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NOTIFICATION

No.A.12018/1/2003-DP&AR(CSW), the 29th July, 2005. In exercise of the powers conferred by the proviso to Article 309, read with Article 234 of the Constitution of India, the Governor of Mizoram is pleased to make in consultation with the Gauhati High Court and the Mizoram Public Service Commission, the following Rules regulating the conditions of the service of the persons appointed to the Mizoram Judicial Service.

1. (1) These Rules may be called 'The Mizoram Judicial Service Rules, 2005.
(2) They shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.
2. In these rules, unless there is anything repugnant to the subject or context:-
 - a) "Chief Justice" means the Chief Justice of the Gauhati High Court;
 - b) "Constitution" means the Constitution of India;
 - c) "Commission" means the Mizoram Public Service Commission;
 - d) "Existing members of the Service" means the Officers who have been holding the posts under the Mizoram Judicial Service Rule, 1989 as amended;
 - e) "Governor" means the Governor of Mizoram;
 - f) "Government" means the Government of Mizoram;
 - g) "High Court" means "The Gauhati High Court";
 - h) "Members of the Service" means the officers appointed or deemed to have been appointed under the provisions of these Rules;
 - i) "Service" means the Mizoram Judicial Service;
 - j) "Year" means the Calendar Year.
3. There shall be constituted a service to be known as the 'Mizoram Judicial Service' consisting of three Cadres as shown in Schedule "A" appended to the Rules.

4. CADRE STRENGTH :

- (1) On the commencement of these Rules, the strength of the service shall be as given in Schedule "A" appended to these Rules.
- (2) The strength of the Service and Cadre shall be determined by the Governor in consultation with the High Court and may by public Notification issue from time to time.
- (3) The Governor may, except in the case of the posts of Registrar, Dy.Registrar and Assistant Registrar, from time to time, leave unfill or hold in abeyance any post in the Cadre or may increase the strength of the Cadre by the creation of additional permanent or temporary posts as may be found necessary, in consultation with the High Court.

5. INITIAL CONSTITUTION :

- (1) The persons who at the time of commencement of these Rules are the existing members of the Mizoram Judicial Service appointed under the Mizoram Judicial Service Rules 1989 and as amended from time to time subject to the condition that the High Court shall screen such members and those who are found suitable by the High Court shall be appointed by the Governor as initial recruits by way of absorption and those who are found not suitable for initial recruitment/absorption shall not be appointed to the Mizoram Judicial Service and the State Government shall utilise the services of such Officer as deem fit.
- (2) After initial constitution of the service by way of absorption, vacancies in the Cadre posts mentioned in Schedule 'A' shall be filled up in accordance with these Rules..

6. THE APPOINTING AUTHORITY

- (1) The appointing authority for the Cadre of District Judges and Civil Judges shall be the Governor and for the Cadre of Civil Judges(Senior Division) the High Court.
- (2) The Chief Justice shall fill up the post of Registrar, Deputy Registrar and Assistant Registrar by virtue of Article 229(1) of the Constitution ordinarily from the Cadre of the District Judges,Civil Judges (Senior Division) and Civil Judges of the Service respectively.
- (3) Notwithstanding anything contained in sub-rule (1), vacancy, temporary or permanent, in the post of the Assistant Registrar(Administration) may be filled up by promotion from amongst the Ministerial staff of the High Court by the Chief Justice.
- (4) The High Court may place members of the service at the disposal of the State Government on deputation, as may be requisitioned by the State Govt. from time to time.

7. METHOD OF RECRUITMENT, QUALIFICATION, RESERVATION AND AGE LIMIT :-

In respect of each category of posts specified in column (2) of the Table below, the method of recruitment and minimum qualification, age limit etc., are specified in the corresponding entries in columns (3) and (4) thereof.

Provided the High Court shall have the power to relax the qualifying period of Judicial Officer for the purpose of promotion in case the same is considered necessary in the interest of service.

Sl. No.	Cadre	Method of Recruitment	Qualification, age limit etc.
1.	District Judges	<p>(i) Not exceeding 25% of the Posts in the cadre may be filled by direct recruitment on the basis of the aggregate marks/grade secured in a competitive examination conducted by the High Court as specified in Schedule B of the Rules.</p> <p>(ii) 50% of the posts in the cadre shall be filled by promotion from the cadre of Civil Judges(Senior Division) of the service on the basis of merit-cum-seniority in consultation with the High Court following the criteria in Schedule - E.</p>	<p>By direct recruitment</p> <ol style="list-style-type: none"> 1. Must be holder of degree in Law of a recognised University. 2. Must be practising as an Advocate in courts of Civil and Criminal jurisdiction on the last date fix for receipt of applications and must have so practised for a period not less than seven years as on such date. 3. Must have attained the age of thirty five years and must not have attained the age of fifty years in the case of candidates belonging to Scheduled Tribes and forty five years in the case of others, as on the last date fixed for receipt of applications. 4. Must possess knowledge of Mizo language at least Middle School standard. <ol style="list-style-type: none"> 1. Must have been in the Cadre of Civil Judges for a period of not less than 10 years regular service.

