

KPK, PUBLIC SERVICE COMMISSION



Competitive Examination for the Posts of Civil Judges/Judicial Magistrates.

CRIMINAL LAW

Time Allowed: 03 Hours

Max: Marks: 100

Note: Attempt five (5) questions: two (2) from Part I & II and one (1) from Part III.

Part I

Q. 1: There are various modes of joint liability enunciated in PPC such as common intention, abetment and common object. Explain them in detail with specific reference to how they are different from each other?

Q. 2: Discuss various kinds of *qatl* as enacted in PPC explaining the role of mental (*mens rea*) and physical elements (*actus reus*) in their formulations?

Q. 3: A threatens B to put on fire his shop unless he gives him an amount of money. What offence has been committed by A and what distinguishes it from other similar offences against property?

Part II

Q. 4: A well organized hierarchy of criminal courts is laid down in CrPC with reference to the jurisdiction and powers. Explain this hierarchal structure and elaborate the jurisdiction and powers of these courts?

Q. 5: There are two modes of initiating a criminal trial, i.e. registering a first information report and filing a complaint. Discuss these modes explaining their merits and demerits?

Q. 6: Discuss the inherent powers available to a High Court under CrPC for prevention of abuse of process of court or for securing the ends of justice?

Part III

Q. 7: Discuss the offence of zina liable to hadd and how it is required to be proved? What amendments have been made by the Protection of Women (Criminal Laws Amendment) Act 2006 in the operation of law relating to sexual offences?

Q. 8: Offences liable to hadd are treated differently from other offences forming the category of tazir. Explain with illustrations how these categories (i.e. hadd and tazir) work in Pakistani legal system side by side to each other?

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Civil law-I

Time Allowed: 03 Hours

Max Marks: 100

Note: Attempt Five questions in all, selecting two questions from part-I and one question each from part-II, III and IV. All questions carry equal marks.

Part-I (Code of Civil Procedure)

1. Analyse the provisions relating to costs and special costs. Substantiate your answer with reasons as to why the courts are not following these principles. Also state how far non-adherence to these provisions is instrumental in lending hand to protracted litigation in civil courts.
2. Define and distinguish between the expressions "res sub judice" and "res judicata". Also explain the concept of "actual res judicata" and "constructive res judicata" as embodied under Code of Civil Procedure, 1908.
3. Give an exhaustive elaboration of the law relating to Appeal, Revision and Review under the Code of Civil Procedure, 1908.
4. Discuss the powers of court to appoint receivers. What are the duties of a receiver? Under what circumstances a collector may be appointed as receiver?

Part-II (Civil Courts Ordinance, 1962)

5. Elaborate the concept of territorial and pecuniary jurisdiction of civil courts within the scheme as contained in the West Pakistan Civil Courts Ordinance, 1962.
6. State the hierarchy of Civil Courts in Khyber Pakhtoon Khaw with their respective pecuniary jurisdiction. Also describe the courts which have the powers of transfer and with drawl of suits from civil judges.

Part-III (Contract Act, 1872)

7. "An agreement enforceable by law is called contract". Describe in detail the pre-requisites prescribed for the enforceability of a contract.
8. Discuss in detail various situations under which a contract is deemed to have been discharged

Part-IV (Sale of Good Act, 1930)

9. Define and distinguish between the "condition" and "warranty". Give an exhaustive

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CIVIL LAW-II

Time Allowed: 03 Hours

Max: Marks: 100

Note:- Attempt five questions in all in English or Urdu
Selecting Two questions from Part-I and ONE each
from Part II, III, and IV. All carry
equal marks.

Part I (Mohammedan Law)

- ① What is 'prompt' and 'deferred' dower? ^{when} is 'deferred' dower treated as 'prompt'. If dower is not fixed, is the wife entitled to any dower and how much? Discuss the remedy of wife if dower is not paid?
- ② Under what circumstances and by what means can a muslim wife legally get herself released from a marriage?
- ③ Z, a muslim dies leaving a father A, a paternal grandfather B and a son C, by his will, Z gives $\frac{1}{3}$ of his property to A, $\frac{1}{3}$ to B, $\frac{1}{3}$ for pious purpose. To what extent could these take effect if Z was ① a Sunni Muslim ② A Shia Muslim.
- ④ What formalities must be observed before a claim

Part II (Limitation Act)

- Q 5 Give some examples to show what is, and what is not a "sufficient cause" within the meaning of Section 5 of the Limitation Act for the purpose of extending the period of limitation for an appeal?
- Q 6 State briefly in what cases limitation is (1) suspended (2) interrupted (3) extended and (4) does not run at all.

Part III Registration Act

- Q 7 Explain the rules regarding the place where a document should be registered?
- Q 8 Under what circumstances the registration of a document may be refused? Is the registering officer bound to record the reason for refusal of registration of document?

