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NOTIFICATION

No.A.12018/1/2003-DP&AR (CSW), the 12th December, 2006. In exercise of the power conferred by the proviso to Article 309, read with Article 234 of the Constitution of India and in supersession of all previous notifications on the subject-matter, the Governor of Mizoram after consultation with the Mizoram Public Service Commission and with the Gauhati High Court is pleased to make the following rules, namely:-

1. Short title and commencement:

- (1) These rules may be called 'The Mizoram Judicial Service Rules, 2006.
- (2) They shall come into force with effect from the date of publication in the Mizoram Gazette.

2. Application: These rules shall apply to all members of the Mizoram Judicial Service.

3. Definition: In these rules, unless there is anything repugnant to the subject or context:-

- (a) "Cadre" means the Cadre of the Service;
- (b) "Chief Justice" means the Chief Justice of the Gauhati High Court;
- (c) "Commission" means the Mizoram Public Service Commission;
- (d) "Constitution" means the Constitution of India;
- (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.

4. Constitution of the Service: There shall be constituted a State Service to be known as the 'Mizoram Judicial Service' and any member of the service shall be under the exclusive control of the Gauhati High Court except during the period, such a member of the Service is holding any post other than the Cadre post on deputation.

5. Cadre: (1) The strength of the Service and cadre shall be determined by the Governor from time to time in consultation with the High Court.

(2) On the commencement of these rules, the strength of the service shall be as given in Schedule -A appended to these rules.

(3) The Governor may, by Notification, leave unfilled or hold in abeyance any post of the Cadre or may increase the strength of the Cadre by creation of additional post as may be required and recommended by the High Court from time to time.

6. Initial Recruitment:- (1) The persons who at the time of commencement of these rules are the existing members of the service or are holding any post as may be specified/notified by the State Government in consultation with the High Court shall continue as such under the administrative control of the High Court.

(2) The persons whose services are placed under the administrative control of the High Court shall be considered for initial recruitment by way of absorption in the post mentioned in Schedule - A. Those who are found suitable by the High Court shall be appointed by the Governor as initial recruits by way of absorption. Such persons who are not found suitable for initial recruitment/ absorption will stand reverted to the State Government.

(3) The High Court may place the services of members of the service at the disposal of State Government on deputation, as may be requisitioned by the State Government from time to time.

(4) After initial recruitment by way of absorption, vacancies in the posts mentioned in Schedule -A shall be filled up in accordance with these rules.

7. Gradation: The gradation of the service in the Cadres for the purpose of their career advancement shall be as follows:-

(a) District Judge. The Cadre of the District Judge shall consist of the following grades:-

- (i) District Judge.
- (ii) Selection Grade
- (iii) Supertime Grade.

(b) Civil Judge (Senior Division).

(c) Civil Judge.

8. Pay and Allowances: (1) The time scale of pay of the Mizoram Judicial Service shall be as under:-

(i) District Judge Cadre:

(a) District Judge, Suppertime Grade: Rs.22850-500-24850/- (Non-functional)

(b) District Judge, Selection Grade: Rs.18750-400-19150-450-21850-500-22850/-
(Non-functional).

(c) District Judge: Rs.16750-400-19150-450-20500/-

(ii) Civil Judge (Senior Division) Cadre.

(a) Civil Judge (Sr. Division): Rs.16750-400-19150-450-20500/- (Non-functional)
(Second Stage ACP)

(b) Civil Judge (Sr. Division): Rs.14200-350-15950-400-18350/- (Non-functional)
(First Stage ACP)

(c) Civil Judge (Sr. Division): Rs.12850-300-1350-350-15950-400-17550/-

(iii) Civil Judge Cadre:

(a) Civil Judge : Rs.12850-300-1350-350-15950-400-17550/- (Non-functional)
(Second Stage ACP)

(b) Civil Judge : Rs.10750-300-13150-350-14900/- (Non-functional)
(First Stage ACP)

(c) Civil Judge : Rs.9000-250-10750-300-13150-350-14550/-

(2) Allowances and other service benefit shall be as per entitlement notified by the Government in the Official Gazette from time to time.

9. Method of Recruitment, Qualification and Age limit: In respect of each category of the Cadre specified in column (2) of the Table below, the method of recruitment and minimum qualification, age limit etc., are as shown in the corresponding entries in columns (3) and (4) thereof.

Provided that the High Court shall have the power to relax the qualifying service 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	2	3	4
1.	District Judge	(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	By direct recruitment 1. Must be holder of degree in Law of a recognized University. 2. Must be practicing as an Advocate in courts of Civil and Criminal Jurisdiction on the last date fixed for receipt of applications and

		these rules.	<p>must have so practiced for a period not less than seven years as on such date</p> <p>3. Must have attained the age of 35 (thirty five) years and must not have attained the age of 48 (forty eight) 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.</p> <p>4. Must possess knowledge of Mizo Language at least Middle School standard.</p> <p>1. Must have been in the cadre of Civil Judges (Senior Division) for a period of not less than 5 years regular service in the Cadre.</p> <p>1. Must have been in the cadre of Civil Judges (Senior Division) for a period of not less than 5 years regular service in the Cadre.</p>
2.	Civil Judge (Sr. Division)	<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>(iii) Remaining 25% of the post in the Cadre 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 these rules.</p> <p>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.</p>	<p>By Promotion:</p> <p>1. Must have been in the cadre of civil Judge for a period not less than 7 years regular service.</p>
3.	Civil Judge	<p>By direct recruitment on the basis of aggregate marks obtained in a competitive examination conducted by the Commission as indicated in Schedule-B of these rules.</p>	<p>By direct recruitment:</p> <p>1. Must be holder of degree in Law of a recognized University.</p> <p>2. Must not have attained the age of 35 (thirty five) years.</p>

			<p>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 of others as on the last date fixed for receipt of applications.</p> <p>4. Must possess knowledge of Mizo language of at least Middle standard.</p>
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10. 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 having another wife living.

11. 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 and in at least two Local/National news papers in two consecutive issue, applications in such form as it may determine from intending candidates, who possess the prescribed qualifications. The advertisement shall indicate the number of vacancies 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. No candidate to whom Certificate of admission has not been issued by the recruiting authority shall be admitted for the examination.

