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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF GILGIT-BALTISTAN

GILGIT-BALTISTAN CHIEF COURT GILGIT

NOTIFICATION

Gilgit, the 31st December, 2010

S. R. O. 1188(I)/2010.—In pursuance of Article 79 of the Gilgit Baltistan (Empowerment and Self Governance) Order, 2009, with the approval of the Governor Gilgit-Baltistan, the following rules are laid down regulating recruitment to the Gilgit-Baltistan Judicial Service and prescribing the terms and conditions of service for the persons appointed thereto namely :—

PART – I
GENERAL

1. **Short title and Commencement.**—(1) These rules may be called the Gilgit-Baltistan Judicial Service Rules, 2010.

s(2) They shall come into force at once.

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

2. **Definitions.**—In these rules, unless there is any thing repugnant in the subject or context:—

(a) "Chief Judge" means the Chief Judge of Gilgit-Baltistan Chief Court.

(b) "Government" means the Government of the Gilgit-Baltistan.

(c) "Chief Court" means the Gilgit-Baltistan Chief Court.

(d) "Initial appointment" means appointment made otherwise than by promotion or transfer from another service/department/post.

(e) "Departmental Promotion Committee" means a Committee of two Judges of the Chief Court nominated by the Chief Judge.

(f) "Service" means the Gilgit-Baltistan Judicial Service.

(g) "Commission" means Gilgit-Baltistan Public Service Commission.

PART – II
RECRUITMENT

3. **Constitution of Serve.**—The Service shall comprise the posts of :

(a) District and Sessions Judges ;

(b) Additional District and Sessions Judges;

(c) Senior Civil Judges-*cum*-Judicial Magistrates;

(d) Civil Judges-*cum*-Judicial Magistrates.

4. **Appointing Authority.**—Appointment to the service shall be made by the Chief Court.

5. **Method of Recruitment.**—(1) Appointment to a post of Civil Judge-*cum*-Judicial Magistrate shall be made by initial recruitment on the recommendation

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of the G.B. Public Service Commission based on the result of competitive examination conducted by it in the subjects specified below :—

S. No	Name of Paper	Marks
01	**Civil Law** (i) Civil Procedure Code (ii) Court Fee-Act (bare Acts to be provided) (iii) West Pakistan Civil Court Ordinance 1962	100
02	**Criminal Law** (i) Code of Criminal Procedure. (ii) Pakistan Penal Code. (iii) Qanoon-e-Shadat order 1984 (in Criminal Procedure bare Acts to be provided)	100
03	**Islamic Law** (i) Islamic Jurisprudence. (ii) Muhammadan Law (Fiqa Hanfi and Fiqa Jaffaria)	100
04	**Major Acts** (i) The Gilgit-Baltistan Pre-emption Act 2010. (ii) Suits Valuation Act. (iii) Contract Act. (iv) Limitation Act. (v) Arbitration Act. **(Qualifying Standard)** (i) 40% marks in each paper. (ii) 45% marks in aggregate ; and (iii) 50% out of 200 marks in *viva voce*.	100

Note:- All the papers shall be of 3 hours duration.

(a) A candidate shall answer the papers either in English or in Urdu.

(b) The object of the examination is to test the ability of the candidates in practical application of law rather than the range of their theoretical knowledge. For this purpose, the type of questions that will be asked.

(c) will be to state facts of a typical case and ask the candidates to frame issues, to write a Judgment and to discuss the admissibility of evidence:

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(d) Credit will be given for the use of legal phraseology;

(e) Names of the qualifying candidates shall be arranged in order of merit according to the aggregate marks obtained by them in the examination;

(f) No candidate will be called for *viva voce* test unless he obtains 40% marks in each paper and 45% marks in aggregate otherwise he will not be short listed for interview.

(g) Failure in or absence from *viva voce* test shall mean that the candidate has failed to qualify for appointment and his name shall not be reflected in the merit list;

(h) The *viva voce* will be to test the personal qualities of the candidate. The examination will be in matters of general interest and is intended to test the candidate's alertness, intelligence and smart outlook. Consideration will also be paid to the wearing and physique of the candidate.

(2). Appointment to a post of Senior Civil Judge–*cum*–Judicial Magistrate shall be made by promotion from amongst the Civil Judges/Judicial Magistrates with five years service as Civil Judge/Judicial Magistrate on the basis of seniority-*cum*-fitness on the recommendation of Departmental Promotion Committee.