Sl. No.	Cadre	Method of Recruitment	Qualification, age limit etc.
		(iii) Remaining 25% of the cadre of the service shall be filled up by promotion strictly on the basis of merit through limited departmental competitive examination as conducted by the High Court as specified in Schedule B of the Rules.	1. Must have been in the cadre of Civil Judges for a period not less than 5 years regular service.
2.	Civil Judges (Senior Division)	By promotion from the cadre of Civil Judges of the service on the basis of merit- cum- seniority by the High Court following the criteria in Schedule - E.	By Promotion: 1. Must have been in the cadre of Civil Judges for a period not less than 10 years regular service.
3.	Civil Judges	By direct recruitment on the basis of aggregate marks obtained in a competitive examination conducted by the Commission as indicated in Schedule-B of the Rules.	By direct recruitment: 1. Must be holder of degree in Law of a recognised University 2. Must not have attained the age of 35(thirty five) years. 3. Must not have completed 40 years of age in the case of candidates belonging to Scheduled Castes or Scheduled Tribes and 35 years of age in the case others, as on the last date fixed for receipt of applications. 4. Must possess knowledge of Mizo language at least Middle School standard

8. RESERVATION :- 'A'

(1) The appointment to the service shall be subject to the orders regarding special representation for Scheduled Caste and Scheduled Tribes, issued by the Government from time to time.

(3) If sufficient number of suitable candidates belonging to the reserved category are not available, the posts may be filled up from among other candidates and an equivalent number of additional vacancies shall be reserved and carried forward till the quota is filled up subject, however, to the condition that in no calendar year shall the normal reserve vacancies taken together exceed 50% of the total number of vacancies filled up.

'B' A 40 (forty) point roster is to be maintained to depict the posts reserved for General Candidates, SC, ST and other Candidates, as provided under the rules, in the Cadre of Civil Judge of the Service. As and when vacancy arises, whether permanent or temporary, in a particular post, the same is to be filled up from amongst the category to which the post belongs in the roster.

9. DISQUALIFICATION FOR APPOINTMENT : No person shall be eligible for appointment to the service:

(a) Unless he is a citizen of India.

(b) If he is dismissed from service by any High Court, Government or statutory or local authority.

(c) If he has been convicted of an offence involving moral turpitude or who is or has been or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examination or selections conducted by it.

(d) If he directly or indirectly influences the recruiting authority by any means for his candidature.

(e) If he is a man, has more than one wife living and if a woman, has married a man already having another wife.

10. RECRUITMENT:

(1) To fill a vacancy required to be filled by promotion, the recruiting authority shall take all necessary steps well in advance so as to finalise the list of persons considered eligible for promotion at least 10-15 days before the occurrence of the vacancy.

(2) (i) Whenever two or more vacancies required to be filled by direct recruitment occurs in a cadre in the service or once in two years, whichever is earlier, the recruiting authority shall, invite by advertisement in the official Gazette and in at least two news papers, applications in such form as it may determine from intending candidates, who possess the prescribed qualifications. The advertisement shall indicate the number of vacancies reserved for Schedule Castes, Schedule Tribes and other backward classes, if any, and shall contain all necessary information relating to the recruitment. It shall also indicate that an additional list of selected candidates would be prepared as per clause (iv).

(ii) The decision of the recruiting authority as to the eligibility or otherwise of a candidate for admission to the written and viva voce examination shall be final.

(iii) The recruiting authority shall, on the basis of cumulative grade value secured by a candidate, and taking into consideration the orders, if any in force relating to reservation of posts for Schedule Tribe and other backward classes, prepare in the order of merit, assessed as provided in Schedule B, a list of candidates to be included in the list which shall be equal to the number of vacancies notified.

(iv) The recruiting authority shall, in accordance with the provisions of clause (iii), also prepare an additional list of names of candidates not included in the list of candidates prepared under clause (iii) above, in which the number of candidates to be included, shall, as far as possible, be ten percent of the number of vacancies notified for recruitment or one, whichever is higher.

(v) The lists so prepared under clauses (iii) and (iv) above shall be published and they shall cease to be operative on the expiry of one year from the date of such publication.

(vi) Candidates whose names are included in the list prepared under clause (iii) above shall be considered for appointment in the order in which their names appear in the list and subject to rule 9, they may be appointed by the appointing authority in the vacancies notified under clause (i) above. Candidates whose names are included in the additional list may be similarly appointed after the candidates whose names are included in the list published under clause (iii) above have been appointed.

(vii) Inclusion of the name of a candidate in any list prepared under clause (iii) or (iv) above shall not confer any right of appointment to such candidate.

11. FEES -

Every candidate for direct recruitment may be required to pay such fees as may be specified in the notification inviting applications.

Provided that in the case of a candidate belonging to Schedule Caste or Scheduled Tribe, the fees payable shall be one half of the fees specified in the notification for other candidates.

12. Conditions relating to suitability, Fitness and character: -

(1) No person selected for appointment by direct recruitment shall be appointed :-

- (i) unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the service;
- (ii) unless he is certified by the medical authority specified by the High Court for the purpose that he is medically fit to discharge the duties of the post to which he is selected for appointment.

2. Every candidate selected for appointment by direct recruitment shall furnish certificates, given not more than six months prior to the date of the application, from two respectable persons unconnected with his college or university and not related to him testifying to his character, in addition to the certificate which may be required to be furnished from the educational institution last attended by him.