(iii) The recruiting authority shall, on the basis of cumulative grade value secured by a candidate, 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, for 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 for general information 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 10, 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 prepared under clause (iv) 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.

12. 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.

13. 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 Board of the Government 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.

14. 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.

i) Notwithstanding anything contained in sub-rule (i) 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 sub-rule (i) or within the further time granted under sub-rule (ii) shall stand deleted from the list of selected candidates and he shall cease to be eligible for appointment.

15. Oath: Every person appointed to the service shall, before joining, make and subscribe before such person as may be specified by the Chief Justice of the High Court, oath or affirmation in the Form as mentioned in Schedule-C.

16. Appointment: (1) All appointments to the service in the Cadre of District Judge; Civil Judge (Senior Division) and Civil Judge shall be made in the appropriate cadre/Grade but not against any specific post.

(2) Appointments to the service in the Cadre of the District Judge by promotion /direct recruitment shall be made by the Governor on the recommendation of the High Court, and appointment to service in the Cadre of the Civil Judge by direct recruitment shall be made by the Governor on the recommendation of the Mizoram Public Service Commission.

(3) All appointment to the service in the Cadre of Civil Judge (Senior Division) by promotion from Civil Judge Cadre and promotion to the Selection Grade and Super time Grade in the Cadre of the District Judge and the grant of the first and second stage ACP Scale to the Civil Judge (Senior Division) and Civil Judge Cadre shall be made by the High Court.

(4) Promotion of the member of the service to higher Cadre as well as higher grades in the Cadre of the service shall be made strictly following the criteria laid down in Schedule-E.

17. Training: (1) There shall be a training course for the Officers appointed in the Cadre of Civil Judge entry grade of the service and direct recruit in the entry grade of the District Judge Cadre 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 Government.

18. 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 but the total period of probation shall not exceed three years.

(4) Notwithstanding anything contained in sub-rules (1) and (2) where validity of the appointment of any person-

(a) as probationer is questioned in 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 legal proceeding before a Court of law, the period of probation of such promotee shall continue until the final disposal of such proceedings.

(5) 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, 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;

(6) A person shall not be considered to have satisfactorily completed the period of probation unless a specific order to that effect is issued. Any delay in issuing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of probation.

(7) A probationer shall be deemed to be on probation until confirmed, reverted or terminated as the case may be.

(8) 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.

19. 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.

20. 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.

21. 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.

22. Posting and Transfer: Posting and transfer of Judicial Officers to the Judicial Posts shall be made by the High Court.

23. Deputation: Any member of the service may be transferred and posted to perform the duties of any post in the Central Government or State Government or the Union Territory Government or to serve in any organization, which is wholly or partly owned or controlled by the Central or the State Government on deputation for a period of 3 years or

for such period as the High Court and the borrowing department may agree. But the total period of deputation to a particular post in one spell shall in no case exceed 5 years.

24. 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 Judge 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 appointed to various Cadre/Grades by way of absorption for the initial constitution of the service under these rules will be determined on the basis of their inter-se-Seniority under the State Govt. prior to their absorption.

25. Retirement: 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 the Judicial Officer whose date of birth is the 1st day of the month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years.

26. 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) attained the age of 50 or has completed 25 years' service whichever is earlier. If the committee considers that in public interest the officer 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 anytime other than those mentioned therein.

27. Re-employment after retirement: (1) Judicial Officer 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 appropriate for such re-employment and they satisfy the following conditions.

- (i) There is no adverse comment in the ACRs so far as 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 not sought voluntary retirement after initiation of departmental proceedings/inquiry.

(2) Judicial Officer will have to be found fit and eligible to continue in service only after assessing and evaluating the record for his continued utility and recommended by the High Court.

(3) The order of re-employment shall be made by the Governor, only on the recommendation of the High Court.

28. Addition of certain past service 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 practice put in by him at the Bar not exceeding seven years.

29. 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 corresponding State Civil Services.

30. Conduct: A Judicial Officer appointed under these rules shall be required to maintain the absolute 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 these rules.

(A) 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 practiced 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.

(2) The rules governing and regulating the conduct of State Civil 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.

(B) Disciplinary Authority: (1) The members of the service shall be under the disciplinary control of the High Court and the disciplinary proceeding if and when necessity arise may be drawn up against the member of the Service in accordance with the provisions of the rules followed by the Gauhati High Court. Notwithstanding anything contained in this rule, penalty of dismissal or removal from Service and reduction in rank in respect of any member of the Service shall be imposed by the Governor only on the recommendation of the High Court.

(2) No disciplinary proceeding shall be initiated against any member of the service except by the High Court.

31. 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 relevant rules in force in the State which are applicable to members of corresponding State Civil Services.

32. Power to relax: (1) Where the High Court is satisfied that the operation of any of the rules relating to posting, transfer, probation, confirmation, promotion, deputation and leave causes undue hardship in any particular case or to any category of service, it may, for reasons to be recorded in writing, dispense with or relax the particular rule to such extent and subject to such exceptions and conditions as may be deemed necessary.

Provided that if any such relaxation is granted by the High Court, the State Government shall be informed of the same.

(2) Save as otherwise provide in sub-rule (1), where the State Government is satisfied on the recommendation of the High Court that the operation of any of the rules relating to appointment, imposition of major penalties of dismissal, removal and reduction in rank and compulsory retirement, causes undue hardship in any particular case or to any category of service, it may, for reasons to be recorded in writing, dispense with or relax the particular rule to such extent and subject to such exceptions and conditions as may be deemed necessary.

33. Saving: Any appointment made, order issued, action taken or anything whatsoever done under the earlier Mizoram Judicial Service Rules prior to the coming into force of these

rules, shall be deemed to have been validity made, issued, taken or done under the corresponding provisions of these rules.