(3) Appointment to a post of Additional District and Sessions Judge shall be made to the extent of:

(a) sixty percent by promotion from amongst the Senior Civil Judges-*cum* Judicial Magistrates with five years service or Civil Judges-*cum*-Judicial Magistrate with ten years service as Judicial Officer on the basis of seniority-*cum*-fitness on the recommendation of the Departmental Promotion Committee ; and

(b) forty percent by initial recruitment from amongst the Judicial Officers with ten year service as Civil Judge and from amongst the members of the Bar with ten years standing practice as Advocate on the recommendation of the G.B. Public Service Commission based on the result of written test and *viva voce* conducted by it relating to the following laws and standard marks :—

1.	Civil Procedure Code	25 marks
2.	Criminal Procedure Code	25 marks
3.	Pakistan Penal Code	25 marks
4.	Qanoon-e-Shahadat Order 1984.	25 marks

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Qualifying marks.

(i) 50% out of 100 marks in written test.
(ii) 50% out of 100 marks in *viva voce*.

(4) Appointment to a post of District and Sessions Judge shall be made by promotion from amongst the Additional District & Sessions Judges with 5 years service as Addl. District & Sessions Judge on the basis of seniority-*cum*-fitness on the recommendation of the Departmental Promotion Committee,

6. **Age.**—No person shall be appointed to the Service:—

(1) in case of initial recruitment as Civil Judge-*cum*-Judicial Magistrate if he is less than twenty-two years and more than thirty two years of age provide that:—

(a) in the case of a Government Servant who has served in connection with the affairs of the Federal or the Gilgit- Baltistan Government for a period not less than three years, the upper age limit shall be thirty five years;

(2) For the purposes of this rule, age shall be reckoned as on the last date fixed for submission of applications for appointment;

(3) In case of initial appointment as Additional District & Sessions Judge if he is less than thirty five years or more than forty five years of age.

7. **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*-Judicial Magistrate:

(i) He possesses a degree in law from a recognized University entitling him to practice the profession of law or is a Member of the Faculty Advocates of Scotland: and

(ii) He has actively practiced the profession of law for not less than two years after having been enrolled as an Advocate.

Explanation.— For the purposes of this clause, the expression "practiced the profession of law" shall include any period of Government service by a person as District Attorney, Government Pleader, Public Prosecutor, Special Public Prosecutor, Additional

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District Public Prosecutor, Deputy District Prosecutor or Assistant Public Prosecutor on behalf of Government;

No person shall be initially appointed to the service unless:—

(a) He produces a certificate of character from two respectable persons, not being his relative, who are well acquainted with his character and antecedents, and

(b) He is declared to be physically fit by a Board of Medical Officers, appointed by the Chief Court.

PART-III
CONDITIONS OF SERVICE

8. (1) A person appointed to a post in a grade 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 further period not exceeding two years in all.

(2) A person shall not be confirmed in the service after appointment unless he has:—

(i) in case of Civil Judge-*cum*-Judicial Magistrate undergone pre-service training for at least three months or for such extended period as may be directed by the Chief Judge;

(ii) In case of Additional District and Sessions Judge whether appointed on promotion or through initial recruitment, undergone a pre-service training for four months or for such extended period as may be directed by the Chief Judge; and pass the examination in the subjects and with the grades as may be prescribed.

(3) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

(4) Subject to the provisions of sub-rule (2) above, if no orders have 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.

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(5) 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 in such a vacancy:

Provided that where the period of his probation has been extended under the provisions of sub-rule (1) of this rule, 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.

9. **Seniority .—**The *inter se* seniority of the members of the service in the various pay scale thereof shall be determined by the Chief Court subject to the following conditions:

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Authority: Provided that persons selected for the Service in an earlier selection shall rank senior to the persons selected in a later selection;

(b) in the case of members appointed by promotion, with reference to the dates of their continuous appointment therein; Provided hat 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 officer,

(c) in the case of members joining the service on transfer from the Executive, with reference to the date of their continuous appointment in the original cadre.

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.

10. **Liability to transfer and serve.—**Members of the service shall be liable to :—

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(a) transfer anywhere in the Gilgit-Baltistan ;

(b) serve any where in Pakistan under the Federal Government.

11. **General Rule.**—In all matter not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

12. The Governor Gilgit-Baltistan may on the recommendation of the Chief Court, for reasons to be recorded in writing, relax any of the rules in an individual case of hardship, to the extent prescribed by him.

13. **Repeal.**—The recruitment rules to the extent of the posts of District and Sessions Judge, Additional District & Sessions Judge and Civil Judge Gilgit-Baltistan Judiciary published in the Gazette of Pakistan *vide* S.R.O No. 25(KE) / 2002 dated 19-02-2002 are hereby repealed.

[No. PS-Law -1/2008.]

HAFIZ-UR-RAHMAN,
Principal Secretary to Governor.

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