Part IV Specific Relief Act

- Q 9 What are "equitable remedies"? How these are granted?
- Q 10 What is "declaration" and what is "declaratory decree" when it is granted?

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ENGLISH GENERAL & ESSAY

Time Allowed: 03 Hours

Max. Marks: 100

Question 1. Use any **FIFTEEN** of the following words in sentences so as to bring out their meaning: (30)

- | | |
|------------------|------------------|
| 1. Suit | 11. Posthumous |
| 2. Ubiquitous | 12. Antidote |
| 3. Imputation | 13. Allude |
| 4. Pre-exemption | 14. Colloquial |
| 5. In camera | 15. Debenture |
| 6. Preamble | 16. Vertigo |
| 7. Repudiation | 17. Benediction |
| 8. Acquiescence | 18. Gazette |
| 9. Loquacious | 19. Hereditament |
| 10. Perennial | 20. Journals |

Question 2. Use any **TEN** of the following phrases and expressions in sentences so as to bring out their meaning: (20)

- | | |
|---------------------|----------------------------|
| 1. Summary Trial | 11. Habeas Corpus |
| 2. Sub Rosa | 12. Ancillary Relief |
| 3. Ultra Vires | 13. Casus Belli |
| 4. Real Estate | 14. De Lege Lata |
| 5. Tache Noire | 15. Open the Floodgates |
| 6. Magna Carta | 16. Treasure Trove |
| 7. Unsworn Evidence | 17. War Crimes |
| 8. Inter Alia | 18. Multiple Admissibility |
| 9. Vagabondage | 19. Living Memory |
| 10. Subjudice Rule | 20. Bill of Indictment |

Question 3. Write a well-constructed (five-paragraph) essay on any One of the following topics: (20)

1. Donald Trump's South Asian Policy and Pak--US Relations
2. Electoral Reforms in Pakistan
3. Self-respect leads to self-discipline
4. Where there's will, there's a way
5. Social Media: A menace or a harbinger of social and political change
6. Water crisis and the construction of New Dams in Pakistan
7. Judicial Activism and the supremacy of Parliament in Pakistan
8. Census 2017: Social and Political implications

Question 4. Supply a title for the following passage, and express the substance clearly and accurately in not more than a third of the present length. (30)

In several different parts of Europe the toll or lock-duty upon a canal is the property of private persons, whose private interest obliges them to keep up the canal. If it is not kept in tolerable order, the navigation necessarily ceases altogether, and along with it the whole profit which they can make by the tolls. If those tolls were put under the management of commissioners, who had themselves no interest in them, they might be less attentive to the maintenance of the works which produce them. The canal of Languedoc cost the King of France and the province upwards of thirteen millions of livres, which (at 28 livres the mark of silver, the value of French money in the end of the last century) amounted to upwards of £900,000. When that great work was finished, the most likely method, it was found, of keeping it in constant repair was to make a present of the tolls to Riquet, the engineer who planned and conducted the work. Those tolls constitute at present a very large estate to the different branches of the family of that gentleman, who have therefore a great interest to keep the work in constant repair. But had those tolls been put under the management of commissioners, who had no such interest, they might perhaps have been dissipated in ornamental and unnecessary expenses, while the most essential parts of the work were allowed to go to ruin.

The tolls for the maintenance of a high-road cannot with any safety be made the property of private persons. A high-road, though entirely neglected, does not become altogether impassable, though a canal does. The proprietors of the tolls upon a high-road, therefore, might neglect altogether the repair of the road, and yet continue to levy very nearly the same tolls. It is proper, therefore, that the tolls for the maintenance of such a work should be put under the management of commissioners or trustees. – (Adam Smith). (326 words)

The End of Exam Paper

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GENERAL KNOWLEDGE

Time Allowed: 40 Min

PART-1

Marks: 50

Note: Attempt six questions at all. Q.1&2 are compulsory. Attempt any two questions from section B and C each.

Section. A.

Q.1 Explain the following

- a. Magnetograph. b. Lucimeter. c. Magnetometer. d. Odometer. 10
e. Otophone. f. Tachometer. g. Spiro meter. h. Hygrometer.
i. Pyrometer. J. Periscope.
- .2. What is ALKALIS and what are its general properties. 2
.3 How the forces can be measured. 2
.4 Is Biomass a renewable energy resource.? Why. 2
.5 What does solubility depends on. 2
6 What is concentrated solution. 2

Q.2 Briefly answer any five questions. 30

- a. What is EBDO and why it was introduced. 6
b. Discuss the concept of "Khudi" by Allama Muhammad Iqbal. 6
c. Name the authors of the following books.
i. Najat-ur-Rashid. ii. Nuzhatul Qalub. iii. Mirat-ul-Aroos. 6
iv. Ahkam-ul-Sultania. V. Naqsh Feryadi.
d. Describe the aims and objectives of the establishment of Pakistan Atomic Energy Commission. 6
e. Give names of five regional organizations of Asia, their headquarters and where their first five sessions were held.