C. ROPIANGA

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

SCHEDULE - A

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

1. District Judge.
2. Civil Judge (Senior Division).
3. Civil Judge.

Sl.no	Name of posts	No of posts	Remarks
1	2	3	4
<u>I. District Judge Cadre</u>			
1.	District & Session Judge	2	Deemed to be created vide Cabinet decision issued under Memo No.J.11012/2/97-POL/Part dt 29.7.1997.
2.	Addl. District & Session Judge	4	
3.	Special Judge, (P. C Act,1988)	1	
4.	Presiding Officer, (MACT Act.)	1	
5.	Judge, Special Court under NDPS Act.	1	
6.	Judge, Special Court under E.C Act.	1	
7.	Member Secy, MSLSA	1	
Total		11	
<u>II. Civil Judge(Senior Division) Cadre</u>			
1.	Chief Judicial Magistrate	4	ADM(J) re-designated vide Mizoram Judicial Service Rules,1989
2.	Principal Civil Judge	1	President DCC(A) may be re-designated.
3.	Senior Civil Judge	4	Equivalent to J.O-I ie. Redesignated as such
Total		9	
<u>III. Civil Judge Cadre</u>			
1.	Sub-Divisional Judicial Magistrate	6	
2.	Judicial Magistrate	4	4 Post of JO-II redesignated.
3.	Senior Munsiff	2	10 post of Munsiff/Judicial Magistrate-
4.	Upper Munsiff	2	First Class deemed to have been created
5.	Munsiff	2	may be redesignated as Judicial
6.	Special Judicial Magistrate	4	Magisatrate, Senior Munsiff, Upper Munsiff, Munsiff and Special Judicial Magistrate.

Total	20
Grand Total	40

SCHEDULE 'B'
(see rule 9 & 11)

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 (duration 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 candidates 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.

1. 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
 - (d) Law of Torts
- (v) Interview, *Viva voce*-70 marks

3. **General Instructions:** (1) In the process of conducting examination for direct recruitment to the Mizoram Judicial Service, the MPSC shall associate the High Court with a particular reference to the *viva-voce* examination and the advice of the representative of the high court shall prevail unless there are strong and cogent reasons for not accepting it, for which, reasons should be recorded in writing.

(2) All candidates who obtain sixty percent or more marks or corresponding grade in the written examination shall be eligible for viva-voce examination. The object of the viva-voce examination under clause 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.

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.

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

(4) All necessary steps not provided for in these rules for recruitment under these rules shall be decided by the recruiting authority.

(5) The mode of evaluating the performance of Grading in the written and *viva-voce* examination shall be as specified below:-

Evaluating performance in Competitive Examination for appointment to the Judicial Service.

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 totaled 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 formulae 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. 'O' 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 organized, 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 programmed 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 totaled 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 result 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**(see rule 15)****Form of Oath**

I Shri/Smt.....s/o d/o..... having been appointed as a member of the Mizoram Judicial Service, do swear in the name of the God/solemnly affirm, that I will bear true faith and allegiance to the constitution of India as by law established. That I will uphold the sovereignty and integrity of India. That I will duly and faithfully and to the best of my ability, knowledge and Judgement, perform the duties of my office without fear and favour, affection or ill-will and that I will uphold the Constitution and the laws.

Signed before me**Signature****Signature.****SCHEDULE - D****(see rule 17)**

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 9 read with rule 11, the officer would require to submit his Joining Report before the Registrar General, Gauhati High Court and there after 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 6 (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 1 (one) year as under:
 - (a) The High Court shall depute the officers to various districts/sub-divisional courts for further 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 six weeks. 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 six 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 points raised by them. On completion of the above period the trainees will be posted out.

SCHEDULE - E

(see rule 16)

Consolidated procedure on promotion:

1. **Frequency at which the High Court Committee should meet:** (1) The High Court Committee should convene at regular annual intervals to draw panels which could be utilized on making promotions against the vacancies occurring during the course of a year. For this purpose it is essential for the concerned appointing authority to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like ACRs, Integrity Certificates, Seniority List etc for placing before the High Court. High Court Committee should be convened every year preferably during the month of May.

Provided that the requirement of convening annual meeting of the High Court should be dispensed with only in case a certificate has been issued by the appointing

authority that there are no vacancies to be filled by promotion or there are no officer eligible for promotion during such vacancy year.

(2) Where a High Court Committee has already been held in a year and further vacancies arise during the same vacancy year due to death, resignation, voluntary retirement, etc. or because the vacancies were not intimated to the High Court due to error or omission on the part of the Department concerned, the following procedure should be followed:-

- (i) In case of vacancies belonging to the category which could not be foreseen at the time of placing facts and materials before the High Court, another meeting of the High Court should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of the earlier High Court. If, for any reasons, the High Court could not meet for the second time, the procedure for drawing up of year-wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in the subsequent year (s).
- (ii) In case of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding the High Court meeting they were not reported to it) which results in injustice to the officers concerned by artificially restricting the zone of consideration, the wrong done can not be rectified by holding a second High Court or preparing year - wise panel. In all such cases, a review High Court Committee should be held keeping in mind the total vacancies of the year.

2. **Determination of regular vacancies:** It is essential that the number of vacancies in respect of which a panel is to be prepared by a High Court should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies in a post/cadre of the service due to death, retirement, resignation, regular long term promotion and deputation or creation of additional posts on a long term for the cadre post. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for.

3. **Calculation of Vacancies:** For preparation of select panel, vacancies to be reported to the High Court should be calculated calendar year-wise, that means vacancies which can be foreseen to occur during first January to thirty first December of the relevant year shall be taken as vacancies for such vacancy year.

4. **Crucial date for determining eligibility:** The eligibility dates for determining the eligibility of officers regarding the qualifying service rendered for promotion would be the first day of the vacancy year; i.e January, 1 of the crucial vacancy year, provided that if any of the officer is not yet eligible on the first day of January of the vacancy year and the vacancy/vacancies can not be filled within such vacancy year, his eligibility shall be determined as on the first day of January of the succeeding vacancy year (s) as the case may be.

5. **Zone of consideration:** Where promotions are to be made by selection method as prescribed in the Recruitment Rules, the High Court shall, for the purpose of determining the number of officers who will be considered from out of those eligible officers in the feeder grade (s), restrict the field of choice as under with reference to the number of clear regular vacancies including anticipated ones within the vacancy year.

No. of vacancies	No. of officers to be including within the zone of consideration
1	5
2	8
3 and above	Twice the number of vacancies + 4

6. **Preparation of select list:** The High Court should consider ACRs for equal number of 5 years in respect of all officers within the zone of consideration for promotion and after due examination and consideration of the performance of such officers, prepare a 'select list' equal to the number of vacancies identified for filling up during the vacancy year in order of merit-cum-seniority.