13. JOINING TIME FOR APPOINTMENT :

- (i) A candidate by direct recruitment shall report for duty before the authority on the date specified in the order of appointment.
- (ii) Notwithstanding anything contained in sub-rule (1) the appointing authority may on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.
- (iii) The name of the candidate who fails to assume charge of the post within the time specified in the sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of selected candidates and he shall cease to be eligible for appointment.

14. TRAINING :

- (1) There shall be a training course for the Officers appointed in the Cadre of Civil Judges entry grade of the service and direct recruits in the entry grade of the Cadre of the District Judges of the service, as the High Court may deem fit and proper as per the Schedule-D.
- (2) The High Court may arrange Refresher course for officers of all cadres from time to time. The Judicial Officer may also be deputed for Training/Refresher Course outside the State or outside the country in consultation with the State Govt.

15. PROBATION:

- (1) All appointments to the service by direct recruitment shall be on probation for a period of two years.
- (2) All appointees by promotion shall be on probation for a period of one year.
- (3) The period of probation, for reasons to be recorded in writing, may be extended by the appointing authority by such period not exceeding the period of probation specified in sub-rules (1) or (2)
- (4) At the end of the period of probation or the extended period of probation, as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted, and-
 - (i) if it decides that he is suitable to hold the post to which he was appointed and has passed the special examinations or tests; if any, required to be passed during the period of probation, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation and such an order shall have effect from the date of expiry of the period of probation, including extended period, if any, as the case may be.
 - (ii) if the appointing authority considers that the person is not suitable for confirmation to the Cadre/grade to which he was appointed or promoted, as the case may be, shall by order-
 - (a) if he is a promotee, revert him to the Cadre/Grade which he held prior to his promotion.
 - (b) if he is a direct recruit, discharge him from service;
- (5) A person shall not be considered to have satisfactorily completed the period of probation unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of probation.

- 6) Discharge of a probationer during the period of probation-
 - i) Notwithstanding anything contained herein above, the appointing authority may, at any time during the period of probation, discharge from service, a probationer of direct recruit on account of his unsuitability for the service.
 - ii) An order under sub-rule (1) shall indicate the grounds for the discharge but no disciplinary inquiry shall be necessary.
- 7) **APPEAL** - No appeal shall lie against an order discharging a probationer or an order reverting a promotee to the post held by him prior to his promotion.
- 8) **CONFIRMATION** - a probationer who has been declared to have satisfactorily completed the period of probation shall be confirmed in service of the Cadre/ Grade to which he was appointed or promoted, as the case may be, at the earliest opportunity in any substantive vacancy which may exist or arise.
- 9) **INCREMENT DURING THE PERIOD OF PROBATION :**
 - (a) A probationer may draw the increments that fall due during the period of probation. He shall not however, draw any increment after the expiry of the period of probation unless and until he is declared to have satisfactorily completed his probation.
 - (b) when a probationer is declared to have satisfactorily completed his probation he shall draw, as from the date such order takes effect, the pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment on probation.
- 10) Notwithstanding anything contained in sub-rules (1) and (2) where validity of the appointment of any person-
 - (a) as probationer is questioned in any legal proceedings before a court of law, the period of probation of such person shall continue until the final disposal of such proceedings.
 - (b) as a promotee on probation is questioned in any legal proceeding before a Court of law, the period of probation of such promotee shall continue until the final disposal of such proceedings.

16. PAY AND ALLOWANCES:

- (1) The time scale of pay of the Mizoram Judicial Service shall be as under:
 - (i) District Judges Cadre:
 - (a) Supertime Scale : Rs.22850-500-24850/- (Non-functional)
 - (b) Selection Grade : Rs.18750-400-19150-450-21850-500-22850/- (Non-functional)
 - (c) District Judge(Entry Level) Rs.16750-400-19150-450-20500/-
 - (ii) Civil Judges (Senior Division)
 - (a) Grade -I : Rs.16750-400-19150-450-20500/- (Non-functional)
 - (b) Grade- II : Rs.14200-350-15950-400-18350/- (Non-functional)
 - (c) Entry Grade : Rs.12850-300-13150-350-15950-400-17550/-

(iii) Civil Judges Cadre :

- | | | |
|-----------------|---|--|
| (a) Grade-I | : | Rs.12850-300-13150-350-15950-400-17550/-
(Non-functional) |
| (b) Grade- II | : | Rs.10750-300-13150-350-14900/- (Non-functional) |
| (c) Entry Grade | : | Rs.9000-250-10750-300-13150-350-14550/- |

- (2) The Registrar/Deputy Registrar and Asst. Registrar shall be entitled to special Pay, if any, as laid down in the Gauhati High Court Service (Appointment, Condition of Service and conduct) Rules, 1967.
- (3) Allowance if any payable to a member of the Service shall be at the rate the Government may fixed from time to time as in the schedule 'C'