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GENERAL KNOWLEDGE

Time Allowed: 02 hours & 20 Min:

PART-2

Marks: 100

Section B

3. 'Hegemony is the ability to shape the rules under which international political and economic relations are conducted.' In the light of above statement describes the efforts of India to develop her hegemony in Asia.
4. Describe Shanghai Cooperation as an Organization (SCO) and its importance for Pakistan. 25
5. 'The OPEC Policy of reducing Oil prices, appears in a completely different light, not only US companies were the target, but first and foremost Iran and its ally Russia.' Comment in detail. 25
6. Discuss Pakistan- US relations in current scenario by describing the role and function of foreign office in decision making. 25

Section. C

7. 'Lahore Resolution 1940 was not merely a Muslim demand but a political necessity.' Comment in detail. 25
8. How far it is correct to say that Sir Syed Ahmed Khan was the first separatist. Elaborate your answer with reference to Sir Syed's educational and political policies. 25
9. Keeping in view the current economic position of Pakistan, discuss the economic policies of Nawaz Sharif as prime minister throughout his all tenures. How far he succeeded to develop Pakistan. 25
10. Critically examine the role and policies of Zia-ul-Haq as his aim was to stabilize his rule and not for Pakistan. 25
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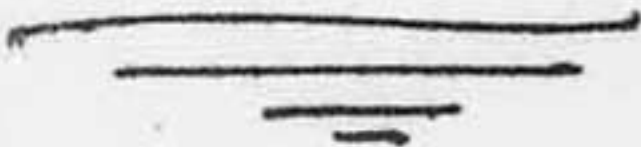
ISLAMIC Jurisprudence

Time Allowed 3 Hours

Total Marks 100

Note: Attempt any five questions. All questions carry equal marks.

- Q.1** Briefly explain the sources of revenue of an Islamic State?
- Q.2** Discuss the role of SHURA in Islamic State. Can the present legislature be termed as SHURA?
- Q.3** What are the public and private rights? "Private rights are more important than public rights". Do you agree?
- Q.4** Discuss the role of Imam Abu Hanifa towards the compilation of Fiq.
- Q.5** Define Contract. What are the essentials of a valid contract in Islamic law?
- Q.6** What are the five main sources of Islamic Law? Discuss in detail.
- Q.7** What are the objects of punishment in Islam? "Conversion of death sentence into life Imprisonment may serve the purpose" Do you agree?
- Q.8** Discuss the judicial system of an Islamic state. What qualifications have been prescribed for a Qazi?



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Competitive Examination for the Posts of Civil Judges/Judicial Magistrates.

PASHTU

Time Allowed: 03 Hours

Max: Marks: 100

I - په لاندي ورکړې شوو عنوانونو کې په ديو باندي مضمون وليکئ (50)

۱- اسلام او جمهوريت ۲- ادب، ژوند او معاشره - لعلق او تيمون ۳- پښتنه ټولنه
کښې د منجوعه ۴- قبايلي ميمو (ماتيا) کښې د اړيکي کړي (Terrorism) عوامل

۵- د افغاني اجزاء او د پښتو ادبياتو د سفر

II - د دې لاندي ورکړې شوي عبارت پښتو ترجمه وکړئ - (15)

All language is ideological in the sense that it encodes a certain world view, a certain conception of life. As such, language always wields ideological, often covert power. Thus language is the site of competing views on how life be lived. The dominance of a language, then, always favours a certain conception of life and, by implication, those who believe in it. It is not merely at this deep level of ideology that language is part of the struggle for power. It is part of the struggle for possession of the domains of power between different groups, which are here called the elite and the proto elite

III - د دې شتون په امانت کې پښتو کې مطاب وکړئ - (15)

د ساسوندي به شفق ته منگولو ته ورته کوم - انگلي به دې کتاب ته منگولو ته ورته کوم
لاس د سني به ورته کوم د هوس په سپيره لاس کېښي - دغه لور او دغه نار به کړولو ته ورته کوم
اوبه نور منگزارونه د ژوندون د غم د کالو - خوشيښه د ننگ و نا به ماتولو ته ورته کوم

کله دام لاندي او د شوم کله دار باندي او د شوم - غوچي چرته نصيب سينب کچا په قرار باندي او د شوم
داغه حل و داغه لازونه پوهېږمه منگرو - چي د وقت له سمه سره، سمه لار باندي او د شوم
يعا احساس وزير ته راغلوڅه د زهر شان اثر - زه چي ستاد نوروز لخوا په بنامار باندي او د شوم
IV - رحمن بابا ولي عالم کير او د انسانيت شاعر بلل شي - مثالونو سره لي و صاحت وکړئ (10)