Provided that where for reasons beyond control, the High Court meeting could not be held in a year(s) even though the vacancies arose during the year or years, the first High Court that meets thereafter should follow the following procedure:-

- (i) Determine the actual number of regular vacancies proposed to be filled for each of the vacancy year separately.
- (ii) Consider in respect of those officers who would be within the fill of choice with reference to the vacancies during such particular vacancy year starting with the earliest vacancy year and so on.
- (iii) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on.

7. **General Criteria for promotion by merit-cum seniority:** (1) Promotion from lower cadre to higher cadre shall be made subject to availability of vacancies in the cadre but for promotion to the higher grade within the same cadre, there shall be no question of vacancies and the following criteria should be observed by the DPC for preparation of select list.

- (a) Considering the number of vacancies to be filled up, the High Court shall assess the Judgements / ACRs of the officers who are within the zone of consideration, the ratio being 1:3.
 - (b) The suitability and over all 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 the 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 are adverse entry regarding their integrity, will be eligible for promotion provided the required benchmark has been obtained subsequent to the adverse entry.
- (2) The essential condition and basis for promotion in various grades will be as follows:
- (a) From entry Grade of Civil Judge Cadre to the next and subsequent higher Grades/Cadre.
 - (i) Seniority cum merit subject to over all suitability.
 - (ii) Officer having minimum three 'Good' Grading out of the last five years ACRs including the last will be considered provided that his integrity and character is beyond doubt.
 - (iii) Must have completed 5 years regular service in the grade for grant of each ACP Scale.
 - (iv) For promotion to the cadre of Civil Judge (Senior Division) the officer must have completed 7 years service in Civil Judge Cadre.
 - (b) Civil Judges (Senior Division) Cadre to the next and subsequent higher Grade/ Cadre.
 - (i) Merit cum seniority subject to suitability.
 - (ii) Officers having minimum three 'Good' grading out of the last five years ACRs including the last will be considered provided their integrity and character is beyond doubt.
 - (iii) Must have completed 5 years regular service in the grade for grant of each ACP Scheme.
 - (iv) For promotion to the District Judge Cadre the officer must have completed 7 years service in the Civil Judge (Senior Division) Cadre.
 - (c) From entry grade of the District Judge Cadre to Selection Grade District Judge:
 - (i) Merit and suitability.

- (ii) Minimum four 'Good' out of last five years ACRs; or
- (iii) The officer must have at least two 'Good' and one 'Very good' out of the last five years.
- (iv) Must have completed 5 years regular service in the feeder grade
- (d) From Selection Grade District Judge to Super Time Scale District Judge:
 - (i) Merit cum suitability
 - (ii) The officer must have at least three 'good' and one 'very good' ACRs during the last five years; or
 - (iii) The officer must have at least two 'Good' and one 'Outstanding' grading during the last five years.
 - (iv) Must have completed 5 years regular service in the feeder grade.

APPENDIX - A

(see rule 30)

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

An independent and honourable judiciary is indispensable to administer 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 unless subpoenaed.

(iv) A judge shall not allow activity as a member of an organization 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 organization 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 interest, 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 dispose of all Judicial Matters speedily, effectively and fairly.

(viii) A judge shall not, while a proceeding is pending or impending in any Court, make any public comment that might reasonably be expected to effects 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 authorized 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 authorized 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 (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 organization 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 matter concerning only the law, the legal system, and the administration of justice.
- II 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.
- III A judge should serve as an executor, administrator, testamentary trustee or guardian.
- IV A judge should act as an arbitrator or mediator except in the performance of judicial duties.
- V A judge should not practice law remuneration.
- VI A judge should not accept appointment to a governmental committee, commission or other position without the permission of the High Court in writing.

- VII (i) A judge or a candidate from judicial office should not be a member of, or hold any office in a political party.
- (ii) A judge shall not make speeches on behalf of a political party or endorse a candidate for a political office.
- VIII 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 economics interests of the judge's spouse and children residing in the judge's household.
- IX A judge shall conduct all of the judge's extra-judicial activities in such a way that they do not:
- (i) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (ii) de-mean the judicial office; or
- (iii) interfere with the proper performance of judicial duties.
- X A judge shall not serve as an officer, Director, Trustee, or Legal Advisor if it is likely that the organization,
- (i) will be engaged in proceedings that would ordinarily come before the judges; or
- (ii) 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.
- XI A judge and members of the judge's family residing in the judge's household shall not accept a gift, request, favour or loan from anyone except for:
- a) 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.
- b) A gift, a ward or benefit incident to the business, profession or other separate activity of a spouse or other family member of 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;
- c) Ordinarily social hospitality;

d) A gift from a relative or friend, for a special occasion, such as wedding, anniversary of birthday, if the gift is fairly commensurate with the occasion and the relationship;

e) 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 30 (A)

f) A loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges;

g) A scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

h) Any other gift, bequest, favour or load, 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.

C. ROPIANGA

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



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NOTIFICATION

No. A.12018/3/04-LJE, the 23rd June, 2008. In exercise of the powers conferred under the proviso to article 309 read with articles 233 and 234 of the Constitution of India, the Governor of Mizoram, after consultation with the Gauhati High Court and with the Mizoram Public Service Commission, is pleased to make the following rules to amend the Mizoram Judicial Service Rules, 2006 (hereinafter called the Principal Rules) which was notified under this Government's Notification No. A.12018/1/2003-DP&AR(CSW) dated 12th December, 2006 and published in the Mizoram Gazette, Vol. XXXV, Extraordinary Issue No. 312 dated 12th December, 2006, namely: -

1. Short title and commencement:

- (1) These rules may be called 'The Mizoram Judicial Service (Amendment) Rules, 2008'.
- (2) They shall come into force from the date of their publication in the Mizoram Gazette.

2. Amendment of Rule 9 of the Principal Rules:

- (1) In rule 9 of the Principal Rules, in column Sl. No. (2), column (3) under the sub-head 'Method of Recruitment', the following shall be added, as follows: -

"Provided that the High Court may, in consultation with the Government of Mizoram, as a one time measure, recruit such number of persons as may be determined by way of direct recruitment".