17. SENIORITY :

- (1) An Officer appointed or promoted in accordance with the rules, on regular basis shall be senior to persons appointed ad-hoc or temporarily.
- (2) The seniority inter-se of the members of the service, appointed on the basis of result of competitive Examination/Limited Departmental Examination shall be determined according to the Merit List prepared by the concerned Authority.
- (3) Where officers are recruited to a Cadre by promotion or by direct recruitment on the same date, the officers recruited by promotion shall take precedence over the direct recruit officer(s).
- (4) Where two officers are placed at the same position of the Merit List, the person senior in age shall be senior to the other.
- (5) The inter-se seniority of persons appointed in any Cadre/Grade by way of promotion/ direct recruitment/departmental examination shall be determined according to the dates in which they report for duty, subject to merit list.
- (6) Where more than one Officer is promoted to a cadre by the same order, the inter-se-Seniority of persons so promoted shall be determined by their inter-se Seniority in the lower 'Cadre' unless directed otherwise.
- (7) A 40 (forty) point roster is to be maintained for appointment/promotion to the Cadre of the District Judges and the Civil Judges(Senior Division) of the service. The posts at Serial Nos. 1 and 2 will go to the promotees under 50% quota. The post at Serial No 3 shall go to the promotee under the limited departmental Competitive Examination and the post at Serial No 4 shall be available to Direct recruit. This process shall be repeated till all the posts in the cadre are filled up in the roster in the manner stated.
Provided that the above roster will not affect the existing members of the Service and this be implemented prospectively.
- (8) The High Court shall prepare and publish a Seniority list of Officers in all Cadres from time to time and the list so published shall be used for the purpose of consideration for promotion to the next higher cadre.
- (9) The seniority inter-se of the members of the service absorbed by way of initial recruitment will be determined on the basis of their inter-se-Seniority under the State Govt. prior to their absorption by way of such initial recruitment.

18. PROMOTION:

- (i) The promotion of members of the service shall be from one grade to another grade and not from one post to another post and any member of the Service shall be eligible for promotion to the next higher Grade only after completion of 5(five) years regular service in the Grade he is appointed and subject to availability of vacancies in the next higher Grade.
- (ii) The promotion of the officers to the various Grades in the Service shall be made as per the criteria laid down in Schedule-E.

19. RETIREMENT :

- A. Except as otherwise provided in this Rule, every Judicial Officer shall retire from service on the afternoon of the last date of the month in which he attains the age of 60 years, provided that all Judicial Officer whose date of birth is the 1st day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years.
- B. Notwithstanding anything contained in clause A above, a Judicial Officer belonging to the Mizoram Judicial Service, who in the opinion of the High Court, have the potential to continue with his/her service, shall be retained in service upto 62 years.
 - I. The potential for continued utility shall be assessed and evaluated by appropriate Committee of Judges of the High Court, constituted and headed by the Chief Justice and the evaluation shall be made on the basis of the officer's past record of service, character roll, quality of judgements and other relevant matters.
 - II. The High Court should undertake and complete the exercise well within time, before the Officer attains the age of 60 years and take a decision whether the benefit of extended service is to be given to the officer or not.
 - III. In case the officer concerned is found fit for being given the benefit of extended age of superannuation, the officer and the State Government be informed accordingly.
 - IV. In case the officer concerned is found not fit for retention beyond 60 years, the High Court may inform the officer that he would stand retired at the age of 60 years.
 - V. An officer shall be deemed to have been denied the benefit of extension unless a specific order to that effect is passed and communicated.

20. RETIREMENT IN PUBLIC INTEREST:

- (1) There shall be a committee consisting of three Senior Judges, headed by Chief Justice of the High Court to review the career progress and other attributes of all Judicial Officers.
- (2) This review will be undertaken when the concerned officer(s) attain the age of 50 and 55 years. If the committee considers that in public interest the officers should be retired from service, he shall be retired as per the provision of FR 56(J) of Fundamental Rules.

Provided that nothing in sub-rule (2) shall be considered as preventing consideration for compulsory retirement of a member of the service at any time other than those mentioned therein.

21. RE-EMPLOYMENT AFTER RETIREMENT:

- (1) Judicial Officers retiring at the age of 60 years may be re-employed till the age of 62 years, if the High Court so desires provided there are vacancies in the Cadre/Grade appropriate for such re-employment and they satisfy the following conditions.
 - (i) There is no adverse comment in the ACRs so far disposal/ integrity and character are concerned.
 - (ii) The Officer was not dismissed or removed or compulsorily retired or made to seek retirement.
 - (iii) The Officer has sought voluntary retirement after initiation of departmental proceedings/inquiry.
- (2) Judicial Officers will have to be found fit and eligible to continue in service by the High Court after assessing and evaluating the record for his continued utility.
- (3) The order of re-employment shall be made by the Governor in consultation with the High Court.

22. ADDITION OF CERTAIN PAST SERVICES FOR THE PURPOSE OF PENSION.

Notwithstanding anything contained in the Civil Services (Pension) Rules, 1972, as adapted by the Government of Mizoram or in any other rules-

- (1) The members of the Service initially recruited to Civil Judges Cadre of the Service having not less than 10 years of actual qualifying service shall be entitled to add to their service qualifying for superannuation pension, the actual period, of practice put in by him at the Bar not exceeding three years.
- (2) The members of the Service directly recruited from the Bar to the District Judges Cadre of the Service, having not less than 10 years of actual qualifying service, shall be entitled to add to their service qualifying for superannuation pension, the actual period of practise put in by him at the Bar not exceeding seven years.

23. RESIDUARY PROVISION:

The conditions of service of the members of the service for which no express provision is made in these rules shall be determined by the rules and orders for the time being applicable to officers of Indian Administrative Service in the State.

24. A. CONDUCT :

A Judicial Officer appointed under the Rules shall be required to maintain the integrity and conduct himself in conformity with the dignity of the office he holds. He should follow the Code of Conduct as provided in Appendix-A to the Rules.