خوشال خان خټک ته د ثوري او قلم خاوند ويل شي - د دې راي په مرسته کښي
خپل معلومات قلمبندي کړئ - (10)

V - اولسي شاعر داغه ته وايي - د پښتو د اولسي شاعر په مختلفو صنفونو

سپښه وکړئ - (10)

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION PESHAWAR

Competitive Examination for the posts of civil judges / Judicial Magistrates

QANUN-E-SHAHADAT & PLEADINGS

Time Allowed: 03 Hour

Maximum Marks: 100

Note: *Attempt Five (05) questions in all in English or Urdu. Four questions from Part-I and one question from Part-II. All questions carry equal marks.*

PART-I (QANUN-E-SHAHADAT)

- Q.01. What is a Leading Question? Who can ask such questions? Can a party put Leading questions to his own witness? If so, when?
- Q.02. In that classes can confessions be divided? What is a retracted confession? Can it form the basis of conviction?
- Q.03. What is the scope and extent of the protection allowed to a witness. If he is compelled to answer incriminating questions?
- Q.04. Discuss the various modes of impeaching the credit of a witness.
- Q.05. Hearsay Evidence is not admissible in evidence. Discuss. Is there any exception to this rule? What are the requirements? Discuss by giving illustrations.
- Q.06. What do you understand by "Dying Declaration"? who can record it and what is its evidentiary value? Can a conviction be based upon it?

PART-II (PLEADINGS)

- Q.07. Draft a plaint in a civil suit for possession through specific performance of agreement and draft also written statement for the defendant in the above suit.
- Q.08. Draft a plaint on behalf of a wife for dissolution of marriage. Give sufficient reasons for this dissolution.



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URDU GENERAL & ESSAY

Total Marks : 100

Time Allowed : 03 Hours

سوال نمبر ۱: مندرجہ ذیل میں سے کسی ایک موضوع پر مضمون لکھیے۔

- (۱) اردو بحیثیت سرکاری زبان
- (۲) صوبہ خیبر پختونخواہ میں اردو شاعری
- (۳) عورتوں کے حقوق اور پاکستانی معاشرہ
- (۴) پاکستان کی تعمیر میں جمہوری اداروں کا کردار
- (۵) عدالتی نظام میں جدید ٹیکنالوجی کی اہمیت

سوال نمبر ۲: جزو (الف) یا جزو (ب)۔ کسی ایک جزو کی تشریح کیجیے۔

جزو (الف)

(۱) قد و گیسو میں قیس و کوہکن کی آزمائش ہے
جہاں ہم ہیں وہاں دارورسن کی آزمائش ہے

(۲) ہرزخم جگر، داؤد محشر سے ہمارا
انصاف طلب ہے تیری بے دادگری کا

(۳) گزرے ہوئے گل کے ہوئے سائے سبھی کھوٹے
جو آج کاسٹہ ہے وہی قبلہ نما ہے

(۴) یہ شاخ گل ہے، آئینہ نموسے آپ واقف ہے
مجھتی ہے کہ موسم کے ستم ہوتے ہی رہتے ہیں

(۵) یہ کون سا انصاف ہے اے عرش نشینوا!
بجلی جو تمہاری ہے تو خرمن ہے ہمارا

جزو (ب)

رنگ ہو یا خشت و سنگ، چنگ ہو یا حرف و صوت

مجزوہ فن کی ہے خون جگر سے نمود

قطرہ خون جگر، سل کو بناتا ہے دل

خون جگر سے صدا، سوز و سرور و سرود

تیری فضا دل فروز، میری نوا سینہ سوز

تجھ سے دلوں کا حضور، مجھ سے دلوں کی کشود

عرش معلیٰ سے کم، سینہ آدم نہیں

گر چہ کف خاک کی حد ہے سپہر کیود

بیکر نور، کہ میں نے تو کہا

مندرجہ ذیل انگریزی عبارات کا اردو ترجمہ کیجیے۔

- 1) Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.
- 2) Jinnah sat for six months on the municipal bench, hearing every sort of petty criminal case, from charges brought against two Muslim "opium eaters" from Basra of concealing their dope under their turbans, to complaints by the Great Indian Peninsula Railway brought against riders accused of failing to pay any fare, to accusations against ordinary Chinese seamen for refusing to work on their ships while in port. Jinnah proved himself fair and fearless as a judge but found the Bench a much less attractive professional than the Bar. Was it the pugnacity of youth that made advocacy more fascinating for him? Or the lure of more lucrative rewards? Fame as well as fortune went to great barristers, of course, and Jinnah longed for both. When Sir Charles offered him a permanent place on the bench, therefore at the perfectly respectable starting salary of 1,500 rupees a month in 1901, Jinnah declined, replying, "I will soon be able to earn that much in a single day." As soon as he did.

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