- (2) Thereafter, in column (4) under the sub-head 'Qualification, age-limit etc.', the following shall be added, as follows: -

"By direct recruitment:

1. Must be a citizen of India.
2. Must be holder of degree in Law of a recognised University.

3. Must not have completed the age of 45 years in the case of candidates belonging to Scheduled Castes or Scheduled Tribes and 40 years of age in the case of others on the last date fixed for receipt of applications.
4. Must have rendered at least 5 years regular practice as an Advocate in the Courts of Civil and Criminal Jurisdiction.

- OR -

Must be a serving officer in the Grade of Civil Judge who rendered at least two years service in the Grade.

5. Must possess knowledge of Mizo language of at least Middle School standard".

3. Amendment of Rule 11 of the Principal Rules:

- (1) In Rule 11 of the Principal Rules, the existing sub-rule (1) shall stand deleted.
- (2) Thereafter, the existing sub-rule (2)(i) – (2)(vii) of Rule 11 shall be re-numbered as sub-rule (1)(i) – (1)(vii).
- (3) Thereafter, the following new sub-rule (2) shall be added to Rule 11, namely –

“(2) All vacancies in all grades of the Service after its initial constitution, either by promotion or direct recruitment, as the case may be, filled up in accordance with the time-schedule mentioned in Schedule-F”.

4. Amendment of SCHEDULE – A to the Principal Rules:

- (1) In SCHEDULE – A, the Column No. 4 i.e. the remarks column with all its contents in the said column shall stand deleted.
- (2) The number and nomenclature of duty posts under ‘II. Civil Judge (Senior Division) Cadre’ shall be substituted, as follows: -

“1. Chief Judicial Magistrate	-	8	
2. Senior Civil Judge	-	8	
Total		16	”

- (3) The number of duty posts at Sl. No. 1 & 2 under ‘III. Civil Judge Cadre’ shall be substituted, as follows: -

“1. Sub-Divisional Judicial Magistrate	-	20	
2. Judicial Magistrate	-	10	
Total of 1 & 2		30	
Total of 1-6 of Grade III		40	
Cadre strength of Grade I, II & III	-	67	
1. 1. Training Reserve	10% of 67	-	6.7
2. Leave Reserve	10% of 67	-	6.7
3. Deputation Reserve	15% of 67	-	10
(15 % in the cadre)		Total	23.4
		Grand Total	90.4
		Say	90

5. Insertion of a new Schedule in the Principal Rules:

A new Schedule, namely, SCHEDULE – F shall be inserted after the existing SCHEDULE – E, as follows –

“SCHEDULE – F

A. For filling of vacancies in the Cadre of District Judge in respect of :

- (a) twenty five percent vacancies to be filled by direct recruitment from the Bar; and
- (b) twenty five percent by promotion through limited competitive examination of Civil Judges (Senior Division) not having less than five years of qualifying service.

Sl. No.	Description	Date
1.	Number of vacancies to be notified by the High Court [Vacancies to be calculated shall include – (a) existing vacancies, (b) future vacancies that may arise within one year due to retirement, (c) future vacancies that may arise due to elevation to the High Court, death or otherwise, say ten percent of the number of posts, (d) vacancies arising due to deputation of judicial officers to other department, may be considered as temporary vacancy.]	31 st of March
2.	Advertisement inviting applications from eligible candidates	15 th of April
3.	Last date for receipt of application	30 th of April
4.	Publication of list of eligible applicants [List may be put on the website]	15 th May
5.	Despatch/issue of admit cards to the eligible applicants	16 th May to 15 th June
6.	Written examination [Written examination may be (a) objective questions with multiple choice, which can be scrutinized by the computer; and (b) subjective/narrative]	30 th June

7. Declaration of result of written examination 16th August
 [(a) Result may be put on the website and also published in the newspaper.
 (b) The ratio of 1:3 of the available vacancies to the successful candidates be maintained.]
8. Viva Voce 1st September to 7th September
9. Declaration of final select list and communication to the appointing authority. 15th September
 [(a) Result may be put on the website and also published in the newspaper.
 (b) Select list be published in order of merit and should be double the number of vacancies notified.
 (c) Select list shall be valid till the next select list is published.]
10. Issue of appointment letter by the competent authority for all existing vacant posts as on date. 30th September
11. Last date for joining. 31st October

B. For filling of vacancies in the cadre of District Judge in respect of fifty percent vacancies to be filled by promotion.

Sl. No.	Description	Date
1.	Number of vacancies to be notified by the High Court [Vacancies to be calculated shall include (a) existing vacancies, (b) future vacancies that may arise within one year due to retirement. (c) future vacancies that may arise due to elevation to the High Court, death or otherwise, say, ten percent of the number of posts.]	31 st March
2.	Publication of list of eligible officers. [(a) The list may be put on the website. (b) Zone of consideration should be 1:3 of the number of vacancies.]	15 th May
3.	Receipt of judgments from the eligible officers.	30 th May

4. Viva Voce. 15th to 31st July
[Criteria:
(a) ACR for last five years;
(b) Evaluation of judgments furnished, and
(c) Performance in the oral interview.]

5. Declaration of final select list and communication to the appointing authority 31st August
[(a) Result may be put on the website and also published in the newspaper.
(b) Select list be published in order of merit and should be double the number of vacancies notified.]

