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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.