B. DISQUALIFICATION :

- (1) A judge shall disqualify himself or herself in a proceeding in which the Judge's impartiality might reasonably be questioned, including, but not limited to instances where;
 - (a) the judge has personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - (b) the judge served as a lawyer in the matter in controversy, or lawyer with whom the judge previously practised law, served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

- (c) the judge knows that he or she, individually or a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other interest that could be substantially affected by the proceeding;
- (d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person;
 - i. is a party to the proceeding, or an officer, director or trustee of a party;
 - ii. is acting as a lawyer in the proceeding;
 - iii. is known by the judge to have interest that could be substantially affected by the proceeding;
 - iv. is to the judge's knowledge likely to be a material witness in the proceeding.
- C. The rules governing and regulating the conduct of Indian Administrative Service Officers shall, in so far as they are not inconsistent with the rules in this chapter, shall apply to the members of the service.
- D. **Disciplinary Authority :** The members of the service shall be under the disciplinary control of the High Court and the disciplinary proceeding may be drawn up against them in accordance with the provisions of the rules followed by the Gauhati High Court. Notwithstanding anything contained in this rule, the Governor shall be the Disciplinary Authority in the case of penalty of Dismissal or removal from Service and reduction in rank on the recommendation of the High Court in respect of any member of the Service.
- E. No disciplinary proceeding shall be initiated against the members of the service except with the recommendation of the High Court.

25. LEAVE, PENSION, ETC.:

Except as provided in these rules, Retirement benefits, leave and other conditions of service of the members of the Service shall be regulated by the Fundamental Rules, and any other Rules that the Government may make in that behalf.

26. REPEAL & SAVING:

The Mizoram Judicial Service Rules, 1989 are hereby repealed. Notwithstanding such repeal any appointment made, order issued, action taken or anything whatsoever done under the Rules so repealed shall be deemed to have been made, issued, taken or done under the corresponding provisions of these Rules and the provisions of the Mizoram General Clauses Act, 1976 will apply in determining the effect of such repeal.

SCHEDULE - A

The composition of the Service shall be as shown here under:-

- | | |
|------------------------------------|--|
| 1. District Judges.: | (1). Supertime Grade. 10% of the Cadre strength. |
| | (2). Selection Grade. 20% of the Cadre strength. |
| | (3). Entry Grade. |
| 2. Civil Judges (Senior Division): | (1). Grade-I 10% of the cadre strength. |
| | (2). Grade- II 20% of the cadre strength. |
| | (3). Entry Grade. |
| 3. Civil Judges: | (1). Grade -I 10% of the cadre strength. |
| | (2). Grade-II 20% of the cadre strength. |
| | (3). Entry Grade. |

DISTRICT JUDGES

Sl. No.	Name of Posts	No. of Posts	Remarks
1.	District & Session Judges	2	
2.	Additional District & Sessions Judge	4	ADMs(J) redesignated as Addl. District & Sessions Judge
3.	Asst. District & Session Judges	4	
4.	Registrar, Gauhati High Court	1	
5.	Special Judge (Prevention of Corruption Act 1988)	1	
6.	Presiding Officer, MACT	1	
7.	Member-Secretary, Mizoram State Legal Authority	1	Jt. Secretary Legal Service Authority is redesignated as Member-Secretary, MSLA
8.	Judge Special Court under E.C Act	1	
9.	Judge Special Court under ND & PC Act	1	
	Total	16	

CIVIL JUDGES (SENIOR DIVISION) :

Sl. No.	Name of Posts	No. of Posts	Remarks
1.	Principal Civil Judge	1	President & Recorder District Council Court Aizawl is re-designated
2.	Senior Civil Judge	4	J.O-I Dist. Council Court and Magistrate, Sub-District Council Court are redesignated
3.	Deputy Registrar Gauhati High Court	1	
	Total	6	

CIVIL JUDGES

Sl. No.	Name of Posts	No. of Posts	Remarks
1.	Judicial Magistrate	8	Magistrate-cum-Judicial officer-II, Addl. Sub-District Council Court and Special Office-cum-Asst. Draftman and Translator, Munsiffs/Judicial Magistrate are redesignated as Judicial Magistrate and Civil Judges.
2.	Civil Judges	9	
3.	Sub-Divisional Judicial Magistrate	6	
4.	Asst., Registrar, Gauhati High Court	2	
	Total	25	
	Grand Total	47	