6. Issue of appointment letter by the competent authority for all existing vacant posts as on date. 30th September

7. Last date for joining. 31st October

C. For filling of vacancies in the cadre of Civil Judge (Senior Division) to be filled by promotion.

Sl. No.	Description	Date
1.	Number of vacancies to be notified by the High Court [Vacancies to be calculated shall include (a) existing vacancies, (b) future vacancies that may arise within one year due to retirement. (c) future vacancies that may arise due to elevation to the High Court, death or otherwise, say ten percent of the number of posts.]	31 st of March
2.	Publication of list of eligible officers. [(a) The list may be put on the website. (b) Zone of consideration should be 1:3 of the number of vacancies.]	15 th May
3.	Receipt of judgments from the eligible officers.	30 th May
4.	Viva Voce. [Criteria: (d) ACR for last five years; (e) Evaluation of judgments furnished, and (f) Performance in the oral interview.]	1 st to 6 th August

5. Declaration of final selection list and communication to the appointing authority
 [(a) Result may be put on the website and also published in the newspaper.
 (b) Select list be published in order of merit and should be double the number of vacancies notified.] 15th September
6. Issue of appointment letter by the competent authority for all existing vacant posts as on date. 30th September
7. Last date for joining. 31st October

D. For appointment to the posts in the cadre of Civil Judge direct recruitment.

Sl. No.	Description	Date
1.	Number of vacancies to be notified by the High Court [Vacancies to be calculated which shall include - (a) existing vacancies, (b) future vacancies that may arise within one year due to retirement. (c) future vacancies that may arise due to elevation to the High Court, death or otherwise, say ten percent of the number of posts.]	15 th January
2.	Advertisement inviting applications from eligible candidates	1 st February
3.	Last date for receipt of application	1 st March
4.	Publication of list of eligible applicants. [The list may be put on the website.]	2 nd April
5.	Despatch/issue of admit cards to the eligible applicants.	2 nd to 30 th April
6.	Preliminary written examination. [Objective questions with multiple choice which can be scrutinized by the computer.]	15 th March
7.	Declaration of result of preliminary written examination. [(a) result may be put on the website and also published in the newspaper. (b) The ratio of 1:10 of the available vacancies to the successful candidates be maintained.]	5 th June

8. Final written examination. 15th July
[Subjective/narrative.]
9. Declaration of result of final written examination. 30th August
[(a) Result may be put on the website and also published in the newspaper.
(b) The ratio of 1:3 of the available vacancies to the successful candidates be maintained.
(c) Dates of interviews of the successful candidates may be put on the internet which can be printed by the candidates and no separate intimation of the date of interview need be sent.]
10. Viva Voce. 1st to 15th October
11. Declaration of final selection list and communication to the appointing authority 1st November
[(a) Result may be put on the website and also published in the newspaper.
(b) Select list be published in order of merit and should be double the number of vacancies notified.]
8. Issue of appointment letter by the competent authority for all existing vacant posts as on date. 1st December
9. Last date for joining. 2nd January of the following year."

Sd/-
(P. CHAKRABORTY)
Secretary to the Govt. of Mizoram,
Law & Judicial Department.



The Mizoram Gazette

EXTRA ORDINARY

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NOTIFICATION

No. A. 12018/3/04-LJE/211, the 11.09.2012. In exercise of the powers conferred under the proviso to Article 309 read with Article 233 and 234 of the Constitution, the Governor of Mizoram after consultation with the Gauhati High Court and with the Mizoram Public Service Commission, is pleased to make the following rules further to amend the Mizoram Judicial Service Rules, 2006 (hereinafter called the Principal Rules) which was notified under this Government's Notification No. A. 12018/ 1/2003-DP&AR (CSW) dated 12th December, 2006 and published in the Mizoram Gazette, Vol. xxxv, Extraordinary Issue No. 321 dated 12th December, 2006, and amended by notification No. A. 12018/3/04-LJE dated 23rd June, 2008 and published in the Mizoram Gazette, Vol. XXXVII, Extraordinary Issue No. 208 dated 23rd June, 2008, as follows namely:-

1. **Short title and commencement:**
 - (1) These rules may be called the Mizoram Judicial Service (Second Amendment) Rules, 2012.
 - (2) They shall come into force from the date of their publication in the Mizoram Gazette.
2. **Amendment of Rule 8:**

In rule 8 of the Principal Rules, the following shall be substituted as follows namely:-
"Pay and Allowances:(1) The time scale of pay of the Mizoram Judicial Service shall be as under :-

 - (i) **Grade-I District Judge Cadre:**
 - (a) District Judge, Supertime Grade: Rs.70290-1540-76450/- (Non-functional)
 - (b) District Judge, Selection Grade : Rs. 57700-1230-58930-1380-67210-1540-70290 (Non-functional)
 - (c) District Judge: Rs, 51550-1230-58930-1380-63070/-
 - (ii) **Grade-II Civil Judge (Senior Division) Cadre:**
 - (a) Civil Judge, (Sr. Division): Rs.51550-1230-58930-1380-63070/- (Second Stage ACP)
 - (b) Civil Judge (Sr. Division) : Rs.43690-1080-49090-12330-56470/- (First Stage ACP)
 - (c) Civil Judge (Sr. Division): Rs.39530-920-40450-1080-49090-1230-54010/-
 - (iii) **Grade-III. Civil Judge Cadre:**
 - (a) Civil Judge : Rs.39530-920-40450-1080-49090-1230-54010 / - (Second Stage ACP) (Non functional)
 - (b) Civil Judge: Rs. 33090-920-40450-1080-45850/- (First Stage ACP) (Non-functional)
 - (c) Civil Judge: Rs. 27700-770-33090-920-40450-1080-44770/-

(2) Allowances and other service benefit shall be as per entitlement notified by the. Government in the Official Gazette from time to time."

3. Amendment of Rule 9:

- (1) Clauses (ii) and (iii) of SI No. 1 in column 3 under sub-head 'Method of Recruitment' of the Principal Rules shall be substituted respectively by the followings, namely:-
- "(ii) 65% 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.
- (iii) Remaining 10% of the posts in the Grade 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 these rules.
- Provided that if candidates are not available to 10% of seats, or are not able to qualify in the examination then vacant posts shall be filled up by regular promotion."
- (2) The 'proviso' incorporated in column no. 3 against SI. No. 2 (Civil Judge, Senior Division), under sub-head 'Method of Recruitment' shall stand deleted.
- (3) In column 4 under sub-head "qualification, age limit etc." against SI. No. 2, (Civil Judge Senior Division) for the figure "7", the figure "5" shall be substituted.
- (4) In column 4 under sub-head "qualification, age limit etc." against SI. No. 2, the entire provision of Direct Recruitment relating to Civil Judge (Senior Division) shall stand deleted.

