph:

The words of the Holy Quran turned a number of desert tribes from superstitious idol-worshippers into a nation of warrior-heroes ready to give their lives gladly for the one God whom their prophet preached. The powerful kingdom of Persia fell before them in the seventh century, North Africa

and Spain in the eighth, Punjab and Northern India in the ninth. Wonderful cities-Baghdad, Cordova, Delhi, Cairo, Fostat –sprang up in their path. A great culture amalgamating the knowledge in its grasp of mathematics, astronomy, medicine, geometry and other forms of scientific learning. Along the mosque stood the college, wherein these people, so avid in their love of learning, discussed all questions with far greater freedom than the Christians of their times. The Arab method of numerals supplanted the cumbersome Roman system, and opened up new possibilities in mathematics. The whole Muslim civilization after the death of the prophet was tied together by the Quran and its teaching, the undeniable echo of his inspired voice. Little wonder that when the people of Mecca, in the early days of his mission, asked him to perform miracles, he replied that his revelation, the Quran, was itself a miracle straight from God. It revolutionized a huge chunk of human population. Its rhythmical flow and sublime teaching went straight to the heart of man.

Study the passage given above carefully and answer the following questions briefly:

- (1) What change was brought about by the teaching of Quran in the life of the Arabs?
- (2) Sketch the progress of the Muslims in politics, Science and Culture.

- (3) In what sense did the Quran prove to be a miracle?
- (4) Give the meaning of the italicized words.
- (5) Suggest an appropriate title for the passage.

Laws/Books Recommended:

- EXPLORING THE WORLD OF ENGLISH
(FOR ENGLISH GENERAL)
- CIVIL PROCEDURE CODE, 1908
- CRIMINAL PROCEDURE CODE, 1898
- PAKISTAN PENAL CODE, 1860
- FAMILY COURT MANUAL
- SPECIFIC RELIEF ACT, 1877
- QANOON-E-SHAHADAT, 1984
- THE LIMITATION ACT, 1908
- SINDH CIVIL COURT ORDINANCE, 1962
- SINDH CIVIL COURT RULES.
- See further material on the official website

www.sindhhighcourt.gov.pk

Note: Do not Limit your study; read more books relevant law.

Application Form for Judicial Appointment

Application Instructions:

1. The Provincial Judicial Selection Committee will consider this application only if it is completed in full. Please check to see that you have answered each question.
2. Please use the space provided for answers. If the space provided is insufficient, finish the answer on an appropriately numbered sheet attached to this form.
3. All information, except that specifically denoted as confidential herein, is available for public inspection. Also, the committee forwards each nominee's application to the Chief Justice, including the confidential sections.
4. The Provincial Judicial Selection Committee asks that each applicant review the Code of Judicial Conduct and the Sindh Judicial Service Rules, 1994.
5. A description of the procedures is provided to every applicant.
6. The judicial selection committee must receive three, unbound, unstapled copies of your completed application, including your writing sample, at its office, by the deadline.
7. Please submit three copies of a 1.5" x 1.5" photo of yourself with your application in a separate labeled envelope.

Registrar

High Court of Sindh