SCHEDULE 'B'**COMPETITIVE EXAMINATION**

1. The competitive examination for recruitment to District Judges Cadre of the service for Direct Recruitment & Promotion under Limited Departmental Examination shall be held at such intervals as the High Court may from time to time determine. The examination shall be conducted by the High Court with the syllabus as below:
 - (i) Paper-I: One paper of 100 marks (duration not less than 2 hours) to test the general knowledge, aptitude, intelligence, test of comprehension and expression of law and General English including Essay Writing on legal topic and information technology.
 - (ii) Paper-II: One paper of 100 marks of not less than 2 hours duration regarding objective questions and problems of law as regards the Transfer of Property Act, Civil Procedure Code, Code of Criminal Procedure, Indian Evidence Act, Indian Penal Code, Limitation Act.
 - (iii) Paper-III: One paper of 100 marks (duration not less than 2 hours) - consisting of Judgement writing (Paper Book to be supplied) - Legal theories on jurisprudence, provision of Constitution of India.
Note: (The candidate is expected to refer to the relevant decisions of the Apex Court and the High Court while writing answers in Paper II and III)
 - (iv) Interview: Viva-voce - 50 marks.
2. The Competitive Examination for recruitment to Civil Judges Cadre of the Service shall be held at such intervals as the Governor may, in consultation with the High Court, from time to time determine. The examination shall be conducted by the Commission in accordance with the following syllabus:
 - (i) Paper on English - 100 marks
 - (a) Essay writing.
 - (b) Precis writing
 - (c) Grammar, etc.
 - (ii) General Knowledge - 100 marks
 - (a) Objective Type
 - (b) Aptitude Test
 - (iii) Law Paper-I - 100 marks
 - (a) Constitution of India
 - (b) Code of Civil Procedure
 - (c) Transfer of Property Act
 - (d) Indian Contract Act

- (iv) Law Paper-II - 100 marks
 - (a) Indian Penal Code
 - (b) Criminal Procedure Code
 - (c) Indian Evidence Act
- (a) Law of Torts
- (v) Interview, Viva voce - 70 marks

3. GENERAL INSTRUCTIONS:

All candidates who obtain sixty percent or more marks or corresponding grade in the written examination shall be eligible for viva-voce examination.

Provided that Scheduled Caste/Scheduled Tribe candidates who obtain fifty percent or more marks or corresponding grade in the written examination shall be eligible for the viva voce examination.

Selection of candidates shall be made on the basis of cumulative grade value obtained in the written and viva-voce examination.

The object of the viva-voce examination under sub-rules (1) and (2) is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgement, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like of the candidate.

All necessary steps not provided for in these Rules for recruitment under these Rules shall be decided by the recruiting authority.

The mode of evaluating the performance of Grading in the written and viva voce examination shall be as specified below:

EVALUATING PERFORMANCE IN COMPETITIVE EXAMINATIONS **FOR JUDICIAL SELECTION**

The system operates as follows:

- 1) The question in the question paper may carry numerical marks for each question.
- 2) The examiner may assign numerical marks for each sub-question which may be totalled up and shown against each full question in numbers.
- 3) The tabulator will then convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of marks	Grade	Grade value
70% and above	O	7
65% to 69%	A+	6
60% to 64%	A	5
55% to 59%	B+	4
50% to 54%	B	3
45% to 49%	C+	2
40% to 44%	C	1
Below 40%	F	0

- 4) After converting the numerical marks of each question into the appropriate grade according to the formula given in first column above, the tabulator will re-convert to Grades obtained for each question to the Grade value according to the value given in the third column above.
 - What is now obtained is the relative Grade value of each answer in the question paper obtained by the candidate in a seven point scale (i.e. '0' to '7')
 - The tabulator's next task is to add up those Grade Values and divide the sum total by the numbers of questions in the answer book including the questions unanswered by the candidate. What is thus obtained is the Cumulative Grade Value Average (CGVA) obtained by the candidate at the examinations. Suppose the CGVA comes to '4', the grade obtained by the candidate at the examination is 'B+'. If the CGVA is '6', the Grade of the candidate is "A+".
- 5) Thus organised, the result of the written examination will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree. Of course, the tabulation record sheet can carry the numerical marks as well for reference and re-checking whenever needed. A proper computer programme can do all these operations within minutes.
- 6) What happens if there are several successful obtaining the same grade and the available positions are fewer in number? How do you rank them to determine who is to be given the job? Of course, the situation can develop with numerical marking also where persons with one mark or half a mark difference are given advantage. This is unfair given the fact that in actual practice this may happen because of the play of subjective elements on the part of the individual examiners. What is therefore recommended is a similar vigorous and objective grade value exercise for the viva-voce examination as well.
- 7) At the end of each day's interview the tabulator will convert the numerical marks assigned to each category into grades and then to grade values. This will then be totalled up and the Cumulative Grade Value Average of each candidate interviewed will be obtained.
- 8) Thus a separate list of candidates interviewed and the Grades obtained in the viva-voce will be readied which will naturally be far more fair and transparent with little scope for corrupt practice to creep in. Again, for ready reference, the tabulation sheet may carry the numerical marks side by side with grades.
- 9) The final selection list will be readied by combining the Cumulative Grade Value obtained in the written examination and the viva-voce examination.
- 10) Since in practice many candidates who have obtained less than a prescribed grade (say B+) in the written examination will not be called for viva-voce examination, then combined tabulation has to be done only with reference to fewer candidates, possibly one-tenth or even less of the total number of applicants for the job.

- 11) If the viva-voce is rigorous and higher marks are given only to those who are outstanding in all categories of evaluation given in the proforma, the chances are very few will obtain higher grades (like 'O' or 'A') and their numbers may be just within the available vacancies. There may be some borderline cases where it is difficult to determine who is to be included and who is to be excluded. This dilemma may be resolved by a second interview between those candidates by the same board or alternately looking at the difference in numerical scores between them similarly placed in grades.

SCHEDULE-C

Allowance. The members of the service may be given other allowance as the State Government may fix from time to time. Such allowance shall be attached to the post and not to the officer.