4. Amendment of SCHEDULE-A:

- (1) In Schedule-A of the Principal Rules, the nomenclature and number of duty posts at SI. No. 3 to 6 under 'III Civil Judge Cadre', shall be substituted as follows, namely: "3. Civil Judge - 10".
- (2) In the end of the Schedule-A, the entries, namely "cadre-strength of Grade I, II, III, say, 90" shall be substituted by the following, namely-

"Total cadre strength in Grade I, II, III-		:	67
I.	Training Reserve - 25% of 67	:	16.75
II.	Leave Reserve - 10% of 67	:	6.7
III.	Deputation Reserve - 15% of 67	:	10
	Total	:	33.45
	Grand Total	:	100.45
	Say	:	100"

5. Amendment of SCHEDULE-B

- (1) Sub-clause (1) of Clause 3 of the Schedule B of the Principal Rules shall be substituted by the following, namely:-
- "(1) In the process of conducting examination for direct recruitment to the Mizoram Judicial Service, the MPSC shall associate one of the sitting Judges of the High Court as may be nominated by Hon'ble the Chief Justice of the High Court and shall also associate a representation of the Law and Judicial Department of the State Government, not below the rank of Secretary to the Government, with a particular reference to the viva-voce examination, and the advice of the representative of the High Court shall prevail, unless there are strong and cogent reasons for not accepting it, for which, reasons should be recorded in writing."
- (2) The figure viz. "4" shall be inserted before the heading viz. "Evaluation Performance in competitive Examination for appointment to the Judicial Service".
- (3) In sub-clause (4) of clause (4) of Schedule B of the Principal Rules under heading "Evaluation performance in Competitive Examination for appointment to Judicial Service", the words between 'questions unanswered by the candidate', and 'what is thus obtained', the words 'All the Cumulative Grade Value Average ("CGVA") of all the subject should be added up and the sum total should be divided by the number of the subject', shall be inserted.

6. **Amendment of SCHEDULE-D.**
In Schedule-D of the Principal Rules, sub-clause (iv) clause B shall be substituted by the following, namely:-
“(iv) The Officers who have not completed 3 years’ practice at the Bar shall be given further training for a period of six months as under:
(a) The High Court shall depute the Officers to various Districts/Sub-Divisional Courts for further 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 three 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 ten weeks. In this period the trainees will give the feedback and the Training Institute will take steps to remove all doubts in the minds of the trainees as regard the working of the Courts or any law points raised by them. On completion of the above period, the trainees will be posted out.”
7. **Amendment of SCHEDULE-E:**
In Schedule-E of the Principal Rules, Clause 7(2) a (iv) and clause 7(2) b (iv) for the figure “7”, the figure “5” shall be substituted.
8. **Amendment of SCHEDULE-F:**
In Schedule-F of the Principal Rules:-
The words ‘twenty five percent’ occurring in Sub-Clause (b) of clause A shall be substituted by the words ‘ten percent’.
The words ‘fifty percent’ occurring in Clause-B shall be substituted by the words ‘sixty five percent’.
Sub-Clause 4(f) of Clause-C shall stand ‘deleted’.

By orders etc.

P. Singthanga,
Secretary,
Law and Judicial Department,
Government of Mizoram.



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NOTIFICATION

No.A.12018/3/04-LJE/249, the 24th July, 2013.

In exercise of the powers conferred under the proviso to Article 309 read with Article 233 and 234 of the Constitution, the Governor of Mizoram after consultation with the Gauhati High Court and with the Mizoram Public Service Commission, is pleased to make the following rules further to amend the Mizoram Judicial Service Rules, 2006 as amended from time to time (hereinafter called the Principal Rules) which was notified under this Government's Notification No.A.12018/1/2003-DP&AR (CSW) dated 12th December, 2006 and published in the Mizoram Gazette, Vol.XXXV, Extraordinary Issue no. 321 dated 12th December, 2006 as follows namely :-

1. Short title and commencement :

- (1) These rules may be called the Mizoram Judicial Service (Third Amendment) Rules, 2013.
- (2) They shall come into force from the date of their publication in the Mizoram Gazette.

2. Amendment Rule 26

For Sub-rule (2) of rule 26 of the Principal Rules the following shall be substituted as follows namely :-

“(2) This review will be undertaken when the concerned officer(s) completes 15(fifteen) years of Service and thereafter again when the concerned officer(s) attain the age of 50 (fifty), 55(fifty five) and 58(fifty eight) years. If the committee considers that in public interest the officers should be retired from services he shall be compulsorily retired by giving him a notice of not less than 3(three) months in writing or 3(three) months pay and allowances in lieu thereof subject to the condition that in the event of such retirement on completion of 15 (fifteen) years of service, the officer would be deemed to have put in the requisite qualifying service for availing proportionate retiral benefits.

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

Explanation : For the purpose of sub-rule (2), “review” means the review of the entire service record of Members of the service regarding suitability or otherwise of such Member for further retention in the service.

By order etc.

P. Singthanga,
Secretary to the Govt. of Mizoram,
Law & Judicial.

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NOTIFICATION

No. A. 12018/39/2013-P&AR(GSW), the 1st June, 2016. In exercise of the powers conferred under the proviso to Article 309 read with Article 233 and 234 of the Constitution, the Governor of Mizoram, in consultation with the Gauhati High Court and with the Mizoram Public Service Commission, is pleased to make the following rules further to amend the Mizoram Judicial Service Rules, 2006 (herein after referred to as the Principal Rules) which was notified under this Government's Notification No. A. 12018/1/2003-DP&AR(CSW) dated 12th December, 2006 and published in the Mizoram Gazette Vol. XXXV, Extraordinary issue no. 321 dated 12th December, 2006 as follows namely:-

1. Short title and commencement:

- (1) These rules may be called the Mizoram Judicial Service (Fourth Amendment) Rules, 2016
- (2) They shall come into force from the date of their publication in the Mizoram Gazette.