SCHEDULE- D

A. Training Course for officers appointed in District Judges Cadre. (Direct Recruits)

After the appointment of a candidate in District Judge Cadre of the Service as provided in rule 7, the officer would require to submit his Joining Report before the Registrar General, Gauhati High Court and thereafter he shall be given four weeks training at the Training Institute in the following manner:

- (i) Writing of judicial orders both in civil and criminal cases;
- (ii) Framing of charge and settlement of issues;
- (iii) Judgement writing;
- (iv) Administrative order and other matters relating to administration of the office including accounts;
- (v) Any other subject which the High Court / Training Institute may deem fit and proper.

Before the completion of the training necessary order of posting shall be issued so that the officers may join at their respective place of posting.

B. There shall be a training course for officers appointed in Civil Judge Cadre of the service which will be spread over as below:

- (i) Classroom lectures at TRAINING INSTITUTE as per the curriculum fixed in consultation with the High Court.
- (ii) Two months working knowledge of Criminal Court, Civil Court and Revenue Courts to be arranged by TRAINING INSTITUTE.
- (iii) On completion of the period of six months training the officers who had completed 3 years practice at the Bar shall be given posting.
- (iv) The officers who have not completed 3 years practice at the Bar shall be given further training for a period of 6 months as under:

- (a) The High Court shall depute the officers to various districts / sub- divisional courts for further in field training. The officers will attend the civil, criminal courts and watch the proceedings and maintain a diary. They will be under the supervision of the concerned District Judge. This training shall be for a period of 3 months. On completion of the training they will submit a report to the Director, TRAINING INSTITUTE.
- (B) After the field training, there will be a gap of two weeks and thereafter the officer shall report back to the Director, TRAINING INSTITUTE for further training of 10 weeks. In this period the trainees will give the feedback and the Training Institute will take steps to remove all doubts in the mind of the trainees as regard the working of the Courts or any law point raised by them. On completion of the above period the trainees will be posted out.

SCHEDULE - E

1. GENERAL CRITERIA FOR PROMOTION :

- a) Considering the number of vacancies to be filled up, the Assessment Committee shall assess the Judgements / ACRs of the officers who are within the zone of consideration, the ratio being 1:3.
- b) The suitability and overall performance of the officers including disposal of cases and the remarks of the concerned Portfolio Judge shall be considered.
- c) In case any Departmental Proceeding / Enquiry is pending against an officer, his/her promotion may be considered and the decision be kept in a sealed cover, to be opened on conclusion of the Departmental Proceeding / Enquiry.
- d) The officers against whom there is adverse entry regarding their character, integrity will be eligible for promotion provided the required benchmark has been obtained subsequent to the adverse entry.

2. PROMOTION : The basis for promotion in various grades will be as follows:

From entry Grade of Civil Judge Cadre to the next and subsequent higher Grades/ Cadre

- (i) Seniority cum merit subject to overall suitability.
- (ii) ACRs of last five years are to be considered and officer having minimum three 'Very Good' Grading out of the last five years ACRs will be considered provided their integrity and character is beyond doubt or there is no doubt.
- (iii) Must have completed 5years regular service in the feeder grade.

From entry Grade of Civil Judges(Senior Division) Cadre to the next and subsequent higher Grade/Cadre.

- (i) Merit cum seniority subject to suitability.
- (ii) ACRs of last five years are to be considered and officers having minimum three 'Very Good' Grading out of five ACRs will be considered.
- (iii) Must have completed 5 years regular service in the feeder grade.

From entry Grade of the District Judge Cadre to Selection Grade District Judge:

- (i) Merit and suitability.
- (ii) Minimum four 'Very Good' out of last five ACRs; or
- (iii) The officer must have at least three 'Very Good' and one 'Outstanding' out of the last five ACRs.
- (iv) Must have completed 5 years regular service in the feeder grade.

From Selection Grade District Judge to Super Time Scale District Judge:

- (i) Merit cum suitability.
- (ii) The officer must have at least four 'Very Good' ACRs during the last five years; or
- (iii) The officer must have at least three 'Very Good' and 'One Outstanding' grading during the last five years.
- (iv) Must have completed 5 years regular service in the feeder grade.

APPENDIX-A

(1) Should uphold the Integrity and Independence of Judiciary-

An independent and honourable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing and should personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge shall always be aware that the judicial system is for the benefit of the litigant and the public, and not the judiciary. The provisions of this chapter should be construed and applied to further these objectives.

(2) Should avoid Impropriety-

- (i) Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.
- (ii) A judge shall respect and observe the law. At all times, the conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary. Without regard to a person's race, gender or other protected personal characteristics, a judge should treat every person fairly, with courtesy and respect.
- (iii) A judge shall not allow family, social or other relationships to influence his judicial conduct or judgement. A judge shall not lend the prestige of judicial office to advance his private interests or those of others. A judge shall not convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not appear as a character witness in a Court proceeding subpoenaed.
- (iv) A judge shall not allow activity as a member of an organisation to cast doubt on the judge's ability to perform the function of the office in a manner consistent with the code of judicial conduct and the laws of the State. A judge shall not hold membership of an organisation activities of which discriminate, or appear discriminate, on the basis of race, gender or other protected personal characteristics. Nothing in this paragraph should be interpreted to diminish a judge's right to free exercise of religion.

(3) Performance of duties impartially and diligently-

- (i) A judge shall be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamour, or fear of criticism.
- (ii) A judge may require lawyers, court personnel, and litigants to be appropriately attired for Court and should maintain reasonable rules of conduct, order and decorum in the Courtroom.
- (iii) A judge shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom the judge deals in official capacity, and should require similar conduct of lawyers, and of staff, Court officials, and others subject to the judge's direction and control.
- (iv) A judge shall not initiate, permit or consider ex-parte communications made to the judge outside the presence of the parties concerning a pending or impending proceeding.
- (v) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.
- (vi) A judge shall perform judicial duties without bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, Court officials and others subject to the judge's direction and control to do so.
- (vii) A judge shall not, while a proceeding is pending or impending in any Court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any non public comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of Court personnel subject to the judge's direction and control. This clause does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the Court. This clause does not apply to proceedings in which the judge is a litigant in a personal capacity.
- (ix) A judge should prohibit broadcasting, televising, recording or taking photographs in or out of the courtroom during session of court or recess between sessions except as authorised by the High Court.
- (x)
 - (a) A judge may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but the judge should bear in mind that undue interference, impatience, or participation in the examination of witness, or severe attitude on the judge's part toward witness, especially those who are excited or terrified by the unusual circumstances of a trial may tend to prevent the proper presentation of the cause, or the ascertainment of truth in respect thereto
 - (b) Conversation between the judge and counsel in Court is often necessary, but the judge should be studious to avoid controversies that apt to obscure the merits of the dispute between litigants and lead to unjust disposition. In addressing counsel, litigants or witness, the judge should avoid a controversial manner or tone.
 - (c) A judge shall avoid interruptions of counsel in their arguments except to clarify their positions, and should not be tempted to the unnecessary display of learning or premature judgement.

- (xi) A judge shall adopt the usual and accepted methods of doing justice; avoid the imposition of humiliating acts or discipline, not authorised by law in sentencing and endeavour to conform to a reasonable standard of punishment and not seek popularity or publicity either by exceptional severity or undue leniency.
- (xii) A judge shall be punctual in attending court and do judicial work during Court hours. He shall ensure punctuality of the staff and Court officials.
- (xiii) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and Court officials.
- (xiv) A judge should take or initiate appropriate measures as admissible under law against a judge or lawyer for unprofessional conduct of which the judge may become aware.
- (xv) A judge should not cause unnecessary expense by making appointments. All appointments shall be based upon merit.
- (xvi) A judge should not approve compensation beyond the fair value of services rendered.

(4) Extra judicial and quasi-judicial activities-

- I. As a judicial officer and person specially learned in the law, a judge is in unique position to contribute to the improvement of the law, the legal system and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent time permits, and without affecting his judicial work, a judge is encouraged to do so, either independently or through a Bar association, judicial conference, or other organisation dedicated to the improvement of the law.
- II. A judge, subject to the proper performance of judicial duties and to the extent time permits, may engage in the following quasi-judicial activities:
 - (a) A judge may speak, write, lecture, teach and participate in other activities concerning only the law, the legal, and the administration of justice; and
 - (b) A judge may appear at a public hearing on matters concerning only the law, the legal system, and the administration of justice.
- III. A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality or judicial office, interfere with the proper performance of judicial duties, exploit the judicial position, demean the judicial office or involve the judge in transactions with lawyers or persons likely to come before the court on which the judge serves.
- IV. A judge should serve as an executor, administrator, testamentary trustee or guardian.
- V. A judge should act as an arbitrator or mediator.
- VI. Excel in the performance of judicial duties
- VII. A judge should not practice law remuneration.
- VIII. A judge should not accept appointment to a governmental committee, commission or other position without the permission of the High Court in writing.
- IX. A judge or a candidate from judicial office should not be a member of, or hold any office in a political party.
- X. A judge shall not make speeches on behalf of a political party or endorse a candidate for a political office.

- XI. A judge shall keep informed about the judge's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and children residing in the judge's household.
- XII. A judge shall not conduct all of the judge's extra-judicial activities in such a way that they do not:
- cast reasonable doubt on the judge's capacity to act impartially as a judge;
 - demean the judicial office; or
 - interfere with the proper performance of judicial duties.
- XIII. A judge shall not serve as an officer, director, trustee, or legal advisor if it is likely that the organisation-
- will be engaged in proceedings that would ordinarily come before the judges; or
 - will be engaged frequently in adversary proceedings in the Court of which the judge is a member or in any Court subject to the appellate jurisdiction of the Court of which the judge is a member.
- XIV. A judge and members of the judge's family residing in the judge's household shall not accept a gift, bequest, favour or loan from anyone except for:
- a gift incident to a public testimonial, books, tapes, and other resource materials supplied by the publishers on a complimentary basis for official use, or an invitation to the judge and the judge's spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice;
 - a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member of a judge residing in the judge's household, including gifts, awards and benefits for the use of both the spouse or other family members and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties;
 - ordinarily social hospitality;
 - a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;
 - a gift, bequest, favour or loan from a relative or close personal friend whose appearance or interest in a case would in any event require disqualification under rule 27;
 - a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges;
 - a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or
 - any other gift, bequest, favour or loan, only if the donor is not a party or other person, who has come or is likely to come or whose interest have come or are likely to come before the judge.

Sd/-

LALMALSAWMA

Secretary to the Government of Mizoram
Deptt of Personnel & Administrative Reforms.