2. Amendment of Rule 7: In the Principal Rules, entries under Rule 7 shall be substituted as follows, namely:

"Gradation: The gradation of the service in the Cadres for the purpose of their career advancement shall be as follows:

- (a) Grade-I District Judge Cadre: The District Judge Cadre shall consist of the following grades:
 - (i) Supertime Grade
 - (ii) Selection Grade
 - (iii) Entry Grade
- (b) Grade-II Civil Judge (Senior Division) Cadre
- (c) Grade-III Civil Judge Cadre"

3. Amendment of Schedule A: In the Principal Rules, entries under Schedule A shall be substituted as follows, namely:-

"The composition of the service and duty posts shall be as shown here under:-

1. Grade-I District Judge.
2. Grade-II Civil Judge (Senior Division) Cadre
3. Grade-III Civil Judge Cadre

Sl. No.	Name of Posts	No. of Posts
1	2	3
Grade-I District Judge Cadre		
1.	District & Sessions Judge	2
2.	Special Judge (Prevention of Corruption Act, 1988)	1
3.	Presiding Officer, MACT	1
4.	Judge, Special Court under ND&PS Act	1
5.	Member Secretary, MSLSA	1
6.	Additional District & Sessions Judge	5
7.	Judge, Fast Track Courts	2
	TOTAL	13
Grade-II Civil Judge (Senior Division) Grade		
1.	Chief Judicial Magistrate	8
2.	Senior Civil Judge	8
	TOTAL	16
Grade-III Civil Judge Cadre		
1.	Civil Judge/Judicial Magistrate/Sub-Divisional Judicial Magistrate	40
	TOTAL	40

Total strength of Grade-I	-	13
Total strength of Grade-II	-	16
Total strength of Grade-III	-	40
Cadre strength of Grade-I, II, III	-	69

1.	Training Reserve	10% of 69	-	7
2.	Leave Reserve	10% of 69	-	7
3.	Deputation Reserve	15% of 69	-	11
		Total	-	25
	Grand Total		-	94"

4. **Amendment of Schedule B:** In the Principal Rules, entries under Schedule B shall be substituted as follows, namely:-

Schedule B

1. The competitive examination for recruitment to Grade-I of the service shall consist of -
- A. FOR DIRECT RECRUITMENT & PROMOTION UNDER LIMITED DEPARTMENTAL EXAMINATION:-
- (I) A competitive examination for recruitment to the service in Grade-I shall be held at such intervals by the High Court as may be determined from time to time. The competitive examination shall consist of a Preliminary Examination (Screening test), a Main (written) Examination and a Viva-voce/Interview.

The Preliminary Examination (Screening test) shall consist of objective type questions of 100 marks out of which 90 marks will cover General Knowledge, Aptitude, English, Constitution of India, Code of Civil Procedure, Criminal Procedure Code, Indian Penal Code, Transfer of Property Act, Indian Contract Act, Family Law, Specific Relief Act, Motor Vehicle Act, Industrial & Labour Law, Land Acquisition Act, Law relating to Trust, Indian Registration Act, Court Fees Act, Limitation Act, Indian Evidence Act, Legal Theories of Jurisprudence, Arbitration and Conciliation Act, The Right to fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and remaining 10 marks to test the proficiency in the Official Language(s) of the State of Mizoram.

The ratio on the basis of which the candidates will be called for the Main (written) Examination shall be 1:10 (for 1 post 10 candidates will be called)

Provided that in respect of Limited Departmental Examination there will be no Preliminary Examination.

(II) The Main (written) Examination shall be conducted 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* (duration not less than 2 hours) 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 and Limitation Act.
- (iii) *Paper III: One paper of 100 Marks* (duration not less than 2 hours) consisting of Judgment Writing (paper book to be supplied) Legal Theories on Jurisprudence, Provisions of the Constitution of India.

(Note: The Candidates are 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 – 35 Marks.* The Candidates shall have to secure minimum 60% Marks in the Interview

2. A Competitive Examination for recruitment to Grade-III 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 Competitive Examination shall consist of a Preliminary Examination (Screening test), a Main (written) Examination and a Viva-voce/Interview which shall be conducted by the Commission.

The Preliminary Examination (Screening Test) shall consist of objective type questions of 100 Marks, out of which 90 Marks will cover General Knowledge, Aptitude, English, Constitution of India, Code of Civil Procedure, Criminal Procedure Code, Transfer of Property Act, Indian Contract Act, Indian Penal Code, Indian Evidence Act, Law of Torts and remaining 10 Marks to test the proficiency in the Official language(s) of the State of Mizoram.

The ratio on the basis of which the Candidates will be called for the Main (written) Examination shall be 1:10 (for 1 post of 10 candidates will be called)

The Main Examination will be conducted with the Syllabus as below:-

- (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.*
 - (d) *Law of Torts.*
- (v) Interview/Viva-voce – 50 Marks. The Candidate shall have to secure minimum 60% Marks in the Interview.

3. **General Instructions:**

- 1) In the process of conducting examination for direct recruitment to the Mizoram Judicial Service, the Commission shall associate one of the sitting Judges of the High Court as may be nominated by the Hon'ble Chief Justice of the High Court and shall also associate a representative of the Law and Judicial Department of the State Government, not below the rank of Secretary to the Government of Mizoram, with particular reference to the Viva-Voce examination and the advice of the representative of the High Court shall prevail unless there are strong and cogent reasons for not accepting it, for which, reasons should be recorded in writing
- 2) All candidates who obtain 60% or more marks, subject to securing at least 45% Marks individually in Paper I, II, & III in respect of Grade-I and Paper-I, II, III & IV in respect of Grade-III shall be eligible for Viva-voce.

Provided that SC/ST Candidates who obtain 50% or more marks, subject to securing minimum 40% Marks individually in Paper I, II & III in respect of Grade-I and Paper-I, II, III & IV in respect of Grade-III shall be called for Viva-voce.

The ratio in which candidates shall be called for Viva-voce/Interview is 1:3 (3 Candidates against 1 post) subject to Marks obtained as stated above. The final evaluation will be in order of merit subject to overall suitability.

The object of Viva-Voce examination is to assess the suitability of the candidates for the Cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgments, skills, attitude, ethics and power of assimilation, power of communication, character and intellectual depth.

5. **Amendment of Schedule F:** In the Principal rules, in existing Schedule-F :

- (i) In its Rule C sub rule 4, the date 1st to 6th August shall be substituted as 1st – 16th August.
- (ii) In its Rule D sub rule 6, the date 15th March shall be substituted as 15th May.
- (iii) In Rule D sub rule 7, the date 5th June shall be substituted as 15th June.
- (iv) In Rule D sub rule 9, the date 30th August shall be substituted by 30th September

By Order etc.

Renu Sharma,
Principal Secretary to the Govt. of Mizoram.